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# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

## STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprys  
(GST excluded/AVB uitgesluit)

Local **80c** Plaaslik  
Other countries R1,10 Buitelands  
Post free • Posvry

VOL. 311

CAPE TOWN, 24 MAY 1991

No. 13266

KAAPSTAD, 24 MEI 1991

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1152.

24 May 1991

No. 1152.

24 Mei 1991

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

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

No. 71 of 1991: Businesses Act, 1991.

No. 71 van 1991: Wet op Besighede, 1991.

Act No. 71, 1991

BUSINESSES ACT, 1991

**GENERAL EXPLANATORY NOTE:**

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

Words underlined with solid line indicate insertions in existing enactments.

# ACT

To repeal or amend certain laws regarding the licensing and carrying on of businesses, and shop hours; to make certain new provision regarding such licensing and carrying on of businesses; and to provide for matters connected therewith.

*(English text signed by the State President.)*  
*(Assented to 15 May 1991.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

**Definitions**

1. In this Act, unless the context otherwise indicates—

- (i) "Administrator" means an Administrator as defined in the Provincial Government Act, 1986 (Act No. 69 of 1986); (i) 5
- (ii) "business", for the purposes of section 2, means any business referred to in Schedule 1, but excluding a business mentioned in Schedule 2; (iii)
- (iii) "business premises", in relation to a business referred to in item 1 (1) or 2 of Schedule 1, means the premises upon, in or from which the business is or is to be carried on; (v) 10
- (iv) "carry on business" includes the opening or keeping open of any premises for such purpose; (iv)
- (v) "condition", in relation to a licence, means a condition imposed under section 2 (6) (b) or 2 (8) (a) and specified in the relevant licence; (xix) 15
- (vi) "employee" means any person employed by or working for any employer and receiving or entitled to receive any remuneration, and any other person whomsoever who in any manner assists in the carrying on or conducting of the business of an employer; (xxi)
- (vii) "employer" means any person whomsoever who employs or provides work for any person and remunerates or expressly or tacitly undertakes to remunerate him, or who permits any person whomsoever in any manner to assist him in the carrying on or conducting of his business; (xx) 20
- (viii) "foodstuff" means foodstuff as defined in section 1 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972); (xvii) 25
- (ix) "hawker's licence" means a licence to carry on any business referred to in item 3 (1) of Schedule 1; (xv)
- (x) "licence", in relation to a business, means a licence referred to in section 2 (3); (vii)
- (xi) "licence holder" means a person who is the holder of a licence; (viii) 30
- (xii) "licensing authority" means any local authority, or person or body, designated or appointed under section 2 as a licensing authority; (ix)
- (xiii) "local authority" means—



## WET OP BESIGHEDE, 1991

Wet No. 71, 1991

## ALGEMENE VERDUIDELIKENDE NOTA:

**[ ]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

       Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

# WET

Om sekere wette betreffende die lisensiëring en dryf van besighede, en winkelure, te herroep of te wysig; sekere nuwe voorsiening betreffende sodanige lisensiëring en dryf van besighede te maak; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 15 Mei 1991.)*

**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

## Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
  - 5 (i) “Administrateur” ’n Administrateur soos omskryf in die Wet op Provinsiale Regering, 1986 (Wet No. 69 van 1986); (i)
  - (ii) “beampte”—
    - (a) ’n verkeersbeampte aangestel kragtens artikel 3 van die Padverkeerswet, 1989 (Wet No. 29 van 1989);
    - 10 (b) ’n lid van die Mag soos omskryf in artikel 1 (1) van die Polisiewet, 1958 (Wet No. 7 van 1958);
    - (c) ’n vredesbeampte beoog in artikel 334 van die Strafproseswet, 1977 (Wet No. 51 van 1977); (xv)
  - 15 (iii) “besigheid”, by die toepassing van artikel 2, enige besigheid bedoel in Bylae 1, uitgesonderd ’n besigheid in Bylae 2 vermeld; (ii)
  - (iv) “besigheid dryf” ook om enige perseel vir so ’n doel oop te maak of oop te hou; (iv)
  - (v) “besigheidspersel”, met betrekking tot ’n besigheid bedoel in item 1 (1) of 2 van Bylae 1, die perseel waarop, waarin of waarvandaan die besigheid gedryf word of staan te word; (iii)
  - 20 (vi) “hierdie Wet” ook ’n regulasie; (xxi)
  - (vii) “lisensie”, met betrekking tot ’n besigheid, ’n lisensie in artikel 2 (3) bedoel; (x)
  - (viii) “lisensiehouer” ’n persoon wat die houer van ’n lisensie is; (xi)
  - 25 (ix) “lisensie-owerheid” enige plaaslike owerheid, of persoon of liggaam, wat kragtens artikel 2 as ’n lisensie-owerheid aangewys of aangestel is; (xii)
  - (x) “Minister” die Minister van Handel en Nywerheid en Toerisme, handelende na oorlegpleging met elke Administrateur of met die betrokke Administrateur, na gelang van die geval; (xiv)
  - 30 (xi) “openbare pad” ’n openbare pad soos omskryf in artikel 1 van die Padverkeerswet, 1989; (xviii)
  - (xii) “perseel” ook enige grond, gebou, bouwerk, gedeelte van ’n gebou of van ’n bouwerk, of enige voertuig, vervoermiddel, vaartuig of lugvaartuig; (xvi)
  - (xiii) “plaaslike owerheid”—

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- (a) an institution or body referred to in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961);
- (b) a local government body established by virtue of section 30 (2) (a) of the Black Administration Act, 1927 (Act No. 38 of 1927);
- (c) a local authority as defined in section 1 (1) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- (d) a Local Development Committee established under section 28A (1) of the Development Act (House of Representatives), 1987 (Act No. 3 of 1987);
- (e) a board of management or board as defined in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987);
- (f) a local council established under section 2 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 of 1987);
- (g) the Local Government Affairs Council established by section 2 (1) of the Local Government Affairs Council Act (House of Assembly), 1989 (Act No. 84 of 1989); (xiii)
- (xiv) "Minister" means the Minister of Trade and Industry and Tourism, acting after consultation with every Administrator or with the Administrator concerned, as the case may be; (x)
- (xv) "officer" means—
  - (a) a traffic officer appointed under section 3 of the Road Traffic Act, 1989 (Act No. 29 of 1989);
  - (b) a member of the Force as defined in section 1 (1) of the Police Act, 1958 (Act No. 7 of 1958);
  - (c) a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); (ii)
- (xvi) "premises" includes any land, building, structure, part of a building or of a structure, or any vehicle, conveyance, vessel or aircraft; (xii)
- (xvii) "prescribed" means prescribed by regulation; (xviii)
- (xviii) "public road" means a public road as defined in section 1 of the Road Traffic Act, 1989; (xi)
- (xix) "regulation" means a regulation made by an Administrator under section 6 (1); (xiv)
- (xx) "sell" includes to prepare, process, store, offer or display for sale; (xvi)
- (xxi) "this Act" includes a regulation. (vi)

**Licensing authorities and licensing of businesses**

- 2. (1) (a) An Administrator may by notice in the *Official Gazette* designate a local authority, or appoint any person or body, as a licensing authority for an area which the Administrator specifies or defines in the notice, to undertake from a date specified in the notice the licensing of businesses in the area concerned.
- (b) A local authority may so be designated or appointed for any area, whether in or outside its own area of jurisdiction, but in the province concerned, including the area of jurisdiction of any other local authority or any part of such an area.
- (c) When an Administrator exercises any power under paragraph (a), he shall do so with the concurrence of—
  - (i) the local authority, or person or body, designated or appointed as licensing authority;
  - (ii) in the case of the designation or appointment of a local authority as licensing authority for an area comprising the area of jurisdiction of another local authority or any part thereof, that other local authority;
  - (iii) in the case of the appointment of a person or body as licensing authority for an area comprising the area of jurisdiction of a local authority or any part thereof, that local authority.



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- (a) 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961);
- (b) 'n plaaslike bestuursliggaam ingestel uit hoofde van artikel 30 (2) (a) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927);
- 5 (c) 'n plaaslike owerheid soos omskryf in artikel 1 (1) van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982);
- (d) 'n Plaaslike Ontwikkelingskomitee ingestel kragtens artikel 28A (1) van die Ontwikkelingswet (Raad van Verteenwoordigers), 1987 (Wet No. 3 van 1987);
- 10 (e) 'n bestuursraad of raad soos omskryf in artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van 1987);
- (f) 'n plaaslike raad ingestel kragtens artikel 2 van die Wet op Plaaslike Rade (Volksraad), 1987 (Wet No. 94 van 1987);
- 15 (g) die Raad op Plaaslike Bestuursaangeleenthede ingestel by artikel 2 (1) van die Wet op die Raad op Plaaslike Bestuursaangeleenthede (Volksraad), 1989 (Wet No. 84 van 1989); (xiii)
- (xiv) "regulasie" 'n regulasie deur 'n Administrateur kragtens artikel 6 (1) uitgevaardig; (xix)
- 20 (xv) "smouslisensie" 'n lisensie om enige besigheid bedoel in item 3 (1) van Bylae 1 te dryf; (ix)
- (xvi) "verkoop" ook om vir verkoop voor te berei, te verwerk, op te berg, aan te bied of uit te stal; (xx)
- (xvii) "voedingsmiddel" 'n voedingsmiddel soos omskryf in artikel 1 van die Wet op Voedingsmiddels, Skoonheidsmiddels en Ontsmettingsmiddels, 1972
- 25 (Wet No. 54 van 1972); (viii)
- (xviii) "voorgeskryf" by regulasie voorgeskryf; (xvii)
- (xix) "voorwaarde", met betrekking tot 'n lisensie, 'n voorwaarde kragtens artikel 2 (6) (b) of 2 (8) (a) opgelê en in die betrokke lisensie vermeld; (v)
- 30 (xx) "werkgewer" enige persoon hoegenaamd wat enige persoon in diens het of aan hom werk verskaf en wat daardie persoon beloon, of uitdruklik of stilswyend onderneem om hom te beloon, of wat enige persoon hoegenaamd toelaat om hom op enige wyse te help om sy besigheid voort te sit of te dryf; (vii)
- 35 (xxi) "werknemer" enige persoon wat in diens is by of werk verrig vir enige werkgewer en beloning ontvang of geregtig is om dit te ontvang, en enige ander persoon hoegenaamd wat op enige wyse help om die besigheid van 'n werkgewer voort te sit of te dryf. (vi)

**Lisensie-owerhede en lisensiëring van besighede**

- 40 2. (1) (a) 'n Administrateur kan by kennisgewing in die *Offisiële Koerant* 'n plaaslike owerheid aanwys, of enige persoon of liggaam aanstel, as 'n lisensie-owerheid vir 'n gebied wat die Administrateur in die kennisgewing vermeld of omskryf, om vanaf 'n datum in die kennisgewing vermeld die lisensiëring van besighede in die betrokke gebied te onderneem.
- 45 (b) 'n Plaaslike owerheid kan aldus aangewys of aangestel word vir enige gebied, hetsy binne of buite sy eie regsgebied geleë, maar binne die betrokke provinsie, met inbegrip van die regsgebied van 'n ander plaaslike owerheid of 'n deel van so 'n gebied.
- (c) Wanneer 'n Administrateur enige bevoegdheid kragtens paragraaf (a)
- 50 uitoefen, moet hy dit doen met die instemming van—
  - (i) die plaaslike owerheid, of persoon of liggaam, wat as lisensie-owerheid aangewys of aangestel word;
  - (ii) in die geval van die aanwysing of aanstelling van 'n plaaslike owerheid as lisensie-owerheid vir 'n gebied wat die regsgebied van 'n ander
  - 55 plaaslike owerheid of 'n deel daarvan insluit, daardie ander plaaslike owerheid;
  - (iii) in die geval van die aanstelling van 'n persoon of liggaam as lisensie-owerheid vir 'n gebied wat die regsgebied van 'n plaaslike owerheid of 'n deel daarvan insluit, daardie plaaslike owerheid.

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(2) An Administrator may at any time, after consultation with the relevant licensing authority, amend or withdraw a notice under subsection (1) by notice in the *Official Gazette*.

(3) No person shall, with effect from the date specified in a notice under subsection (1) in respect of a specific licensing authority, carry on any business in the area of that licensing authority—

- (a) unless, in the case of a business referred to in item 1 (1) or 2 of Schedule 1, he is the holder of an apposite licence issued to him by the licensing authority in respect of the business premises concerned;
- (b) unless, in the case of a business referred to in item 3 (1) of Schedule 1, he is the holder of a hawker's licence issued to him by the licensing authority;
- (c) contrary to a condition.

(4) A licensing authority shall, subject to the provisions of subsection (6), issue a licence which is properly applied for unless—

- (a) in the case of a business referred to in item 1 (1) or 2 of Schedule 1, the business premises do not comply with a requirement relating to town planning or the safety or health of the public of any law which applies to those premises;
- (b) in the case of a business referred to in item 2 of Schedule 1, the licensing authority is satisfied that—
  - (i) the applicant, whether or not he is or will be in actual and effective control of the business; or
  - (ii) if another person is or will be so in control, that other person, is not a suitable person to carry on the business, whether by reason of his character, having regard to any conviction recorded against him, his previous conduct or for any other reason;
- (c) in the case of an application for a hawker's licence, such a licence of which the applicant concerned was the holder, was withdrawn under subsection (9) at any time during the preceding 12 months.

