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DEPARTMENT OF THE PRIME MINISTER

No. 775.

11 April 1979.

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

No. 38 of 1979: Hotels Amendment Act, 1979.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 775.

11 April 1979.

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

No. 38 van 1979: Wysigingswet op Hotelle, 1979.

Act No. 38, 1979

HOTELS AMENDMENT ACT, 1979.

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 amend the Hotels Act, 1965, so as to further regulate the registration and inspection of accommodation establishments; to prohibit the impersonation of inspectors designated under that Act; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 3 April 1979.)

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

Amendment of section 1 of Act 70 of 1965, as amended by section 58 of Act 70 of 1968 and section 30 of Act 57 of 1975.

1. Section 1 of the Hotels Act, 1965 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Liquor Act" of the following definition: 5
 "‘Liquor Act’ means the Liquor Act, **[1928 (Act No. 30 of 1928)]** 1977 (Act No. 87 of 1977);”.

Amendment of section 14 of Act 70 of 1965, as amended by section 25 of Act 101 of 1969.

2. Section 14 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph: 10
 “(a) conducts an accommodation establishment in respect of which an hotel liquor licence **[and a certificate of classification]** is held under the Liquor Act;”;
 - (b) by the substitution for paragraph (g) of subsection (1) of the following paragraph: 15
 “(g) conducts an accommodation establishment in respect of which written authority to sell liquor for consumption thereon is held under section 20 **[100bis or 100sex]** 23 (1) (a) or (b) of the Liquor Act;”;
 - (c) by the deletion of subsection (3); and
 - (d) by the substitution for subsection (4) of the following subsection: 25
 “(4) The Board shall **[upon receipt]** after consideration of an application in terms of paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection (1), register the accommodation establishment in question as an hotel if in its opinion— 30
 (a) in the case of an application in terms of the said paragraph (a), (c), (e) or (g), the accommodation establishment complies with the requirements determined in terms of section 15 (2) for any grade of hotel in any group for which provision is made in terms of this Act and in which such establishment is capable of being included; or 35
 (b) in the case of an application in terms of the said paragraph (b), (d) or (f), the accommodation establishment, when erected or when the additions 40
 or alterations have been completed, will comply with the requirements determined in terms of

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enige graad van hotel in 'n groep waarvoor aldus voorsiening gemaak word en waarin sodanige inrigting ingesluit sou kon word."

3. Artikel 17 van die Hoofwet word hierby deur die volgende 5 artikel vervang:

Vervanging van artikel 17 van Wet 70 van 1965.

10 „Inspeksies en 17. Voordat hy 'n huisvestingsinrigting **[(behalwe**
ondersoeke. **'n huisvestingsinrigting waarop subartikel (3) van**
artikel veertien betrekking het)] ingevolge artikel
14 as 'n hotel registreer of ingevolge artikel 16 die
groep waartoe 'n hotel behoort, bepaal of 'n hotel
gradeer, moet die raad sodanige inrigting of hotel
deur een of meer inspekteurs laat inspekteer en kan hy
die verdere ondersoeke met betrekking daartoe instel
of laat instel wat hy goedvind."

15 4. Artikel 25 van die Hoofwet word hierby gewysig deur die
volgende subartikel by te voeg:

Wysiging van artikel 25 van Wet 70 van 1965.

20 „(4) Iemand wat nie 'n inspekteur is nie en wat hom as 'n
inspekteur voordoet, is aan 'n misdryf skuldig en by
skuldigbevinding strafbaar met 'n boete van hoogstens
tweehonderd rand of met gevangenisstraf vir 'n tydperk van
hoogstens ses maande of met sowel sodanige boete as
sodanige gevangenisstraf."

5. Artikel 33 van die Hoofwet word hierby gewysig deur die
voorbehoudsbepaling by paragraaf (a) van subartikel (2) te skrap.

