

PROVINCE OF THE WESTERN CAPE

**WESTERN CAPE
LIQUOR AMENDMENT BILL**

(As amended by the Standing Committee on Community Safety)

(MINISTER OF COMMUNITY SAFETY)

[B 4B—2016]

PROVINSIE WES-KAAP

**WES-KAAPSE
DRANKWYSIGINGSWETSONTWERP**

(Soos gewysig deur die Staande Komitee oor Gemeenskapsveiligheid)

(MINISTER VAN GEMEENSKAPSEVEILIGHEID)

[W 4B—2016]

IPHONDO LENTSHONA KOLONI

**UMTHETHO OSAYILWAYO
WOLUNGISO WOTYWALA
WENTSHONA KOLONI**

(Njengoko ulungisiwe yiKomiti eSisigxina kuKhuseleko loLuntu)

(UMPHATHISWA WEZOKHUSELEKO LO LUNTU)

[B 4B—2016]

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GENERAL EXPLANATORY NOTE:

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

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

AMENDMENT BILL

To amend the Western Cape Liquor Act, 2008, in respect of certain definitions; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Amendment of section 1 of Act 4 of 2008, as amended by section 2 of Act 10 of 2010 and section 1 of Act 3 of 2015

1. Section 1 of the Western Cape Liquor Act, 2008 (the principal Act), is amended— 5
 - (a) by the deletion of the definition of “Department”;
 - (b) by the substitution for the definition of “Minister” of the following definition:

“ **‘Minister’** means the [**provincial Minister responsible for economic affairs in the Province**] member of the Provincial Cabinet to whom the 10
administration of this Act or any power or function in this Act has been
assigned or transferred by the Premier;”; and
 - (c) by the deletion of the definition of “standing committee”.

Substitution of words

2. The principal Act is amended by the substitution for the words “standing committee”, wherever they occur, of the words “relevant standing committee of the 15
 Provincial Parliament”.

Short title

3. This Act is called the Western Cape Liquor Amendment Act, 2016.

**EXPLANATORY MEMORANDUM ON THE AMENDMENTS
OF THE
STANDING COMMITTEE ON COMMUNITY SAFETY
TO THE
WESTERN CAPE LIQUOR AMENDMENT BILL
[B 4—2016]**

Memorandum as contemplated in Rule 174(2) of the Standing Rules.

This memorandum must be read in conjunction with the memorandum on the *Western Cape Liquor Amendment Bill* [B 4—2016]. The objects of the Bill remain the same.

1. The word “Department”, as defined in the principal Act, is not used in the principal Act, and the definition of “Department” is therefore deleted from the principal Act.
2. Section 1(b) of the amendment Bill is amended to make it less prescriptive, and to define the “Minister” as a member of the Provincial Cabinet to whom the administration of this Act or any power or function in this Act has been assigned or transferred by the Premier. Should the executive determine that it would be appropriate to transfer responsibility for the principal Act in future, it would be entitled to do so in terms of section 47 of the Constitution of the Western Cape, 1997, without necessitating a legislative process.
3. In order to clarify the meaning of the expression “relevant standing committee” in the amendment Bill, the expression is amended to read “relevant standing committee of the Provincial Parliament”.
4. The deletion of clauses 3 and 4 of the amendment Bill is consequential to the amendment of the definition of “Minister” in the amendment Bill as referred to in paragraph 2 above.

**VERDUIDELIKENDE MEMORANDUM OOR DIE WYSIGINGS
VAN DIE
STAANDE KOMITEE OOR GEMEENSKAPSVEILIGHEID
AAN DIE
WES-KAAPSE DRANKWYSIGINGSWETSONTWERP
[W 4—2016]**

Memorandum soos beoog by Reël 174(2) van die Staande Reëls.

Hierdie memorandum moet saamgelees word met die memorandum oor die *Wes-Kaapse Drankwysigingswetsontwerp* [W 4—2016]. Die oogmerke van die Wetsontwerp bly dieselfde.

1. Die woord “Departement”, soos omskryf in die Hoofwet, word nie in die Hoofwet gebruik nie en die omskrywing van “Departement” word daarom uit die Hoofwet geskrap.
2. Artikel 1(b) van die Wysigingswetsontwerp is gewysig om dit minder voorskriftelik te maak, en om Minister te omskryf as lid van die Provinsiale Kabinet aan wie die administrasie van hierdie Wet of enige bevoegdhede en funksies in hierdie Wet opgedra of oorgedra is deur die Premier. Indien die uitvoerende gesag in die toekoms bepaal dat dit gepas is om die verantwoordelikheid vir die Hoofwet oor te dra, sal dit geregtig wees om dit te doen ingevolge artikel 47 van die Grondwet van die Wes-Kaap, 1997, sonder om wetgewende prosesse te noodsaak.
3. Ten einde die betekenis van die uitdrukking tersaaklike staande komitee in die Wysigingswetsontwerp duidelik te maak, is die uitdrukking gewysig om te lees tersaaklike staande komitee van die Provinsiale Parlement.
4. Die skraping van klousule 3 en 4 van die Wysigingswetsontwerp volg op die wysiging van die omskrywing van “Minister” in die Wysigingswetsontwerp, soos na verwys by paragraaf 2 hier bo.

**IMEMORANDAM ECHAZAYO NGEZILUNGISO ZEKOMITI
ESISIGXINA KUKHUSELEKO LOLUNTU KUMTHETHO
OSAYILWAYO WO LUNGISO WOTYWALA WENTSHONA KOLONI
[B 4—2016]**

IMemorandam njengoko icingeleka kuMthetho 174(2) weMithetho eSisigxina.

Le memorandam mayifundwe ngokuhambelana nememorandam ku*Mthetho oSayilwayo woLungiso woTywala weNtshona Koloni* [B 4—2016]. Imiba yoMthetho oSayilwayo ihlala ingaguqulwanga.

1. Igama “iSebe”, njengoko kuchaziwe kuMthetho oyintloko, alisetyenziswa kuMthetho oyintloko, kunye nenkcaza “yeSebe” ngoko ke iyashiywa kuMthetho oyintloko.
2. ICandelo 1(b) loMthetho oSayilwayo woLungiso lilungiswe ukulenza licacise kancinane, kwaye lichaze “uMphathiswa” njengelungu leKhabhinethi yePhondo apho ulawulo lwalo Mthetho okanye igunya okanye umsebenzi walo Mthetho unikezelwe okanye ukhutshelwe yiNkulumbuso. Nje ukuba isigqeba simisele ukuba kuza kufaneleka ukukhuphela uxanduva loMthetho oyintloko kwixa elizayo, siza kuba nelungelo lokwenza njalo ngokwemigaqo yecandelo 47 loMgaqo-siseko weNtshona Koloni, 1997 ngaphandle kokufuna inkqubo yowiso-mthetho.
3. Ukuze kucaciswe intsingiselo yovakaliso “ikomiti esisigxina efanelekileyo” kuMthetho oSayilwayo woLungiso, uvakaliso luyalungiswa ukuba lufundeke ngolu hlobo “ikomiti esisigxina efanelekileyo yePalamente yePhondo”.
4. Ushiyo lwamasolotya 3 nele 4 oMthetho oSayilwayo woLungiso lungenxa yolungiso kwinkcaza yo“Mphathiswa” kuMthetho oSayilwayo woLungiso njengoko kubhekisiwe kumhlathi 2 ngentla apha.