(5) (a) For the purposes of subsection (4) (b), a licensing authority may ask the South African Police for a report stating particulars of all convictions (if any) recorded against an applicant concerned or against any person referred to in subsection (4) (b) (ii).

(b) For the purposes of such a report any member of the South African Police may require the applicant or person concerned to furnish such information and particulars (including any finger-print, palm-print or foot-print) as that member may consider necessary.

(6) In considering an application for a licence referred to in item 1 (1) or 2 of Schedule 1, a licensing authority may—

- (a) grant the application on condition that the business premises concerned shall, before the licence is issued, comply with a requirement referred to in subsection (4) (a) stipulated by the licensing authority and made known in writing to the applicant; or
- (b) issue the licence subject to any condition therein specified in terms of which the licence holder shall in connection with the business premises—
  - (i) comply with a specific requirement contemplated in subsection (4) (a); or
  - (ii) within a specified period comply with such a requirement.

(7) A licensing authority may, on application by a licence holder, by way of endorsement on the licence—

- (a) amend a condition;
- (b) extend the period referred to in subsection (6) (b) (ii);
- (c) revoke a condition;
- (d) indicate that a condition specified in the licence has been complied with.

(8) (a) A licensing authority may at any time, after giving the licence holder concerned a reasonable opportunity to be heard, if it considers it necessary on the ground of changed circumstances in relation to a business or the relevant business premises, by way of endorsement on the licence concerned amend a condition or impose a condition referred to in subsection (6) (b).



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(2) 'n Administrateur kan 'n kennisgewing kragtens subartikel (1) te eniger tyd, na oorlegpleging met die betrokke lisensie-owerheid, by kennisgewing in die *Offisiële Koerant* wysig of intrek.

(3) Niemand mag met ingang van die datum in 'n kennisgewing kragtens subartikel 5 (1) ten opsigte van 'n bepaalde lisensie-owerheid vermeld, enige besigheid in die gebied van daardie lisensie-owerheid dryf nie—

- (a) tensy, in die geval van 'n besigheid bedoel in item 1 (1) of 2 van Bylae 1, hy die houer is van 'n toepaslike lisensie wat deur die lisensie-owerheid aan hom uitgereik is ten opsigte van die betrokke besigheidspersoon;
- 10 (b) tensy, in die geval van 'n besigheid bedoel in item 3 (1) van Bylae 1, hy die houer is van 'n smouslisensie wat deur die lisensie-owerheid aan hom uitgereik is;
- (c) in stryd met 'n voorwaarde.

(4) 'n Lisensie-owerheid moet, behoudens die bepalings van subartikel (6), 'n 15 lisensie uitreik waarom behoorlik aansoek gedoen word, tensy—

- (a) in die geval van 'n besigheid bedoel in item 1 (1) of 2 van Bylae 1, die besigheidspersoon nie voldoen nie aan enige vereiste met betrekking tot dorpsbeplanning of die veiligheid of gesondheid van die publiek van 'n wet wat op die perseel van toepassing is;
- 20 (b) in die geval van 'n besigheid bedoel in item 2 van Bylae 1, die lisensie-owerheid oortuig is dat—
  - (i) die aansoeker, hetsy hy in werklike en effektiewe beheer van die besigheid is of sal wees al dan nie; of
  - (ii) indien 'n ander persoon aldus in beheer is of sal wees, daardie ander 25 persoon, nie 'n geskikte persoon is om die besigheid te dryf nie, hetsy vanweë sy karakter, met inagneming van enige veroordeling teen hom aangeteken, sy vorige gedrag of om enige ander rede;
- (c) in die geval van 'n aansoek om 'n smouslisensie, so 'n lisensie waarvan die 30 betrokke aansoeker die houer was, te eniger tyd gedurende die voorafgaande 12 maande kragtens subartikel (9) ingetrek is.

(5) (a) Vir die doeleindes van subartikel (4) (b) kan 'n lisensie-owerheid van die Suid-Afrikaanse Polisie 'n verslag aanvra waarin besonderhede gemeld word van alle veroordelings (as daar is) wat teen 'n betrokke aansoeker of 35 teen enige persoon bedoel in subartikel (4) (b) (ii) aangeteken is.

(b) Vir die doeleindes van so 'n verslag kan enige lid van die Suid-Afrikaanse Polisie van die betrokke aansoeker of persoon vereis dat hy die inligting en besonderhede (met inbegrip van enige vingerafdruk, palmafdruk of voet- 40 afdruk) verstrek wat die lid nodig ag.

(6) By die oorweging van 'n aansoek om 'n lisensie bedoel in item 1 (1) of 2 van Bylae 1 kan 'n lisensie-owerheid—

- (a) die aansoek toestaan op voorwaarde dat, voordat die lisensie uitgereik word, die betrokke besigheidspersoon voldoen aan 'n vereiste beoog in subartikel (4) (a) wat die lisensie-owerheid stel en skriftelik aan die 45 aansoeker meedeel; of.
- (b) die lisensie uitreik onderworpe aan enige voorwaarde daarin vermeld ingevolge waarvan die lisensiehouer in verband met die besigheidspersoon—
  - (i) aan 'n bepaalde vereiste beoog in subartikel (4) (a) moet voldoen; of
  - 50 (ii) binne 'n vermelde tydperk aan so 'n vereiste moet voldoen.

(7) 'n Lisensie-owerheid kan, op aansoek van 'n lisensiehouer, by wyse van 'n aantekening op die lisensie—

- (a) 'n voorwaarde wysig;
- (b) die tydperk bedoel in subartikel (6) (b) (ii) verleng;
- 55 (c) 'n voorwaarde intrek;
- (d) aandui dat daar aan 'n voorwaarde in die lisensie vermeld, voldoen is.

(8) (a) 'n Lisensie-owerheid kan te eniger tyd, nadat hy die betrokke lisensiehouer 'n redelike geleentheid gebied het om aangehoor te word, indien hy dit nodig ag op grond van veranderde omstandighede met betrekking tot 'n 60 besigheid of die betrokke besigheidspersoon, by wyse van 'n aantekening op die betrokke lisensie 'n voorwaarde wysig of 'n voorwaarde bedoel in subartikel (6) (b) oplê.

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- (b) For the purposes of paragraph (a), a licensing authority may require a licence holder in writing to produce his licence to the licensing authority.
- (9) A licensing authority may at any time, after giving the licence holder concerned a reasonable opportunity to be heard, withdraw or suspend a licence—
- (a) on the ground that the business premises do not comply with a requirement contemplated in subsection (4) (a);
  - (b) on the ground that the licence holder failed to produce his licence to the licensing authority within 14 days after the receipt of a written request referred to in subsection (8) (b);
  - (c) in the case of a business referred to in item 2 of Schedule 1, if the licensing authority is satisfied that, if application had been made at that time for the licence concerned, the application could have been refused by virtue of subsection (4) (b);
  - (d) in the case of a business referred to in item 1 (1) or 3 (1) of Schedule 1, on the ground that—
    - (i) any foodstuff sold by the licence holder does not comply with a requirement of a law relating to the health of the public;
    - (ii) any apparatus, equipment, storing space, working surface or any other article or place used for or in connection with the preparation, handling or sale of foodstuffs, does not comply with a requirement of a law relating to the health of the public.
- (10) When a licensing authority decides to refuse an application for a licence, or to grant such an application subject to a condition contemplated in subsection (6) (a), or to issue a licence subject to a condition, or to amend or impose a condition under subsection (8), or to withdraw or suspend a licence, it shall as soon as practicable—
- (a) notify the applicant or licence holder concerned in writing of its decision;
  - (b) if requested therefor by the applicant or licence holder, furnish him in writing, within the prescribed period, with the reasons for its decision.
- (11) The issue of a licence shall not relieve the licence holder of complying with any law or legal requirement in connection with the business or premises concerned.

**Appeals**

3. (1) Any person who feels himself aggrieved by a decision of a licensing authority may appeal against the decision in accordance with the provisions of a regulation contemplated in section 6 (1) (a) (vi).
- (2) If a licensing authority fails to make a decision on any application in terms of this Act within 21 days after the receipt of the application or within such extended period as may be agreed upon between the licensing authority and the applicant concerned, it shall for the purposes of this section be presumed that the application was refused by the licensing authority.

**Amendment of Schedule 2**

4. (1) The Minister may, whenever he deems it necessary or expedient in the public interest or for the better attainment of the objects of this Act, amend Schedule 2 by notice in the *Gazette*, by altering or adding any item.
- (2) Different amendments may be so effected in respect of different areas.

**Penal provisions**

5. (1) Any person who contravenes a provision of section 2 (3) shall be guilty of an offence and liable on conviction—
- (a) to a fine not exceeding R1 000 or imprisonment for a period not exceeding three months, or to both such fine and such imprisonment; and



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- (b) Vir die doeleindes van paragraaf (a) kan 'n lisensie-owerheid skriftelik versoek dat 'n lisensiehouer sy lisensie aan die lisensie-owerheid oorlê.
- (9) 'n Lisensie-owerheid kan te eniger tyd, nadat hy die betrokke lisensiehouer 'n redelike geleentheid gebied het om aangehoor te word, 'n lisensie opskort of intrek—
- (a) op grond daarvan dat die besigheidspersoneel nie voldoen aan 'n vereiste beoog in subartikel (4) (a) nie;
- (b) op grond daarvan dat die lisensiehouer versuim het om binne 14 dae na ontvangs van 'n skriftelike versoek bedoel in subartikel (8) (b) sy lisensie aan die lisensie-owerheid oor te lê;
- (c) in die geval van 'n besigheid bedoel in item 2 van Bylae 1, indien die lisensie-owerheid oortuig is dat, indien op daardie tydstip aansoek om die betrokke lisensie gedoen sou word, die aansoek uit hoofde van subartikel (4) (b) geweier sou kon word;
- (d) in die geval van 'n besigheid bedoel in item 1 (1) of 3 (1) van Bylae 1, op grond daarvan dat—
- (i) enige voedingsmiddel deur die lisensiehouer verkoop, nie voldoen nie aan 'n vereiste van 'n wet met betrekking tot die gesondheid van die publiek;
- (ii) enige apparaat, toerusting, berguimte, werkoppervlak of enige ander voorwerp of plek wat vir of in verband met die voorbereiding, hantering of verkoop van voedingsmiddels gebruik word, nie voldoen nie aan 'n vereiste van 'n wet met betrekking tot die gesondheid van die publiek.
- (10) Wanneer 'n lisensie-owerheid besluit om 'n aansoek om 'n lisensie te weier, of om so 'n aansoek toe te staan onderworpe aan 'n voorwaarde in subartikel (6) (a) beoog, of om 'n lisensie onderworpe aan 'n voorwaarde uit te reik, of om 'n voorwaarde kragtens subartikel (8) te wysig of op te lê, of om 'n lisensie in te trek of op te skort, moet hy so gou doenlik—
- (a) die betrokke aansoeker of lisensiehouer skriftelik van sy besluit in kennis stel;
- (b) indien daarom versoek deur die aansoeker of lisensiehouer, die redes vir sy besluit binne die voorgeskrewe tydperk skriftelik aan hom verstrek.
- (11) Die uitreiking van 'n lisensie onthef nie die lisensiehouer van voldoening aan enige wet of wetlike vereiste in verband met die betrokke besigheid of perseel nie.

**Appelle**

3. (1) Iemand wat hom veronreg voel deur 'n besluit van 'n lisensie-owerheid kan teen die besluit appelleer ooreenkomstig die bepalinge van 'n regulasie beoog in artikel 6 (1) (a) (vi).
- (2) Indien 'n lisensie-owerheid versuim om 'n besluit oor 'n aansoek ingevolge hierdie Wet te neem binne 21 dae na ontvangs van die aansoek of binne die langer tydperk waaroor ooreengekom word deur die lisensie-owerheid en die betrokke aansoeker, word daar vir die doeleindes van hierdie artikel vermoed dat die aansoek deur die lisensie-owerheid geweier is.

**Wysiging van Bylae 2**

4. (1) Die Minister kan, wanneer hy dit in die openbare belang of ter beter verwesenliking van die oogmerke van hierdie Wet nodig of dienstig ag, by kennisgewing in die *Staatskoerant* Bylae 2 wysig deur enige item te verander of by te voeg.
- (2) Verskillende wysigings kan aldus ten opsigte van verskillende gebiede aangebring word.

**Strafbepalings**

5. (1) Iemand wat 'n bepaling van artikel 2 (3) oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar—
- (a) met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens drie maande, of met daardie boete sowel as daardie gevangenisstraf; en

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- (b) to an additional fine not exceeding R10 for every day on which the offence continues.
- (2) (a) When a person in control of a business, or a director, manager, employee or agent, of a licence holder performs any act which it would be an offence under subsection (1), read with section 2 (3) (c), for that licence holder to perform himself, the licence holder shall be deemed to have performed the act himself, and shall be liable on conviction to the penalties mentioned in subsection (1), unless he proves to the satisfaction of the court that—
- (i) in performing the act the person in control, or the director, manager, employee or agent, was acting without his knowledge or permission;
  - (ii) all reasonable steps were taken by him to prevent the performance of any act of the kind in question; and
  - (iii) it was not within the scope of the authority or the course of employment of the person in control, or the director, manager, employee or agent, to perform any act of the kind in question.
- (b) The fact that a licence holder issued instructions forbidding any act referred to in subsection (1), shall not by itself be accepted as sufficient proof that he took all steps referred to in paragraph (a) (ii).
- (c) When a licence holder is by virtue of the provisions of paragraph (a) liable for anything done by any other person, that other person shall also be liable as if he were the licence holder.
- (3) In any prosecution for an offence referred to in subsection (1), an allegation in the charge concerned that—
- (a) any goods with which a business was carried on or which were used in connection with a business were or were not of a particular kind, class, type or description;
  - (b) any place is situate in a particular area;
  - (c) any person was in control of a business or was a director, manager, employee or agent of a licence holder,
- shall be presumed to be correct unless the contrary is proved.
- (4) A fine imposed or bail estreated in respect of an offence under subsection (1), shall accrue—
- (a) where the offence was committed within the area of jurisdiction of a local authority, to that local authority;
  - (b) in any other case, to the Administrator concerned.