Wysiging van artikel 33 van Wet 70 van 1965, soos gewysig deur artikel 59 van Wet 70 van 1968 en artikel 6 van Wet 17 van 1970.

25 6. Hierdie Wet heet die Wysigingswet op Hotelle, 1979.

Kort titel.

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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

Tot wysiging van die Wet op Hotelle, 1965, ten einde die registrasie en inspeksie van huisvestingsinrigtings verder te reël; die personasie van inspekteurs kragtens daardie Wet aangewys, te verbied; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 April 1979.)

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

1. Artikel 1 van die Wet op Hotelle, 1965 (hieronder die Wysiging van artikel 1 van Wet 70 van 1965, soos gewysig deur artikel 58 van Wet 70 van 1968 en artikel 30 van Wet 57 van 1975.
- 5 Hoofwet genoem), word hierby gewysig deur die omskrywing van „Drankwet” deur die volgende omskrywing te vervang:
„„Drankwet” die Drankwet, **[1928 (Wet No. 30 van 1928)]** 1977 (Wet No. 87 van 1977);”.
2. Artikel 14 van die Hoofwet word hierby gewysig—
 - 10 (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
„(a) ’n huisvestingsinrigting dryf ten opsigte waarvan ’n hoteldranklisensie **[en ’n klassifikasiesertifikaat]** ingevolge die Drankwet gehou word;”;
 - 15 (b) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:
„(g) ’n huisvestingsinrigting dryf ten opsigte waarvan daar kragtens artikel **[100bis of 100sex]** 23 (1) (a) of (b) van die Drankwet skriftelike magtiging om drank vir gebruik daarbinne te verkoop, gehou word;”;
 - 20 (c) deur subartikel (3) te skrap; en
 - (d) deur subartikel (4) deur die volgende subartikel te vervang:
25 „(4) Die raad moet, **[by ontvangs]** na oorweging van ’n aansoek ingevolge paragraaf (a), (b), (c), (d), (e), (f) of (g) van subartikel (1), die betrokke huisvestingsinrigting as ’n hotel registreer indien, na sy mening—
30 (a) in die geval van ’n aansoek ingevolge genoemde paragraaf (a), (c), (e) of (g), die huisvestingsinrigting voldoen aan die vereistes wat ingevolge artikel 15 (2) bepaal is vir enige graad van hotel in ’n groep waarvoor daar ingevolge hierdie Wet voorsiening gemaak word en waarin sodanige inrigting ingesluit sou kon word; of
35 (b) in die geval van ’n aansoek ingevolge genoemde paragraaf (b), (d) of (f), die huisvestingsinrigting, wanneer dit opgerig is of wanneer die uitbreidings of veranderings gemaak is, sal voldoen aan die vereistes wat ingevolge artikel 15 (2) bepaal is vir
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section 15 (2) for any grade of hotel in any group for which provision is so made and in which such establishment is capable of being included.”.

Substitution of
section 17 of
Act 70 of 1965.

3. The following section is hereby substituted for section 17 of the principal Act:

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“Inspections
and
investigations.

17. Before registering an accommodation establishment **[(other than an establishment to which subsection (3) of section fourteen relates)]** as an hotel in terms of section 14 or determining the group to which an hotel belongs or grading an hotel in terms of section 16, the board shall cause such establishment or hotel to be inspected by one or more inspectors, and may make or cause to be made such further investigations in regard thereto as it may deem fit.”.

Amendment of
section 25 of
Act 70 of 1965.

4. Section 25 of the principal Act is hereby amended by the addition of the following subsection:

“(4) Any person not being an inspector who pretends to be an inspector shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

Amendment of
section 33 of
Act 70 of 1965,
as amended by
section 59 of
Act 70 of 1968
and section 6 of
Act 17 of 1970.

5. Section 33 of the principal Act is hereby amended by the deletion of the proviso to paragraph (a) of subsection (2).

Short title.

6. This Act shall be called the Hotels Amendment Act, 1979.