

Act No. 71, 1991

BUSINESSES ACT, 1991

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*. 5

(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.