**Regulations**

6. (1) An Administrator may make regulations for his province regarding—
- (a) the attainment of the objects of sections 2 and 3, including, without prejudice to the generality of the foregoing—
    - (i) the constitution of any body appointed as a licensing authority;
    - (ii) the powers, duties and functions of licensing authorities;
    - (iii) applications that are required or permitted to be made for the purposes of the said sections;
    - (iv) the issuing, amendment, suspension, withdrawal and transfer of licences;
    - (v) the issuing of duplicates of licences;
    - (vi) appeals in terms of section 3, including the referral of appeals to appeal committees, and the constitution, functions and procedures, and the legal effect of findings, of such committees;
    - (vii) the liability of any person for reasonable expenses in respect of inspections or the performance of any other act in relation to any matter specified in this paragraph;
    - (viii) the appointment of inspectors, and their powers, duties and functions;
    - (ix) the provision of administrative services to licensing authorities;
    - (x) the delegation or assignment by a licensing authority of its powers or duties;



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- (b) met 'n addisionele boete van hoogstens R10 vir elke dag wat die misdryf voortduur.
- (2) (a) Wanneer iemand in beheer van 'n besigheid, of 'n direkteur, bestuurder, werknemer of verteenwoordiger, van 'n lisensiehouer enige handeling verrig wat kragtens subartikel (1), saamgelees met artikel 2 (3) (c), 'n misdryf sou wees as die lisensiehouer dit self sou verrig, word die lisensiehouer geag self die handeling te verrig het, en is hy by skuldigbevinding strafbaar met die straffe in subartikel (1) genoem, tensy hy ten genoë van die hof bewys dat—
- (i) toe die persoon in beheer, of die direkteur, bestuurder, werknemer of verteenwoordiger, die handeling verrig het, hy sonder sy medewete of toestemming opgetree het;
- (ii) alle redelike stappe deur hom gedoen is om die verrigting van 'n handeling van die betrokke aard te verhoed; en
- (iii) dit nie binne die bestek van die bevoegdheid of in die loop van die diens van die persoon in beheer, of die direkteur, bestuurder, werknemer of verteenwoordiger, was om enige handeling van die betrokke aard te verrig nie.
- (b) Die feit dat 'n lisensiehouer opdrag gegee het waarby enige handeling bedoel in subartikel (1) verbied word, word nie op sigself aanvaar as voldoende bewys dat hy alle stappe in paragraaf (a) (ii) bedoel, gedoen het nie.
- (c) Wanneer 'n lisensiehouer uit hoofde van die bepalings van paragraaf (a) aanspreeklik is vir enigiets wat deur enige ander persoon gedoen is, is daardie ander persoon ook aanspreeklik asof hy die lisensiehouer is.
- (3) By 'n vervolging weens enige misdryf bedoel in subartikel (1), word 'n bewering in die betrokke aanklag dat—
- (a) enige goedere waarmee besigheid gedryf is of wat in verband met 'n besigheid gebruik is, van 'n bepaalde soort, klas, tipe of beskrywing was of dit nie was nie;
- (b) enige plek in 'n bepaalde gebied geleë is;
- (c) enige persoon in beheer van 'n besigheid was of 'n direkteur, bestuurder, werknemer of verteenwoordiger van 'n lisensiehouer was, vermoed juis te wees, tensy die teendeel bewys word.
- (4) 'n Boete opgelê of borggeld verbeur ten opsigte van 'n misdryf ingevolge subartikel (1), val toe—
- (a) waar die misdryf binne die regsgebied van 'n plaaslike owerheid gepleeg is, aan daardie plaaslike owerheid;
- (b) in enige ander geval, aan die betrokke Administrateur.

**Regulasies**

6. (1) 'n Administrateur kan regulasies vir sy provinsie uitvaardig betreffende—
- (a) die verwesenliking van die oogmerke van artikels 2 en 3, met inbegrip, sonder afbreuk aan die algemeenheid van die voorgaande, van—
- (i) die samestelling van enige liggaam wat as lisensie-owerheid aangestel word;
- (ii) die bevoegdhede, pligte en werksaamhede van lisensie-owerhede;
- (iii) aansoeke wat vir die doeleindes van gemelde artikels gedoen kan of moet word;
- (iv) die uitreiking, wysiging, opskorting, intrekking en oordrag van lisensies;
- (v) die uitreiking van duplikate van lisensies;
- (vi) appëlle ingevolge artikel 3, met inbegrip van die verwysing van appëlle na appëlkomitees, en die samestelling, werksaamhede en prosedures, en die regskrag van bevindings, van sodanige komitees;
- (vii) die aanspreeklikheid van enige persoon vir redelike uitgawes ten opsigte van inspeksies of die verrigting van enige ander handeling met betrekking tot 'n aangeleentheid in hierdie paragraaf vermeld;
- (viii) die aanstelling van inspekteurs, en hul bevoegdhede, pligte en werksaamhede;
- (ix) die voorsiening van administratiewe dienste aan lisensie-owerhede;
- (x) die delegering of opdrag deur 'n lisensie-owerheid van sy bevoegdhede of pligte;

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- (xi) any matter which in terms of this Act is required or permitted to be prescribed by regulation;
- (b) the restriction, regulation or control of the carrying on of the business of street vendor, pedlar or hawker, including—
- (i) provision for the removal and impoundment by an officer of any goods, receptacle, vehicle or movable structure—
- (aa) which he reasonably suspects is being used or intended to be used or has been used in or in connection with the carrying on of any relevant business;
- (bb) which he finds at a place where—
- (A) in terms of a regulation under subparagraph (iv), the carrying on of such business is prohibited; or
- (B) in his opinion, it is causing an obstruction to pedestrian or vehicular traffic, or in front of a fire hydrant or an entrance to or exit from a building; and
- (cc) which the street vendor, pedlar or hawker concerned has failed or refused to remove from that place after having been requested to do so by the officer, or which has been left there or abandoned;
- (ii) the regulation of the liability of any person for any reasonable expenses incurred in connection with such removal and impoundment;
- (iii) the regulation of the disposal of any goods, receptacle, vehicle or movable structure so impounded;
- (iv) the prohibition of the carrying on of any relevant business—
- (aa) on a verge as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989), contiguous to—
- (A) a building belonging to, or occupied solely by, the State or a local authority;
- (B) a church or other place of worship;
- (C) a building declared to be a national monument under the National Monuments Act, 1969 (Act No. 28 of 1969), and identified by the Administrator by notice in the *Official Gazette*;
- (bb) on a verge so defined contiguous to a building in which business is being carried on by any person who sells goods of the same or a similar nature as goods being sold by the street vendor, pedlar or hawker concerned, without the consent of that person;
- (cc) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto;
- (dd) in a garden or park commonly used by the public or to which the public has the right of access;
- (ee) at any other place commonly used by the public or to which the public has the right of access, or a category of such places, identified by the Administrator by notice in the *Official Gazette*, but excluding the prohibition of the carrying on of business—
- (AA) within a specified distance from any specified place or point;
- (BB) at any place for longer than a specified period;
- (CC) if the business concerned is not periodically moved from place to place;
- (DD) elsewhere than at a specified place or stand;
- (c) in connection with any matter contemplated in paragraph (a) or (b), the powers, duties and functions of local authorities in relation to any such matter, including—
- (i) except in the case of a matter referred to in paragraph (b) (iv) (aa) or (ee), the power to make by-laws in respect thereof and so to enact, subject to the provisions of this Act, such penal, differential and exempting provisions as may be deemed necessary;



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- (xi) enige aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word;
- (b) die beperking, reëling of beheer van die dryf van die besigheid van straathandelaar, venter of smous, met inbegrip van—
- 5 (i) voorsiening vir die verwydering en skut deur 'n beamppte van enige goedere, houer, voertuig of beweegbare struktuur—
- (aa) wat hy redelikerwys vermoed gebruik word of bestem is om gebruik te word of gebruik is by of in verband met die dryf van enige betrokke besigheid;
- 10 (bb) wat hy vind op 'n plek waar—
- (A) ingevolge 'n regulasie kragtens subparagraaf (iv), die dryf van sodanige besigheid verbode is; of
- (B) na sy oordeel, dit 'n versperring veroorsaak vir voetganger- of voertuigverkeer, of voor 'n brandkraan of 'n in- of uitgang
- 15 van 'n gebou; en
- (cc) wat die betrokke straathandelaar, venter of smous versuim of geweier het om van daardie plek te verwyder nadat hy daartoe versoek is deur die beamppte, of wat daar gelaat of prysgegee is;
- (ii) die reëling van die aanspreeklikheid van enige persoon vir enige redelike uitgawes wat in verband met sodanige verwydering en skut aangegaan is;
- (iii) die reëling van die beskikking oor enige goedere, houer, voertuig of beweegbare struktuur wat aldus geskut is;
- (iv) die verbod van die dryf van enige betrokke besigheid—
- 25 (aa) op 'n soom, soos omskryf in artikel 1 van die Padverkeerswet, 1989 (Wet No. 29 van 1989), aangrensend aan—
- (A) 'n gebou wat behoort aan, of geokkupeer word slegs deur, die Staat of 'n plaaslike owerheid;
- (B) 'n kerk of ander plek van aanbidding;
- 30 (C) 'n gebou wat kragtens die Wet op Nasionale Gedenkwaardighede, 1969 (Wet No. 28 van 1969), tot nasionale gedenkwaardigheid verklaar is, en wat deur die Administrateur by kennisgewing in die *Offisiële Koerant* aangedui word;
- 35 (bb) op 'n soom aldus omskryf aangrensend aan 'n gebou waarin besigheid gedryf word deur 'n persoon wat goedere verkoop wat van dieselfde of 'n soortgelyke aard is as goedere wat deur die betrokke straathandelaar, venter of smous verkoop word, sonder die toestemming van daardie persoon;
- 40 (cc) op daardie helfte van 'n openbare pad aangrensend aan 'n gebou wat vir residensiële doeleindes gebruik word, indien die eienaar of persoon in beheer of enige bewoner van die gebou daarteen beswaar maak;
- (dd) in 'n tuin of park wat gewoonlik deur die publiek gebruik word of waartoe die publiek 'n reg van toegang het;
- 45 (ee) op enige ander plek wat gewoonlik deur die publiek gebruik word of waartoe die publiek die reg van toegang het, of 'n kategorie van sodanige plekke, wat deur die Administrateur by kennisgewing in die *Offisiële Koerant* aangedui word,
- 50 maar uitgesonderd die verbod van die dryf van besigheid—
- (AA) binne 'n vermelde afstand vanaf enige vermelde plek of punt;
- (BB) op enige plek vir langer as 'n vermelde tydperk;
- (CC) indien die betrokke besigheid nie periodiek van plek tot plek verskuif word nie;
- 55 (DD) elders as op 'n vermelde plek of staanplek;
- (c) in verband met enige aangeleentheid beoog in paragraaf (a) of (b), die bevoegdhede, pligte en werksaamhede van plaaslike owerhede met betrekking tot enige sodanige aangeleentheid, met inbegrip van—
- (i) behalwe in die geval van 'n aangeleentheid bedoel in paragraaf (b) (iv) (aa) of (ee), die bevoegdheid om verordeninge ten opsigte daarvan uit te vaardig en aldus, behoudens die bepalings van hierdie Wet, die straf-, differensiële en vrystellingsbepalings wat nodig geag word, te verorden;
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- (ii) formal requirements regarding the making, approval and promulgation of such by-laws.
- (2) Different regulations may be made in respect of different businesses, areas or local authorities.
- (3) A regulation may prescribe penalties not exceeding a fine of R1 000 or imprisonment for a period of three months for any contravention of or failure to comply with its provisions.
- (4) (a) The Administrator shall, not less than three months before promulgating a regulation under subsection (1) or a notice under subsection (1) (b) (iv) (aa) or (ee), cause a draft of the regulation or notice to be published in the *Official Gazette*, together with a notice declaring his intention to issue such a regulation or notice, and inviting interested persons to furnish him with comments thereon or representations in connection therewith.
- (b) If the Administrator determines upon any alteration of a draft regulation or notice so published, as a result of comments or representations furnished to him in respect thereof, it shall not be necessary to publish the alteration in terms of this subsection before the amended draft is promulgated as a regulation or notice.
- (5) The provisions of any law which warrants the seizure of articles, including Chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), shall not apply in respect of the seizure of anything—
- (a) which is concerned in or suspected to be concerned in the commission of an offence—
- (i) in terms of this Act or in terms of a by-law contemplated in subsection (1) (c) (i); and
- (ii) relating to the carrying on of the business of street vendor, pedlar or hawker;
- (b) which may afford evidence of the commission or suspected commission of such an offence; or
- (c) which is intended to be used or is suspected to be intended to be used in the commission of such an offence.
- (6) A regulation shall in the province concerned have legal effect as if it were a proclamation issued by the Administrator under section 14 (2) (a) of the Provincial Government Act, 1986 (Act No. 69 of 1986).

**Repeal and amendment of laws**

7. (1) Subject to the provisions of subsections (2), (3), (4) and (5)—
- (a) the provisions of any ordinance of a province in relation to an institution or body referred to in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), are hereby repealed in so far as they confer a power to make by-laws or regulations prohibiting the carrying on of any business unless a licence, permit, authority, certificate or approval has been issued or granted in respect of the business concerned;
- (b) the laws mentioned in Schedule 3 are hereby repealed or amended to the extent indicated in the third column of that Schedule.
- (2) The repeal or amendment by subsection (1) of any particular law shall take effect in a province on a date determined by the Administrator by proclamation in the *Official Gazette*.
- (3) Different dates may under subsection (2) be so determined in respect of different laws, different provisions of such laws, different areas of jurisdiction of different local authorities, or different defined areas.
- (4) An Administrator may in any such proclamation enact such transitional provisions and savings as he may in connection with any particular law or provision thereof, or any regulation or by-law made thereunder, deem necessary.
- (5) The amendment of a provision of an ordinance of a province by subsection (1) shall not affect the powers conferred upon the Administrator by section 14 (2) (a) of the Provincial Government Act, 1986 (Act No. 69 of 1986), in relation to the amendment, repeal or substitution of that or any other provision of that ordinance.



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- (ii) formele vereistes betreffende die maak, goedkeuring en afkondiging van sodanige verordeninge.
- (2) Verskillende regulasies kan ten opsigte van verskillende besighede, gebiede of plaaslike owerhede uitgevaardig word.
- 5 (3) 'n Regulasie kan vir 'n oortreding van of 'n versuim om te voldoen aan die bepalings daarvan strawwe voorskryf wat 'n boete van R1 000 of gevangenisstraf vir 'n tydperk van drie maande nie te bowe gaan nie.
- 10 (4) (a) Die Administrateur laat minstens drie maande voordat 'n regulasie kragtens subartikel (1) of 'n kennisgewing kragtens subartikel (1) (b) (iv) (aa) of (ee) afgekondig word, 'n ontwerp van die regulasie of kennisgewing in die *Offisiële Koerant* publiseer, tesame met 'n kennisgewing wat sy voorneme te kenne gee om so 'n regulasie of kennisgewing uit te vaardig en wat belanghebbende persone uitnoodig om kommentaar daarop of versoë in verband daarmee aan hom te verstrek.
- 15 (b) Indien die Administrateur besluit op 'n verandering van 'n ontwerpregulasie of -kennisgewing wat aldus gepubliseer is, as gevolg van kommentaar of versoë wat ten opsigte daarvan aan hom verstrek is, is dit nie nodig om die verandering ingevolge hierdie subartikel te publiseer voordat die gewysigde ontwerp as 'n regulasie of kennisgewing afgekondig word nie.
- 20 (5) Die bepalings van enige wet wat die beslaglegging van voorwerpe magtig, met inbegrip van Hoofstuk 2 van die Strafproseswet, 1977 (Wet No. 51 van 1977), is nie van toepassing nie ten opsigte van die beslaglegging op enigets—
- (a) wat betrokke is by of vermoed word betrokke te wees by die pleging van 'n misdryf—
- 25 (i) ingevolge hierdie Wet of ingevolge 'n verordening beoog in subartikel (1) (c) (i); en
- (ii) wat betrekking het op die dryf van die besigheid van straathandelaar, venter of smous;
- (b) wat tot bewys kan strek van die pleging of vermeende pleging van so 'n misdryf; of
- 30 (c) wat bestem is of vermoed word bestem te wees om by die pleging van so 'n misdryf gebruik te word.
- (6) 'n Regulasie het in die betrokke provinsie regsrag asof dit 'n proklamasie is wat die Administrateur kragtens artikel 14 (2) (a) van die Wet op Provinsiale Regering, 1986 (Wet No. 69 van 1986), uitgereik het.
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**Herroeping en wysiging van wette**

7. (1) Behoudens die bepalings van subartikels (2), (3), (4) en (5)—
- (a) word die bepalings van enige ordonnansie van 'n provinsie in verband met 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), hierby herroep vir sover dit 'n bevoegdheid verleen om verordeninge of regulasies uit te vaardig wat die dryf van enige besigheid verbied tensy 'n lisensie, permit, magtiging, sertifikaat of goedkeuring ten opsigte van die betrokke besigheid uitgereik of toegestaan is;
- 40 (b) word die wette in Bylae 3 genoem hierby herroep of gewysig in die mate in die derde kolom van daardie Bylae aangedui.
- (2) Die herroeping of wysiging by subartikel (1) van 'n bepaalde wet word in 'n provinsie van krag op 'n datum wat die Administrateur by proklamasie in die *Offisiële Koerant* bepaal.
- 50 (3) Verskillende datums kan kragtens subartikel (2) aldus bepaal word ten opsigte van verskillende wette, verskillende bepalings van sodanige wette, verskillende regsgebiede van verskillende plaaslike owerhede, of verskillende omskrye gebiede.
- (4) 'n Administrateur kan in so 'n proklamasie die oorgangsbepalings en voorbehoude verorden wat hy in verband met enige bepaalde wet of bepaling daarvan, of enige regulasie of verordening daarkragtens uitvaardig, nodig ag.
- 55 (5) Die wysiging van 'n bepaling van 'n ordonnansie van 'n provinsie by subartikel (1) raak nie die bevoegdheid nie wat by artikel 14 (2) (a) van die Wet op Provinsiale Regering, 1986 (Wet No. 69 van 1986), aan die Administrateur verleen word met betrekking tot die wysiging, herroeping of vervanging van daardie of enige ander
- 60 bepaling van daardie ordonnansie.

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**Short title and commencement**

8. (1) This Act shall be called the Businesses Act, 1991.

(2) Subsections (3) up to and including (11) of section 2, and sections 3, 5 and 6 (5), shall come into operation in a province on a date fixed by the State President, after consultation with the Administrator, by proclamation in the *Gazette*.

(3) Different dates may under subsection (2) be fixed in respect of different provisions of this Act, different areas of jurisdiction of different local authorities, or different defined areas.

**SCHEDULE 1****Businesses in respect of which a licence is required****(Section 2)****Item 1: Sale or supply of meals or perishable foodstuffs**

(1) The carrying on of business by the sale or supply to consumers of—

- (a) any foodstuff in the form of meals for consumption on or off the business premises; or
- (b) any perishable foodstuff.

(2) For the purposes of subitem (1) "perishable foodstuff" means any foodstuff or category of foodstuffs declared by the Minister by notice in the *Gazette* to be a perishable foodstuff for the purposes of this item.

**Item 2: Provision of certain types of health facilities or entertainment**

The carrying on of business by—

- (a) providing turkish baths, saunas or other health baths;
- (b) providing massage or infra-red treatment;
- (c) making the services of an escort, whether male or female, available to any other person;
- (d) keeping three or more mechanical, electronic or electrical contrivances, instruments, apparatus or devices which are designed or used for the purpose of the playing of any game or for the purpose of recreation or amusement, and the operation of which involves the payment of any valuable consideration, either by the insertion of a coin, token coin or disc therein or in an appliance attached thereto or in any other manner;
- (e) keeping three or more snooker or billiard tables;
- (f) keeping or conducting a night club or discothèque;
- (g) keeping or conducting a cinema or theatre.

**Item 3: Hawking in meals or perishable foodstuffs**

(1) The carrying on of business, whether as principal, employee or agent, by selling any foodstuff in the form of meals or any perishable foodstuff—

- (a) which is conveyed from place to place, whether by vehicle or otherwise;
- (b) on a public road or at any other place accessible to the public; or
- (c) in, on or from a movable structure or stationary vehicle,

unless the business is covered by a licence for a business referred to in item 1 of this Schedule.

(2) For the purposes of subitem (1) "perishable foodstuff" means any foodstuff or category of foodstuffs declared under item 1 (2) of this Schedule to be a perishable foodstuff.

**SCHEDULE 2****Businesses excluded from businesses referred to in Schedule 1**

1. A business which is carried on by the State or a local authority.

2. A business which is carried on by a charitable, religious, educational, cultural or agricultural association, organization or institution of a public nature, if all profits derived from the business are devoted entirely to the purposes of that or any other such association, organization or institution.

3. In the case of a business referred to in item 1 (1) of Schedule 1, such a business which is carried on—

- (a) by a social, sports or recreation club which is a non-proprietary club and restricts the business to the sale or supply to its members and their guests of foodstuffs for consumption on or in the business premises;
- (b) by or on behalf of an employer for an employee as such of the employer.

4. A business referred to in item 1 (1) (a) of Schedule 1, if the meals concerned are prepared and sold in a private dwelling.

5. In the case of a business referred to in item 1 (1) (b) of Schedule 1, the sale of a perishable foodstuff referred to in that item, by a person who belongs to a category of persons which the Minister, in the relevant notice under item 1 (2) of that Schedule, has exempted from the provisions of section 2 (3) of this Act, read with the said item 1 (1) (b), in relation to the perishable foodstuff concerned.



## WET OP BESIGHEDE, 1991

Wet No. 71, 1991

**Kort titel en inwerkingtreding**

8, (1) Hierdie Wet heet die Wet op Besighede, 1991.

(2) Subartikels (3) tot en met (11) van artikel 2, en artikels 3, 5 en 6 (5), tree in 'n provinsie in werking op 'n datum wat die Staatspresident na oorlegpleging met die Administrateur by proklamasie in die *Staatskoerant* bepaal.

(3) Verskillende datums kan kragtens subartikel (2) bepaal word ten opsigte van verskillende bepalings van hierdie Wet, verskillende regsgebiede van verskillende plaaslike owerhede, of verskillende omskrewe gebiede.

**BYLAE 1****Besighede ten opsigte waarvan 'n lisensie vereis word**

(Artikel 2)

**Item 1: Verkoop of verskaffing van maaltye of bederfbare voedingsmiddels**

(1) Die dryf van besigheid deur die verkoop of verskaffing aan verbruikers van—

- (a) enige voedingsmiddel in die vorm van maaltye vir verbruik op of weg van die besighedsperseel; of
- (b) enige bederfbare voedingsmiddel.

(2) By die toepassing van subitem (1) beteken "bederfbare voedingsmiddel" enige voedingsmiddel of kategorie voedingsmiddels wat deur die Minister by kennisgewing in die *Staatskoerant* tot 'n bederfbare voedingsmiddel vir die doeleindes van hierdie item verklaar is.

**Item 2: Voorsiening van sekere tipes gesondheidsfasiliteite of vermaaklikheid**

Die dryf van besigheid deur—

- (a) turkse baddens, saunas of ander gesondheidsbaddens te verskaf;
- (b) masseer- of infrarooi-behandeling te verskaf;
- (c) die dienste van 'n metgesel, hetsy manlik of vroulik, aan iemand anders beskikbaar te stel;
- (d) die hou van drie of meer meganiese, elektroniese of elektriese toestelle, instrumente, apparate of toebehore wat bestem is of gebruik word vir die doel om enige spel daarmee te speel of vir die doeleindes van ontspanning of vermaak, en waarvan die bewerking die betaling van enige waardevolle teenprestasie behels, hetsy deur die inplasing van 'n muntstuk, tekenmuntstuk of skyf daarin of in 'n toebehoorsel wat daaraan bevestig is of op enige ander wyse;
- (e) die hou van drie of meer snoeker- of biljarttafels;
- (f) 'n nagklub of diskoteek te hou of te dryf;
- (g) 'n bioskoop of teater te hou of te dryf.

**Item 3: Smous met maaltye of bederfbare voedingsmiddels**

(1) Die dryf van besigheid, hetsy as prinsipaal, werknemer of agent, deur enige voedingsmiddel in die vorm van maaltye of enige bederfbare voedingsmiddel te verkoop—

- (a) wat van plek tot plek vervoer word, hetsy per voertuig of andersins;
- (b) op 'n openbare pad of op enige ander plek wat vir die publiek toeganklik is; of
- (c) in, op of vanaf 'n beweegbare struktuur of stilstaande voertuig,

tensy die besigheid gedek word deur 'n lisensie vir 'n besigheid bedoel in item 1 van hierdie Bylae.

(2) By die toepassing van subitem (1) beteken "bederfbare voedingsmiddel" enige voedingsmiddel of kategorie voedingsmiddels wat kragtens item 1 (2) van hierdie Bylae tot 'n bederfbare voedingsmiddel verklaar is.

**BYLAE 2****Besighede uitgesonder van besighede in Bylae 1 bedoel**

1. 'n Besigheid wat gedryf word deur die Staat of 'n plaaslike owerheid.
2. 'n Besigheid wat gedryf word deur 'n liefdadigheids-, godsdienstige, opvoedkundige, kulturele of landbouvereniging, -organisasie of -instelling van 'n openbare aard, indien alle winste uit die besigheid verkry geheel en al vir die doeleindes van daardie of enige ander sodanige vereniging, organisasie of instelling aangewend word.
3. In die geval van 'n besigheid bedoel in item 1 (1) van Bylae 1, so 'n besigheid wat gedryf word—
  - (a) deur 'n sosiale, sport- of ontspanningsklub wat 'n nie-ciendomsklub is en die besigheid beperk tot die verkoop of verskaffing aan sy lede en hul gaste van voedingsmiddels vir verbruik op die besighedsperseel;
  - (b) deur of namens 'n werkgewer vir 'n werknemer as sodanig van die werkgewer.
4. 'n Besigheid bedoel in item 1 (1) (a) van Bylae 1, indien die betrokke maaltye in 'n privaatwoning voorberei en verkoop word.
5. In die geval van 'n besigheid bedoel in item 1 (1) (b) van Bylae 1, die verkoop van 'n bederfbare voedingsmiddel bedoel in daardie item deur 'n persoon wat behoort tot 'n kategorie persone wat die Minister in die betrokke kennisgewing kragtens item 1 (2) van daardie Bylae met betrekking tot die betrokke bederfbare voedingsmiddel vrygestel het van die bepalings van artikel 2 (3) van hierdie Wet, saamgelees met genoemde item 1 (1) (b).

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## SCHEDULE 3

## LAWS REPEALED OR AMENDED (SECTION 7)

No. and year	Title	Extent of repeal or amendment
<b>Cape of Good Hope</b>		
Ordinance No. 16 of 1976	Shop Hours Ordinance, 1976	<p>1. The amendment of section 1—</p> <p>(a) by the insertion after the definition of "council" of the following definition:  <u>"hawker" means any person who, whether as principal, employee or agent, carries on business by selling goods—</u></p> <p>(a) which he conveys from place to place, whether by vehicle or otherwise;</p> <p>(b) on a public road as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989), or at any other place accessible to the public; or</p> <p>(c) in, on or from a movable structure or stationary vehicle;"</p> <p>(b) by the deletion of the definition of "Licences Ordinance";</p> <p>(c) by the deletion of the definition of "public holiday";</p> <p>(d) by the substitution for paragraphs (a) and (b) of the definition of "shop" of the following paragraphs, respectively:  <u>"(a) an auctioneer or a barber or hairdresser trades; and</u>  <u>(b) a person engages in the sale or supply of goods manufactured or produced by himself;"</u>; and</p> <p>(e) by the deletion of the definition of "weekday".</p> <p>2. The amendment of section 4—</p> <p>(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:  <u>"(a) on a Sunday or religious public holiday;"</u>;</p> <p>(b) by the deletion of paragraphs (b), (c), (d) and (e) of subsection (1); and</p> <p>(c) by the substitution for subsection (2) of the following subsection:  <u>"(2) The provisions of subsection (1) shall not apply to [the holder of a licence contemplated by item 32 of the First Schedule to the Licences Ordinance] a hawker: Provided that no [such holder] hawker and no employee or agent of [such holder] a hawker shall trade in any goods other than the goods mentioned in Schedule 1, whether in a shop or otherwise, [(a)] on a Sunday or religious public holiday [or (b) earlier than six o'clock in the forenoon or later than nine o'clock in the afternoon on any weekday]."</u></p> <p>3. The repeal of sections 5 and 6.</p> <p>4. The substitution for section 7 of the following section:</p> <p><b>"Exemption from prohibition of trade on certain religious public holidays</b></p> <p>7. (1) A council may, on application by any shopkeeper trading in a shop situated at a place which in the opinion of such council is a public resort, place of rest, seaside resort, caravan park, holiday centre, holiday camp or picnic place, exempt such shopkeeper in respect of any year [(a)] from the provisions of section 4 (1) (a) in relation to trade in such shop on religious public holidays in such year [under any licence issued to such shopkeeper in terms of the Licences Ordinance, or (b) from any determination in terms of section 8 (1) (a) which applies to such shopkeeper].</p>



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## BYLAE 3

## WETTE HERROEP OF GEWYSIG (ARTIKEL 7)

No. en jaar	Titel	Omvang van herroeping of wysiging
<b>Kaap Die Goeie Hoop</b>		
Ordonnansie No. 16 van 1976	Winkelure-ordonnansie, 1976	<p>1. Die wysiging van artikel 1—</p> <p>(a) deur die omskrywing van "Lisensieordonnansie" te skrap;</p> <p>(b) deur die omskrywing van "openbare feesdag" te skrap;</p> <p>(c) deur na die omskrywing van "raad" die volgende omskrywing in te voeg:</p> <p>"beteken 'smous' enige persoon wat, hetsy as prinsipaal, werknemer of agent, besigheid dryf deur goedere te verkoop—</p> <p>(a) wat hy van plek tot plek vervoer, hetsy per voertuig of andersins;</p> <p>(b) op 'n openbare pad soos omskryf in artikel 1 van die Padverkeerswet, 1989 (Wet No. 29 van 1989), of op enige ander plek wat vir die publiek toeganklik is; of</p> <p>(c) in, op of vanaf 'n beweegbare struktuur of stilstaande voertuig;"</p> <p>(d) deur die omskrywing van "weeksdag" te skrap; en</p> <p>(e) deur paragrawe (a) en (b) van die omskrywing van "winkel" deur onderskeidelik die volgende paragrawe te vervang:</p> <p>"(a) 'n afslaer of 'n barbier of haarkapper handel dryf; en</p> <p>(b) 'n persoon goedere wat deur homself vervaardig of geproduseer is, verkoop of verskat;"</p> <p>2. Die wysiging van artikel 4—</p> <p>(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:</p> <p>"(a) op 'n Sondag of godsdienstige openbare vakansiedag;"</p> <p>(b) deur paragrawe (b), (c), (d) en (e) van subartikel (1) te skrap; en</p> <p>(c) deur subartikel (2) deur die volgende subartikel te vervang:</p> <p>"Die bepalings van subartikel (1) is nie van toepassing nie op [die houer van 'n lisensie by item 32 van die Eerste Bylae van die Lisensie-ordonnansie beoog] 'n smous: Met dien verstande dat geen [sodanige houer] smous en geen werknemer of agent van [sodanige houer] 'n smous in enige goedere uitgesonderd die goedere in Bylae 1 vermeld, mag handel dryf nie, hetsy in 'n winkel of andersins, [(a) op 'n Sondag of godsdienstige openbare vakansiedag of (b) vroeër as sesuur in die voormiddag of later as nege-uur in die namiddag op enige weeksdag]."</p> <p>3. Die herroeping van artikels 5 en 6.</p> <p>4. Die vervanging van artikel 7 deur die volgende artikel:</p> <p>"<b>Vrystelling van verbod op handel op sekere godsdienstige openbare feesdae</b></p> <p>7. (1) 'n Raad kan op aansoek van enige winkelier wat handel dryf in 'n winkel geleë op 'n plek wat na die mening van sodanige raad 'n openbare oord, rusoord, strandoord, woonwagpark, vakansieplek, vakansiekamp of piekniekplek is, sodanige winkelier ten opsigte van enige jaar vrystel [(a) van die bepalings van artikel 4 (1) (a) met betrekking tot handel in sodanige winkel op godsdienstige openbare feesdae in sodanige jaar [kragtens enige lisensie aan sodanige winkelier ingevolge die Lisensieordonnansie uitgereik, of (b) van enige vasstelling ingevolge artikel 8 (1) (a) wat op sodanige winkelier van toepassing is].</p>

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## BUSINESSES ACT, 1991

No. and year	Title	Extent of repeal or amendment
		<p>(2) An applicant for exemption under subsection (1) shall furnish the council with the grounds for his application, full particulars in respect of the class of goods in which he normally trades and such further information as the council may require.</p> <p>(3) No application under subsection (1) shall be granted unless the council is satisfied that at the place where the shop is situated there is a reasonable need for the supply to the public <b>[in the case of an application (a) under subsection (1) (a), on public holidays other than] on religious public holidays, of goods [which may be sold under the licence concerned, and (b) under subsection (1) (b), at times to which the relevant determination relates, of goods]</b> in which the applicant normally trades.</p> <p><b>[(4) There shall be payable to the council concerned in respect of every exemption in terms of—</b></p> <p>(a) subsection (1) (a), an amount equal to fifty per cent of the licence fee payable in terms of the Licences Ordinance in respect of every licence to which such exemption relates, and</p> <p>(b) subsection (1) (b), an amount of ten rands.</p> <p>(5) The council shall cause every exemption granted in terms of subsection (1) (a) and the amount paid in respect thereof in terms of subsection (4) (a) to be endorsed on every licence to which such exemption relates.]</p> <p>(6) If a council refuses any application in terms of subsection (1), the applicant may in the manner and within the period prescribed by regulation appeal to the Administrator against the decision of the council.”</p>
		5. The repeal of sections 8, 9 and 10.
		6. The amendment of section 11—
		<p>(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:</p> <p>“<b>[Subject to the provisions of subsection (3)]</b> The provisions of section 4 (1) shall not apply in respect of trading—”;</p> <p>(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:</p> <p>“(b) in a shop <b>[under a licence contemplated by item 11, 29 or 59 of the First Schedule to the Licences Ordinance]</b> by a cafe or restaurant keeper in relation to the sale or supply of meals or refreshments for consumption on or off the business premises;”;</p> <p>(c) by the insertion after paragraph (b) of subsection (1) of the following paragraph:</p> <p>“(bA) by a funeral undertaker;”;</p> <p>(d) by the substitution for paragraph (eA) of subsection (1) of the following paragraph:</p> <p>“(eA) by <b>[the holder of a licence contemplated by item 31 of the First Schedule to the Licences Ordinance]</b> a general dealer in a shop solely in relation to orders placed by, on behalf of or for the account of the owner of a seagoing vessel for delivery to such vessel;”;</p> <p>(e) by the deletion of subsection (3); and</p> <p>(f) by the deletion of subsection (5).</p>
		7. The amendment of section 13 by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
		<p>“A council may on application by any <b>[holder of a licence contemplated by item 40 of the First Schedule to the Licences Ordinance]</b> person register such <b>[holder]</b> person for the purpose of this section if it is satisfied that the applicant—”.</p>
		8. The repeal of section 14.



## WET OP BESIGHEDE, 1991

## Wet No. 71, 1991

No. en jaar	Titel	Omvang van herroeping of wysiging
		<p>(2) 'n Aansoeker om vrystelling kragtens subartikel (1) moet die raad voorsien van die gronde vir sy aansoek, volle besonderhede ten opsigte van die soort goedere waarin hy gewoonlik handel dryf en die nadere inligting wat die raad verlang.</p> <p>(3) Geen aansoek kragtens subartikel (1) word toegestaan nie tensy die raad daarvan oortuig is dat daar op die plek waar die winkel geleë is, 'n redelike behoefte bestaan aan die verskaffing aan die publiek [in die geval van 'n aansoek (a) kragtens subartikel (1) (a), op openbare feesdae uitgesonderd] op godsdienstige openbare feesdae, van goedere [wat kragtens die betrokke lisensie verkoop kan word, en (b) kragtens subartikel (1) (b), op tye waarop die betrokke vasstelling betrekking het, van goedere] waarin die aansoeker gewoonlik handel dryf.</p> <p>[(4) Daar is aan die betrokke raad betaalbaar ten opsigte van elke vrystelling ingevolge—</p> <p>(a) subartikel (1) (a), 'n bedrag gelyk aan vyftig persent van die lisensiegeld, betaalbaar ingevolge die Lisensieordnansie ten opsigte van elke lisensie waarop sodanige vrystelling betrekking het, en</p> <p>(b) subartikel (1) (b), 'n bedrag van tien rand.</p> <p>(5) Die raad laat elke vrystelling ingevolge subartikel (1) (a) verleen en die bedrag ingevolge subartikel (4) (a) ten opsigte daarvan betaal, op elke lisensie waarop sodanige vrystelling betrekking het, aanteken.]</p> <p>(6) Indien 'n raad enige aansoek ingevolge subartikel (1) van die hand wys, kan die aansoeker op die wyse en binne die tydperk by regulasie voorgeskryf, by die Administrateur teen die raad se besluit appell aanteken.”</p>
		5. Die herroeping van artikels 8, 9 en 10.
		<p>6. Die wysiging van artikel 11—</p> <p>(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:</p> <p>“[Behoudens die bepalings van subartikel (3), is] Die bepalings van artikel 4 (1) is nie van toepassing nie ten opsigte van handeldryf—”;</p> <p>(b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:</p> <p>“(b) in 'n winkel [kragtens 'n lisensie by item 11, 29 of 59 van die Eerste Bylae van die Lisensieordnansie beoog] deur 'n kafee- of restauranthouer met betrekking tot die verkoop of verskaffing van maaltye of verversings vir verbruik op of vanaf die besigheidsperseel—”;</p> <p>(c) deur na paragraaf (b) van subartikel (1) die volgende paragraaf in te voeg:</p> <p>“(bA) deur 'n begrafnisondernemer—”;</p> <p>(d) deur paragraaf (eA) van subartikel (1) deur die volgende paragraaf te vervang:</p> <p>“(eA) deur [die houer van 'n lisensie beoog by item 31 van die Eerste Bylae van die Lisensieordnansie] 'n algemene handelaar in 'n winkel uitsluitend met betrekking tot bestellings geplaas deur, namens of vir die rekening van die eienaar van 'n seevaartuig vir aflewering aan sodanige vaartuig—”;</p> <p>(e) deur subartikel (3) te skrap; en</p> <p>(f) deur subartikel (5) te skrap.</p>
		7. Die wysiging van artikel 13 deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: <p>“'n Raad kan op aansoek van enige [houer van 'n lisensie by item 40 van die Eerste Bylae van die Lisensieordnansie beoog] persoon sodanige [houer] persoon vir die doeleindes van hierdie artikel registreer indien hy daarvan oortuig is dat die aansoeker—”.</p>
		8. Die herroeping van artikel 14.

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## BUSINESSES ACT, 1991

No. and year	Title	Extent of repeal or amendment
		9. The amendment of section 20 by the deletion of subsections (2), (4) and (5).
Ordinance No. 17 of 1981	Licences Ordinance, 1981	The repeal of the whole.
Ordinance No. 12 of 1985	Licences Amendment Ordinance, 1985	The repeal of the whole.
Ordinance No. 19 of 1986	Licences Amendment Ordinance, 1986	The repeal of the whole.
Natal		
Act No. 24 of 1878	Law to provide for the better Observance of the Lord's Day, commonly called Sunday	The repeal of the whole.
Ordinance No. 11 of 1973	Licences and Business Hours Ordinance, 1973	<p>1. The amendment of section 1 by the deletion of all the definitions, except the definitions of "Administrator", "business hours", "closed", "closed hours and open hours", "goods" and "shop".</p> <p>2. The repeal of Chapters II to V inclusive.</p> <p>3. The amendment of section 30—            (a) by the substitution for the words preceding paragraph (a) of the following words:  <u>"The provisions of this Chapter shall not apply to—"; and</u>            (b) by the deletion of paragraph (l).</p> <p>4. The amendment of section 31 by the substitution for subsection (1) of the following subsection:  <u>"(1) The Administrator may, if he considers it desirable in the public interest, by notice in the Official Gazette exempt any shop or any category of shops from any or all of the provisions of this Chapter, either generally or in relation to the selling or supplying of such goods as may be specified in the notice."</u></p> <p>5. The repeal of section 33.</p> <p>6. The amendment of section 34 by the substitution for subsection (1) of the following subsection:  <u>"(1) Subject to [(a)] any designation in terms of section 32, [and (b) anything to the contrary in Schedule I contained] all shops shall be closed on Christmas Day, Good Friday, Easter Sunday, Ascension Day and the Day of the Vow."</u></p> <p>7. The repeal of sections 36, 37 and 38.</p> <p>8. The amendment of section 39—            (a) by the deletion of subsection (2);            (b) by the deletion in subsection (3) of the words "or the proceeds of the sale of any such goods in terms of section 38 (2)"; and            (c) by the deletion of subsection (6).</p> <p>9. The repeal of sections 40 and 41.</p> <p>10. The amendment of section 42 by the deletion of subsections (2), (3) and (4).</p> <p>11. The repeal of sections 43, 44 and 45.</p> <p>12. The amendment of section 46 by the deletion of subsections (1) and (3).</p> <p>13. The amendment of section 48 by the deletion of subsections (1) and (2).</p> <p>14. The repeal of sections 49 and 50.</p> <p>15. The amendment of section 52 by the deletion of the words "Licences and".</p> <p>16. The repeal of Schedule I.</p>



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## Wet No. 71, 1991

No. en jaar	Titel	Omvang van herroeping of wysiging
		9. Die wysiging van artikel 20 deur subartikels (2), (4) en (5) te skrap.
Ordonnansie No. 17 van 1981	Lisensieordonnansie, 1981	Die herroeping van die geheel.
Ordonnansie No. 12 van 1985	Lisensiewysigingsordonnansie, 1985	Die herroeping van die geheel.
Ordonnansie No. 19 van 1986	Lisensiewysigingsordonnansie, 1986	Die herroeping van die geheel.
Natal Wet No. 24 van 1878	"Law to provide for the better observance of the Lord's Day, commonly called Sunday"	Die herroeping van die geheel.
Ordonnansie No. 11 van 1973	Ordonnansie op Lisensies en Besigheidsure, 1973	<p>1. Die wysiging van artikel 1 deur al die omskrywings te skrap behalwe die omskrywings van "Administrateur", "besigheidsure", "gesluit", "toe ure en oop ure", "goedere" en "winkel".</p> <p>2. Die herroeping van Hoofstukke II tot en met V.</p> <p>3. Die wysiging van artikel 30—  (a) deur die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang: "Die bepalings van hierdie Hoofstuk is <u>nie van toepassing nie op</u>—"; en  (b) deur paragraaf (1) te skrap.</p> <p>4. Die wysiging van artikel 31 deur subartikel (1) deur die volgende subartikel te vervang:  "(1) Die Administrateur kan, indien hy dit in die openbare belang wenslik ag, by kennisgewing in die <i>Offisiële Koerant</i> enige winkel of enige kategorie winkels van enige van of al die bepalings van hierdie Hoofstuk vrystel, of in die algemeen of met betrekking tot die verkoop of verskaffing van dié goedere wat hy in die kennisgewing vermeld."</p> <p>5. Die herroeping van artikel 33.</p> <p>6. Die wysiging van artikel 34 deur subartikel (1) deur die volgende subartikel te vervang:  "(1) Behoudens [(a)] enige bepaling ingevolge artikel 32, [en (b) enige andersluidende bepaling in Bylae I] moet alle winkels gesluit wees op Kersdag, Goeie Vrydag, Paassondag, Hemelvaartdag en Geloftedag."</p> <p>7. Die herroeping van artikels 36, 37 en 38.</p> <p>8. Die wysiging van artikel 39—  (a) deur subartikel (2) te skrap;  (b) deur in subartikel (3) die woorde "of die opbrengs van die verkoop van enige goedere ooreenkomstig artikel 38 (2)" te skrap; en  (c) deur subartikel (6) te skrap.</p> <p>9. Die herroeping van artikels 40 en 41.</p> <p>10. Die wysiging van artikel 42 deur subartikels (2), (3) en (4) te skrap.</p> <p>11. Die herroeping van artikels 43, 44 en 45.</p> <p>12. Die wysiging van artikel 46 deur subartikels (1) en (3) te skrap.</p> <p>13. Die wysiging van artikel 48 deur subartikels (1) en (2) te skrap.</p> <p>14. Die herroeping van artikels 49 en 50.</p> <p>15. Die wysiging van artikel 52 deur die woorde "Lisensies en" te skrap.</p> <p>16. Die herroeping van Bylae I.</p>

## Act No. 71, 1991

## BUSINESSES ACT, 1991

No. and year	Title	Extent of repeal or amendment
		17. The amendment of the long title by the deletion of the words "To provide for a new system for the licensing of businesses and occupations;"
Ordinance No. 22 of 1985	Statutory Bodies (Periods of Office) Ordinance, 1985	The repeal of section 8.
<b>Orange Free State</b>		
Ordinance No. 19 of 1952	Shop Hours Ordinance, 1952	<p>1. The amendment of section 1—</p> <p>(a) by the substitution for the definition of "hawker" of the following definition:</p> <p>"'hawker' means a person who, whether as principal, employee or agent, carries on <b>[the] business [of a hawker in the manner contemplated in paragraph 2 of item 41 of Schedule 1 to the Licences Ordinance, 1972 (Ordinance No. 8 of 1972)]</b> by selling goods—</p> <p>(a) which he conveys from place to place, whether by vehicle or otherwise;</p> <p>(b) on a public road as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989), or at any other place accessible to the public; or</p> <p>(c) in, on or from a movable structure or stationary vehicle;"</p> <p>(b) by the deletion of the definition of "licence"; and</p> <p>(c) by the substitution for the definition of "normal trading times" of the following definition:</p> <p>"'normal trading times' means <b>[the period between the hours of 05h00 and 23h00] any time on a business day;</b>"</p> <p>2. The repeal of section 4.</p> <p>3. The substitution for the first schedule of the schedule set out in the annexure to this Schedule.</p>
Ordinance No. 8 of 1972	Licences Ordinance, 1972	The repeal of the whole.
Ordinance No. 14 of 1974	Licences Amendment Ordinance, 1974	The repeal of the whole.
Ordinance No. 7 of 1977	Licences Amendment Ordinance, 1977	The repeal of the whole.
Ordinance No. 5 of 1981	Licences Amendment Ordinance, 1981	The repeal of the whole.
Ordinance No. 8 of 1984	Licences Amendment Ordinance, 1984	The repeal of the whole.
Ordinance No. 14 of 1986	Licences Amendment Ordinance, 1986	The repeal of the whole.
<b>Transvaal</b>		
Ordinance No. 19 of 1974	Licences Ordinance, 1974	The repeal of the whole.
Ordinance No. 17 of 1979	Licences Amendment Ordinance, 1979	The repeal of the whole.
Ordinance No. 10 of 1980	Licences Amendment Ordinance, 1980	The repeal of the whole.
Ordinance No. 5 of 1982	Licences Amendment Ordinance, 1982	The repeal of the whole.
Ordinance No. 12 of 1985	Licences Amendment Ordinance, 1985	The repeal of the whole.



## WET OP BESIGHEDE, 1991

## Wet No. 71, 1991

No. en jaar	Titel	Omvang van herroeping of wysiging
		17. Die wysiging van die lang titel deur die woorde "Om voorsiening te maak vir 'n nuwe stelsel vir die lisensiëring van besighede en beroepe;" te skrap.
Ordonnansie No. 22 van 1985	Ordonnansie op Statu- têre Liggame (Amps- termyne), 1985	Die herroeping van artikel 8.
<b>Oranje-Vrystaat</b>		
Ordonnansie No. 19 van 1952	Ordonnansie op Winkelure, 1952	1. Die wysiging van artikel 1— (a) deur die omskrywing van "lisensie" te skrap; (b) deur die omskrywing van "normale handels- tye" deur die volgende omskrywing te ver- vang: "normale handelstye" [die tydperk tussen die ure van 05h00 en 23h30] enige tyd op 'n besigheidsdag;" en (c) deur die omskrywing van "smous" deur die volgende omskrywing te vervang: "smous" iemand wat, hetsy as prinsipaal, werknemer of agent, sake doen [as 'n smous op 'n wyse bedoel in paragraaf (2) van item 41 van Bylae 1 by die Ordon- nansie op Lisensies, 1972 (Ordonnansie No. 8 van 1972)] deur goedere te ver- koop— (a) wat hy van plek tot plek vervoer, hetsy per voertuig of andersins; (b) op 'n openbare pad soos omskryf in artikel 1 van die Padverkeerswet, 1989 (Wet No. 29 van 1989), of op enige ander plek wat vir die publiek toegank- lik is; of (c) in, op of vanaf 'n beweegbare struktuur of stilstaande voertuig;".
		2. Die herroeping van artikel 4.
		3. Die vervanging van die eerste bylae deur die bylae uiteengesit in die aanhangsel tot hierdie Bylae.
Ordonnansie No. 8 van 1972	Ordonnansie op Lisen- sies, 1972	Die herroeping van die geheel.
Ordonnansie No. 14 van 1974	Wysigingsordonnansie op Lisensies, 1974	Die herroeping van die geheel.
Ordonnansie No. 7 van 1977	Wysigingsordonnansie op Lisensies, 1977	Die herroeping van die geheel.
Ordonnansie No. 5 van 1981	Wysigingsordonnansie op Lisensies, 1981	Die herroeping van die geheel.
Ordonnansie No. 8 van 1984	Wysigingsordonnansie op Lisensies, 1984	Die herroeping van die geheel.
Ordonnansie No. 14 van 1986	Wysigingsordonnansie op Lisensies, 1986	Die herroeping van die geheel.
<b>Transvaal</b>		
Ordonnansie No. 19 van 1974	Ordonnansie op Lisen- sies, 1974	Die herroeping van die geheel.
Ordonnansie No. 17 van 1979	Wysigingsordonnansie op Lisensies, 1979	Die herroeping van die geheel.
Ordonnansie No. 10 van 1980	Wysigingsordonnansie op Lisensies, 1980	Die herroeping van die geheel.
Ordonnansie No. 5 van 1982	Wysigingsordonnansie op Lisensies, 1982	Die herroeping van die geheel.
Ordonnansie No. 12 van 1985	Wysigingsordonnansie op Lisensies, 1985	Die herroeping van die geheel.

## Act No. 71, 1991

## BUSINESSES ACT, 1991

No. and year	Title	Extent of repeal or amendment
Ordinance No. 8 of 1986	Shops Hours Ordinance, 1986	<p>1. The amendment of section 1—</p> <p>(a) by the deletion of the definition of "auctioneer";</p> <p>(b) by the substitution for the definition of "hawker" of the following definition:  "‘hawker’ means any person who <b>[is the holder of a hawker’s licence in terms of item 41 of Schedule I to the Licences Ordinance, 1974, or who is required in terms of that item to have such a licence or who, were it not for the exemptions contemplated in paragraphs (A), (B), (C) and (D) of that item, would have been required to have such a licence]</b>, whether as principal, employee or agent, carries on business by selling goods—</p> <p>(a) which he conveys from place to place whether by vehicle or otherwise;</p> <p>(b) on a public road as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989), or at any other place accessible to the public; or</p> <p>(c) in, on or from a movable structure or stationary vehicle,</p> <p>and ‘hawk’ means to carry on business as a hawker.”;</p> <p>(c) by the substitution for the definition of “normal trading times” of the following definition:  “‘normal trading times’ means <b>[the period between the hours of 05h00 and 23h30 on]</b> any other weekday and any other Saturday than Good Friday, Ascension Day, Day of the Vow or Christmas Day;” and</p> <p>(d) by the deletion of the definition of “public holiday”.</p> <p>2. The amendment of section 6—</p> <p>(a) by the deletion of paragraph (b) of subsection (1);</p> <p>(b) by the substitution in subsection (1) for the words following paragraph (b) of the following words:  “sell or supply any goods referred to in Schedule III to this Ordinance and any other goods, excluding toilet requisites and other photographic apparatus than films, in which he <b>[may trade by virtue of a pharmacist licence issued in terms of item 4 of Schedule I to the Licences Ordinance, 1974]</b> normally trades.”;</p> <p>(c) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:  “<b>[The holder of a motor garage licence, issued in terms of item 28 of Schedule I to the Licences Ordinance, 1974]</b> A person who carries on business in, on or from a motor garage by repairing, renovating, servicing or dismantling motor vehicles or spares thereof, or any employee of such a <b>[licence holder]</b> person, may at any time—”;</p> <p>(d) by the deletion of paragraph (b) of subsection (2); and</p> <p>(e) by the deletion of subsection (4).</p> <p>3. The amendment of section 7 by the deletion of subsections (2), (3) and (4).</p> <p>4. The repeal of section 8.</p> <p>5. The amendment of section 9—</p> <p>(a) by the deletion in subsection (1) of the words “or is authorized to trade after the closing hour in terms of section 7 (2)”;</p> <p>(b) by the deletion in subsection (2) of the words “or, where applicable, outside the normal trading times as restricted in terms of section 8”; and</p> <p>(c) by the deletion of subsection (3).</p>



## WET OP BESIGHEDE, 1991

Wet No. 71, 1991

No. en jaar	Titel	Omvang van herroeping of wysiging
Ordonnansie No. 8 van 1986	Ordonnansie Winkelure, 1986 op	<p>1. Die wysiging van artikel 1—</p> <p>(a) deur die omskrywing van “afslaer” te skrap;</p> <p>(b) deur die omskrywing van “normale handelstye” deur die volgende omskrywing te vervang:</p> <p>“‘normale handelstye’ <b>[die tydperk tussen die ure 05h00 en 23h30 op]</b> enige ander weekdag en enige ander Saterdag as Goeie Vrydag, Hemelvaartdag, Gelofte-dag of Kersdag;”;</p> <p>(c) deur die omskrywing van “openbare feesdag” te skrap; en</p> <p>(d) deur die omskrywing van “smous” deur die volgende omskrywing te vervang:</p> <p>“‘smous’ iemand wat <b>[ingevoelge item 41 van Bylae I by die Ordonnansie op Lisensies, 1974, die houer van ’n smouslisensie is of van wie ingevoelge daardie item vereis word om so ’n lisensie te hê of wat, as dit nie vir die vrystellings beoog in paragrawe (A), (B), (C) en (D) van daardie item was nie, so ’n lisensie sou moes gehad het]</b>, hetsy as prinsipaal, werknemer of agent, besigheid dryf deur goedere te verkoop—</p> <p>(a) wat hy van plek tot plek vervoer, hetsy per voertuig of andersins;</p> <p>(b) op ’n openbare pad soos omskryf in artikel 1 van die Padverkeerswet, 1989 (Wet No. 29 van 1989), of op enige ander plek wat vir die publiek toeganklik is; of</p> <p>(c) in, op of vanaf ’n beweegbare struktuur of stilstaande voertuig, en wanneer as ’n werkwoord gebruik, beteken dit om as ’n smous besigheid te dryf;”.</p> <p>2. Die wysiging van artikel 6—</p> <p>(a) deur paragraaf (b) van subartikel (1) te skrap;</p> <p>(b) deur in subartikel (1) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:</p> <p>“enige goedere genoem in Bylae III by hierdie Ordonnansie en enige ander goedere, uitgenome toiletbenodigdhede en ander fotografiese apparaat as films, waarin hy <b>[mag]</b> gewoonlik handel dryf <b>[uit hoofde van ’n aptekerslisensie, uitgereik ingevoelge item 4 van Bylae I by die Ordonnansie op Lisensies, 1974]</b>, verkoop of lewer.”;</p> <p>(c) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:</p> <p>“<b>[Die houer van ’n motorgaragelisensie, uitgereik ingevoelge item 28 van Bylae I by die Ordonnansie op Lisensies, 1974]</b> ’n Persoon wat in, op of vanaf ’n motorgarage besigheid dryf deur motorvoertuie of onderdele daarvan te herstel, op te knap, te versien of te demonteer, of enige werknemer van so ’n <b>[lisensiehouer]</b> persoon, kan te eniger tyd—”;</p> <p>(d) deur paragraaf (b) van subartikel (2) te skrap; en</p> <p>(e) deur subartikel (4) te skrap.</p> <p>3. Die wysiging van artikel 7 deur subartikels (2), (3) en (4) te skrap.</p> <p>4. Die herroeping van artikel 8.</p> <p>5. Die wysiging van artikel 9—</p> <p>(a) deur in subartikel (1) die woorde “of ingevoelge artikel 7 (2) gemagtig is om na die sluitingsuur handel te dryf” te skrap;</p> <p>(b) deur in subartikel (2) die woorde “of, waar van toepassing, buite die normale handelstye soos ingekort ingevoelge artikel 8” te skrap; en</p> <p>(c) deur subartikel (3) te skrap.</p>

## Act No. 71, 1991

## BUSINESSES ACT, 1991

No. and year	Title	Extent of repeal or amendment
		<p>6. The amendment of section 11—</p> <p>(a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:</p> <p>“(c) keeps open or opens a shop contrary to the proviso to section 7 (1) <b>[or trades otherwise than in accordance with the authorization granted in terms of section 7 (2) or a condition, excluding the payment of any charges, imposed thereunder]</b>”; and</p> <p>(b) by the deletion of paragraph (d) of subsection (1).</p> <p>7. The amendment of section 14 by the deletion of paragraph (e) of subsection (1).</p> <p>8. The amendment of Schedule I by the deletion in item 9 of the following words:</p> <p>“whether or not a licence is required in terms of item 12 of Schedule I to the Licences Ordinance 1974, for the sale thereof”.</p> <p>9. The amendment of Schedule II by the deletion in column 1 of item 3 of the following words:</p> <p>“whether or not a licence is required in terms of item 12 of Schedule I to the Licences Ordinance 1974, for the sale thereof”.</p>
Republic		
Act No. 8 of 1917	Lord's Day Act (Natal) Amendment Act, 1917	The repeal of the whole.
Act No. 38 of 1927	Black Administration Act, 1927	The amendment of section 30 by the deletion of paragraph (o) of subsection (2).
Act No. 101 of 1965	Medicines and Related Substances Control Act, 1965	<p>1. The amendment of section 22A—</p> <p>(a) by the substitution for subsection (1) of the following subsection:</p> <p>“(1) Subject to the provisions of this section, no person shall sell any medicine or Scheduled substance <b>[unless he is the holder of a licence issued in terms of an ordinance of a provincial council or the territory on] except in accordance with the prescribed conditions [or he is employed by the holder of any such licence: Provided that nothing in this subsection contained shall be construed as requiring a medical practitioner, dentist, pharmacist or veterinarian to hold any such licence to sell any medicine or Scheduled substance in the course of lawfully carrying on his professional activities]</b>.”;</p> <p>(b) by the deletion of subsection (2); and</p> <p>(c) by the substitution in subsection (3) for the words preceding the proviso of the following words:</p> <p>“Any Schedule 1 substance, not being any such substance prescribed for the purposes of this subsection, shall not be sold by <b>[the holder of a licence referred to in subsection (1)]</b> any person other than a medical practitioner, dentist, pharmacist or veterinarian.”.</p> <p>2. The amendment of section 35—</p> <p>(a) by the deletion of paragraph (xiii) of subsection (1); and</p> <p>(b) by the substitution for paragraph (xvi) of subsection (1) of the following paragraph:</p> <p>“(xvi) prescribing the conditions on which Schedule 1 substances or certain specified Schedule 1 substances may be sold <b>[by a person other than a medical practitioner, dentist, veterinarian or pharmacist] under [a licence referred to in] section 22A (1);</b>”.</p>



## WET OP BESIGHEDE, 1991

## Wet No. 71, 1991

No. en jaar	Titel	Omvang van herroeping of wysiging
		<p>6. Die wysiging van artikel 11—</p> <p>(a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:</p> <p>“(c) wat 'n winkel strydig met die voorbehoudsbepaling by artikel 7 (1) oophou of oopmaak <b>[of anders as ooreenkomstig die magtiging ingevolge artikel 7 (2) verleen of 'n voorwaarde, uitgenome die betaling van enige gelde, daarkragtens opgele, handel dryf]</b>”; en</p> <p>(b) deur paragraaf (d) van subartikel (1) te skrap.</p> <p>7. Die wysiging van artikel 14 deur paragraaf (e) van subartikel (1) te skrap.</p> <p>8. Die wysiging van Bylae I deur in item 9 die volgende woorde te skrap:</p> <p>“hetsy 'n lisensie vir die verkoop daarvan ingevolge item 12 van Bylae I by die Ordonnansie op Lisensies, 1974, vereis word al dan nie”.</p> <p>9. Die wysiging van Bylae II deur in kolom 1 van item 3 die volgende woorde te skrap:</p> <p>“hetsy 'n lisensie vir die verkoop daarvan ingevolge item 12 van Bylae I by die Ordonnansie op Lisensies, 1974, vereis word al dan nie”.</p>
<b>Republiek</b>		
Wet No. 8 van 1917	Dag des Heren Wet (Natal) Wijzigingswet, 1917	Die herroeping van die geheel.
Wet No. 38 van 1927	Swart Administrasie Wet, 1927	Die wysiging van artikel 30 deur paragraaf (o) van subartikel (2) te skrap.
Wet No. 101 van 1965	Wet op die Beheer van Medisyne en Verwante Stowwe, 1965	<p>1. Die wysiging van artikel 22A—</p> <p>(a) deur subartikel (1) deur die volgende subartikel te vervang:</p> <p>“(1) Behoudens die bepalings van hierdie artikel, mag niemand 'n medisyne of gelyste stof verkoop nie <b>[tensy hy die houer van 'n lisensie is wat ingevolge 'n ordonnansie van 'n provinsiale raad of die gebied op] behalwe ooreenkomstig die voorgeskrewe voorwaardes [uitgereik is of hy in diens by die houer van so 'n lisensie is: Met dien verstande dat hierdie artikel nie uitgelê word nie asof dit van 'n geneesheer, tandarts, apteker of veearts vereis dat hy so 'n lisensie moet besit om 'n medisyne of gelyste stof in die loop van die wettige verrigting van sy professionele bedrywighede te verkoop]</b>”;</p> <p>(b) deur subartikel (2) te skrap; en</p> <p>(c) deur in subartikel (3) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:</p> <p>“'n Bylae 1-stof, behalwe so 'n stof wat vir die doeleindes van hierdie subartikel voorgeskryf word, mag nie deur <b>[die houer van 'n in subartikel (1) bedoelde lisensie]</b> iemand anders as 'n geneesheer, tandarts, apteker of veearts verkoop word nie”;</p> <p>2. Die wysiging van artikel 35—</p> <p>(a) deur paragraaf (xiii) van subartikel (1) te skrap; en</p> <p>(b) deur paragraaf (xvi) van subartikel (1) deur die volgende paragraaf te vervang:</p> <p>“(xvi) wat die voorwaardes waarop Bylae 1-stowwe of sekere bepaalde Bylae 1-stowwe <b>[deur iemand anders as 'n geneesheer, tandarts, veearts of apteker]</b> kragtens <b>[‘n in]</b> artikel 22A(1) <b>[bedoelde lisensie]</b> verkoop kan word, voorskryf”;</p>

## Act No. 71, 1991

## BUSINESSES ACT, 1991

No. and year	Title	Extent of repeal or amendment
Act No. 65 of 1976	Financial Relations Act, 1976	<ol style="list-style-type: none"> <li>1. The repeal of section 12.</li> <li>2. The amendment of Schedule 1 by the deletion of paragraph 7.</li> <li>3. The amendment of Schedule 2 by the substitution for paragraph 8 of the following paragraph:            "8. The regulation of the hours of opening and closing of shops on a Sunday or on any public holiday mentioned in the Second Schedule to the Public Holidays Act, 1952 (Act No. 5 of 1952).".</li> </ol>
Act No. 102 of 1982	Black Local Authorities Act, 1982	<ol style="list-style-type: none"> <li>1. The amendment of section 56 by the deletion of paragraph (oA) of subsection (1).</li> <li>2. The amendment of the Schedule by the deletion in item 14 of the words "street trading and purveying and".</li> </ol>
Act No. 9 of 1987	Rural Areas Act (House of Representatives), 1987	<ol style="list-style-type: none"> <li>1. The amendment of section 26 by the deletion of paragraph (m).</li> <li>2. The amendment of section 27—           <ol style="list-style-type: none"> <li>(a) by the deletion in paragraph 14 of the words "for regulating the sale, preparation, manufacture, storing, keeping, conveying, handling and exposure for sale of food,";</li> <li>(b) by the deletion of paragraphs (15) and (16);</li> <li>(c) by the substitution for paragraph (26) of the following paragraph:            "(26) for <b>[regulating fish markets and]</b> appointing and regulating places to be used for the landing, gutting, curing and packing of fish, and for regulating the removal of refuse from such <b>[markets and]</b> places and from fish markets;" and</li> <li>(d) by the deletion of paragraph (59).</li> </ol> </li> <li>3. The repeal of section 39.</li> </ol>
Act No. 29 of 1989	Road Traffic Act, 1989	<ol style="list-style-type: none"> <li>1. The amendment of section 98 by the insertion after subsection (1) of the following subsection:            "(1A) The provisions of subsection (1) (e) shall not apply to any vehicle, other than a motor vehicle, while it is being used in carrying on the business of street vendor, pedlar or hawker, unless it exceeds such maximum weight, height, length or mass as may be prescribed.".</li> <li>2. The substitution for section 116 of the following section:  <b>"Trading on public roads"</b>            116. Except—           <ol style="list-style-type: none"> <li>(a) on or in premises <b>[licensed]</b> zoned or demarcated for that purpose by a competent authority in terms of any law; or</li> <li>(b) in such circumstances and in accordance with such requirements as may be prescribed, or determined by by-law,</li> </ol>           no person shall sell, display, offer for sale or deliver pursuant to a sale, any goods—           <p><b>[(a)] (i)</b> on or alongside a public road inside an urban area, within 180 metres of a railway level crossing or any road traffic sign denoting a blind corner or rise thereon or within <b>[10]</b> five metres from any intersection thereon; or</p> <p><b>[(b)] (ii)</b> on or alongside any public road outside an urban area:</p> <p>Provided that where a provincial administration is responsible for the maintenance of a public road inside an urban area, the competent authority of such urban area shall not <b>[license]</b> so zone or demarcate premises in such urban area situated alongside such a road, without the prior approval of the Administrator concerned."</p></li> </ol>



## WET OP BESIGHEDE, 1991

## Wet No. 71, 1991

No. en jaar	Titel	Omvang van herroeping of wysiging
Wet No. 65 van 1976	Wet op Finansiële Verhoudings, 1976	<p>1. Die herroeping van artikel 12.</p> <p>2. Die wysiging van Bylae 1 deur paragraaf 7 te skrap.</p> <p>3. Die wysiging van Bylae 2 deur paragraaf 8 deur die volgende paragraaf te vervang:  <u>"8. Die reëling van die openings- en sluitings-  ure van winkels op 'n Sondag of op enige openbare feesdag vermeld in die Tweede Bylae van die Wet op Openbare Feesdae, 1952 (Wet No. 5 van 1952)."</u></p>
Wet No. 102 van 1982	Wet op Swart Plaaslike Owerhede, 1982	<p>1. Die wysiging van artikel 56 deur paragraaf (oA) van subartikel (1) te skrap.</p> <p>2. Die wysiging van die Bylae deur in item 14 die woorde "handeldryf en voorsiening van voedselware op straat en" te skrap.</p>
Wet No. 9 van 1987	Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987	<p>1. Die wysiging van artikel 26 deur paragraaf (m) te skrap.</p> <p>2. Die wysiging van artikel 27—  (a) deur in paragraaf (14) die woorde "om die verkoop, bereiding, vervaardiging, bewaring, opberging, hou, vervoer, hantering en uitstalling vir verkoop van voedsel te reël" te skrap;  (b) deur paragrawe (15) en (16) te skrap;  (c) deur paragraaf (26) deur die volgende paragraaf te vervang:  <u>"(26) vir [die reëling van vismarkte en] die vaststelling en reëling van plekke wat vir die landing, skoonmaak, droogmaak en verpakking van vis gebruik moet word, en vir die reëling en die verwydering van vullis van sodanige [markte en] plekke en van vismarkte;"</u>; en  (d) deur paragraaf (59) te skrap.</p> <p>3. Die herroeping van artikel 39.</p>
Wet No. 29 van 1989	Padverkeerswet, 1989	<p>1. Die wysiging van artikel 98 deur na subartikel (1) die volgende subartikel in te voeg:  <u>"(1A) Die bepalings van subartikel (1) (e) is nie van toepassing nie op enige voertuig, uitgesonderd 'n motorvoertuig, terwyl dit gebruik word by die dryf van die besigheid van straathandelaar, venter of smous, tensy dit die maksimum breedte, hoogte, lengte of massa oorskry wat voorgeskryf is."</u></p> <p>2. Die vervanging van artikel 116 deur die volgende artikel:  <b>"Handeldrywe op openbare paaie"</b>  116. Uitgesonderd—  (a) op of in persele <b>[gelisenseer]</b> gesoneer of afgebaken vir daardie doel deur 'n bevoegde gesag ingevolge die een of ander wet; of  (b) onder die omstandighede en ooreenkomstig die vereistes wat voorgeskryf of by verordening bepaal is,  mag niemand enige goedere verkoop, uitstal, te koop aanbied of aflewer ter nakoming van 'n verkoop nie—  <b>[(a)] (i)</b> op of langs enige openbare pad binne 'n stedelike gebied, binne 180 meter van 'n spooroorweg of enige padverkeersteken wat 'n blindehoek of bult daarop aandui of binne <b>[10]</b> vyf meter van enige kruising daarvan af; of  <b>[(b)] (ii)</b> op of langs enige openbare pad buite 'n stedelike gebied:  Met dien verstande dat waar 'n provinsiale administrasie verantwoordelik is vir die onderhoud van 'n openbare pad binne 'n stedelike gebied, die bevoegde gesag van daardie stedelike gebied nie 'n perseel wat langs so 'n pad geleë is, sonder die voorafgaande goedkeuring van die betrokke Administrateur <b>[lisenseer]</b> aldus soneer of afbaken nie."</p>

## Act No. 71, 1991

## BUSINESSES ACT, 1991

No. and year	Title	Extent of repeal or amendment
		<p>3. The amendment of section 133—</p> <p>(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:</p> <p>“(b) subject to the provisions of the Businesses Act, 1991, and any regulation or by-law made thereunder in relation to the restriction, regulation or control of the carrying on of the business of street vendor, pedlar or hawker, the stopping with and parking of any vehicle on any public road or portion thereof, including by-laws relating to the installation, regulation, supervision, maintenance and control of parking meters and parking places;”;</p> <p>(b) by the substitution for paragraph (e) of subsection (1) of the following paragraph:</p> <p>“(e) subject to the provisions of the Businesses Act, 1991, and any regulation or by-law made thereunder in relation to the restriction, regulation or control of the carrying on of the business of street vendor, pedlar or hawker, any public road which is not to be used by any vehicle, either generally or at specific times;”.</p>
Proclamation No. 208 of 1989	Removal of certain licensing and shop hours restrictions on economic activities	The repeal of the whole.

## ANNEXURE

## (Substitution of first schedule to Ordinance 19 of 1952, OFS)

## “FIRST SCHEDULE

Class of shop	Business which may be carried on and goods which may be sold	Days and hours
Chemist shop.	To supply medicines, surgical requirements and infants' and invalids' foods and requirements and to sell toilet requisites.	At any time on any day.
Bakery.	To sell the goods <u>[authorized by the licence to carry on the business of a baker]</u> in which the shop normally trades.	<b>[On business days: Up to any hour]</b> On Sundays, Good Friday, Ascension Day, Day of the <b>[Covenant]</b> Vow and Christmas Day: From six to nine o' clock in the forenoon.
Fish-shop.	To sell fresh fish.	<b>[On business days: Up to any hour]</b> On Sundays, Good Friday, Ascension Day, Day of the <b>[Covenant]</b> Vow and Christmas Day: From six to nine o' clock in the forenoon.
Butchery.	To <b>[supply]</b> sell fresh meat (including poultry meat).	<b>[On business days: Up to any hour]</b> On Good Friday, Ascension Day, Day of the <b>[Covenant]</b> Vow and Christmas Day: From six to nine o' clock in the forenoon.
Fruit and vegetable shop.	To sell fresh fruit and vegetables and flowers and plants.	On any day except Sunday: Up to any hour.
Cafe, restaurant or eatinghouse.	To supply meals and refreshments and to sell the goods <u>[authorized by the licence to carry on the business of a cafe keeper, restaurant keeper or an eatinghouse keeper or]</u> declared to be privileged goods by the Administrator by notice in the <i>Official Gazette</i> .	At any time on any day.
General dealer's shop.	To sell petrol or oil which is urgently required.	At any time on any day.



## WET OP BESIGHEDE, 1991

Wet No. 71, 1991

No. en jaar	Titel	Omvang van herroeping of wysiging
		<p>3. Die wysiging van artikel 133—</p> <p>(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:</p> <p>“(b) behoudens die bepalings van die Wet op Besighe, 1991, en enige regulasie of verordening daarkragtens uitgevaardig met betrekking tot die beperking, reëling of beheer van die dryf van die besigheid van straathandelaar, venter of smous, die stilhou met en parkering van enige voertuig op 'n openbare pad of gedeelte daarvan, met inbegrip van verordeninge betreffende die installering, reëling, toesig oor, onderhoud en beheer van parkeermeters en parkeerplekke;” en</p> <p>(b) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:</p> <p>“(e) behoudens die bepalings van die Wet op Besighe, 1991, en enige regulasie of verordening daarkragtens uitgevaardig met betrekking tot die beperking, reëling of beheer van die dryf van die besigheid van straathandelaar, venter of smous, enige openbare pad wat nie deur enige voertuig gebruik mag word nie, hetsy in die algemeen of tydens vasgestelde tye;”.</p>
Proklamasie No. 208 van 1989	Opheffing van sekere lisensierings- en winkelurebeperkings op ekonomiese bedrywighede	Die herroeping van die geheel.

## AANHANGSEL

(Vervanging van eerste bylae by Ordonnansie 19 van 1952, OVS)

## “EERSTE BYLAE

Soort winkel	Sake wat gedoen en goedere wat verkoop mag word	Dae en ure
Aptekerswinkel.	Vir die verskaffing van medisyne, heelkundige benodigdhede en benodigdhede en voedsel vir kinders en siek persone en die verkoop van toiletbenodigdhede.	Te eniger tyd op enige dag.
Bakkery.	Om die goedere te verkoop [wat deur die lisensie om die besigheid van 'n bakker te dryf, gemagtig word] waarin die winkel gewoonlik handel dryf.	[Op besigheidsdae: Tot enige uur] Op Sondag, Goeie Vrydag, Hemelvaartdag, Geloftedag en Kersdag: Van sesuur tot negeuur in die voormiddag.
Viswinkel.	Om vars vis te verkoop.	[Op besigheidsdae: Tot enige uur] Op Sondag, Goeie Vrydag, Hemelvaartdag, Geloftedag en Kersdag: Van sesuur tot negeuur in die voormiddag.
Slaghuis.	Om vars vleis (met inbegrip van vleis van pluimvee) te verkoop.	[Op besigheidsdae: Te eniger tyd] Op Goeie Vrydag, Hemelvaartdag, Geloftedag en Kersdag: Van sesuur tot negeuur in die voormiddag.
Vrugte- en groentewinkel.	Om vars vrugte en groente, blomme en plante te verkoop.	Op enige dag behalwe 'n Sondag: Tot enige uur.
Kafee, restaurant of eet-huis.	Om maaltye en verversings te verskaf en om die goedere te verkoop [wat deur die lisensie om sodanige besigheid te dryf, gemagtig word of] wat die Administrateur by kennisgewing in die <i>Offisiële Koerant</i> tot bevooregte goedere verklaar het.	Te eniger tyd op enige dag.
Algemene handelaarswinkel.	Om petrol of olie wat dringend nodig is, te verkoop.	Te eniger tyd op enige dag.

## Act No. 71, 1991

## BUSINESSES ACT, 1991

Class of shop	Business which may be carried on and goods which may be sold	Days and hours
General dealer's shop restricted to sell only <b>[the goods which a licensed fresh produce dealer, as contemplated in Item 10 of Part 1 of the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962), could sell in terms of the said Act] fruit, nuts, vegetables, flowers, plants, tobacco, cigars, cigarettes, matches, eggs, poultry, fresh fish, honey, bread, biscuits, cakes, pastry, confectionery, sweets or dairy produce.</b>	To sell the goods <b>[authorized by the licence to carry on such business] mentioned in the first column.</b>	On any day except a Sunday: Up to any hour.
Milk depot, dairyshop or shop used in connection with the business of a dairy farm.	To sell fresh milk.	At any time on any day.
<b>[Art gallery]</b>	<b>[To sell original</b> (i) <b>paintings and other graphic works of art;</b> (ii) <b>sculptures, whether proper or in relief; and</b> (iii) <b>hand made mosaic work.]</b>	<b>[On a business day: Up to any hour.]</b>



## WET OP BESIGHEDE, 1991

Wet No. 71, 1991

Soort winkel	Sake wat gedoen en goedere wat verkoop mag word	Dae en ure
Algemene handelaars-winkel wat beperk is om net die volgende goedere te verkoop [wat 'n gelisensieerde handelaar in vars produkte, soos in Item 10 van Deel 1 van die Tweede Bylae by die Wet op Lisensies, 1962 (Wet No. 44 van 1962), bedoel, in-gevolge genoemde Wet kan verkoop], naamlik, vrugte, neute, groente, blomme, plante, tabak, sigare, sigarette, vuurhoutjies, eiers, pluimvee, vars vis, heuning, brood, beskuit, koek, pasteigebak, banketware, lekkers of suiwelprodukte.	Om die goedere genoem in die eerste kolom te verkoop [wat deur die lisensie om sodanige besigheid te dryf, gemagtig word].	Op enige dag behalwe 'n Sondag: Tot enige uur.
Melkdepot, melkwinkel of winkel gebruik in verband met die besigheid van 'n melkplaas.	Om vars melk te verkoop.	Te eniger tyd op enige dag.
<b>[Kunsgalery.]</b>	<b>[Om oorspronklike</b> (i) skilderye en ander grafiese kunswerke; (ii) beeldhouwerk, hetsy in die geheel of in reliëf; en (iii) handgemaakte mosaïekwerk, te verkoop.]	<b>[Op 'n besigheidsdag: Tot enige uur.]''.</b>

