



NORTH WEST NOORDWES

EXTRAORDINARY • BUITENGEWOON

**PROVINCIAL GAZETTE
PROVINSIALE KOERANT**

Vol. 261

MAHIKENG
10 OCTOBER 2018
10 OKTOBER 2018

No. 7942

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-4532



9 771682 453002

07942



IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

CONTENTS

Gazette *Page*
No. *No.*

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

211	North West Liquor Licensing Act (6/2016): Department of Economic and Enterprise Development: Regulation notice	7942	3
-----	--	------	---

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 211 OF 2018

DEPARTMENT OF ECONOMY AND ENTERPRISE DEVELOPMENT

REGULATION NOTICE

NORTH WEST LIQUOR LICENSING REGULATIONS, 2018

No. , 2018

I Wendy Joy Nelson, in my capacity as Member of the Executive Council responsible for Liquor Licensing in the North West Province, and in exercising my power to make Regulations in terms of section 91 of the North West Liquor Licensing Act, 2016 (Act No. 6 of 2016), hereby invite members of the public to submit comments in respect of the Draft North West Liquor Licensing Regulations, 2018, contained in the Schedule attached hereto.

Comments must, within thirty (30) days after publication of this Notice, be addressed to:

By Post : The Acting Deputy Director General: Department of Finance,
Economy and Enterprise Development
Attention: Ms Phemelo Jood
Private Bag x15
MMABATHO
2735
Tel: 018 387 7820/1
Fax: 018 384 0287
Email: LJlekake@nwpq.gov.za

By hand : NWDC Building
Cnr. University Drive and Provincial Street
2nd Floor
MMABATHO

Given under my Hand at Mahikeng, this 09th day of October Two thousand and eighteen.


Wendy Joy Nelson (PLM)
Member of the Executive Council responsible for Liquor Licensing

SCHEDULE**ARRANGEMENT OF REGULATIONS***Regulation***PART I****INTRODUCTORY PROVISIONS****1. Definitions****PART II****APPLICATION FOR LIQUOR LICENCE IN TERMS OF SECTION 33 OF ACT**

2. Lodging of application with liquor licensing officer for liquor licence in respect of licence categories listed under sections 31(1)(a) of Act
3. Form of application for liquor licence in respect of licence categories listed under sections 31(1)(a) of Act
4. Inspections (Section 37(1) 38(1)(b) of Act)
5. Procedure in relation to objections or representations in terms of section 35 of Act
6. Delivery of written notice from Liquor Authority in terms of section 39(4)(a) of Act
7. Procedure for applicant's response to objections or representations in terms of section 43(4) of Act
8. Objection hearings by Liquor Authority in terms of section 39(1) of Act
9. Consideration of application for liquor licence by the board
10. Conditional approval notice contemplated in section 41 (1) of Act
11. Conditional approvals in terms of section 41 of the Act
12. Licence certificate upon granting of licence
13. Communication of decision in terms of section 7(1)(b) of Act
14. Special conditions for a grocer's premises

PART III**APPLICATIONS FOR SPECIAL EVENTS PERMITS IN TERMS OF
SECTION 31(1)(c) OF ACT**

15. Procedure for lodging of application for special events permits in terms of section 31(1)(c) of Act
16. Application for special events permit in terms of section 31(3) of Act
17. Objections or representations in respect of application for special events permit in terms of section 53(1)(a) of Act.

**PART IV
APPLICATIONS TO ENGAGE IN MICRO-MANUFACTURING OF LIQUOR
IN TERMS OF SECTION 55(1) OF ACT**

- 18. Application procedure for micro-manufacturing of liquor in terms of section 47(1) of Act
- 19. Inspections in respect of application to engage in micro-manufacturing of liquor in terms of section 48(3) of Act
- 20. Conditional approvals in respect of application to engage in micro-manufacturing of liquor in terms of section 50 of Act
- 21. Prohibition of micro-manufacturing of unhealthy concoctions in terms of section 84 of Act
- 22. Form for appeals against decisions of Liquor Authority in terms of section 53(1) of Act
- 23. Notice of licence certificate or permit in terms of section 54(1) of Act
- 24. Annual fees in terms of section 56 of Act
- 25. Cancellation of licence due to non-trading in terms of section 58(1) of Act
- 26. Death or incapacity of certain licensed persons, or applicants who are holders of conditional grant, or prospective holders or permit holders in terms of section 60 of Act
- 27. Acquisition of financial interest in terms of section 32(1) of Act
- 28. Alteration of licensed premises in terms of section 64 of Act
- 29. Storage of liquor in terms of section 65 of Act

**PART V
TRANSFER OF LICENCE TO PROSPECTIVE HOLDER
IN TERMS OF SECTION 74 OF ACT**

- 30. Procedure for transfer of licence to prospective holder in terms of section 66 of Act
- 31. Procedure relating to incomplete application for transfer of liquor licence to prospective holder in terms of section 66 of Act
- 32. Procedure upon granting of application in respect of transfer of liquor licence to prospective holder in terms of section 66 of Act

**PART VI
REMOVAL OF LICENCE FROM LICENSED PREMISES TO OTHER PREMISES
IN TERMS OF SECTION 75 OF ACT**

- 33. Procedure for removal of licence from licensed premises to other premises in terms of section 67 of Act
- 34. Form of application to Liquor Authority for liquor licence in respect of removal of licence from licensed premises to other premises in terms of section 57 of Act

- 35. Procedure upon receipt of application to Liquor Authority for liquor licence in respect of removal of licence from licensed premises to other premises in terms of section 67 of Act
- 36. Notice of application to liquor licensing officer for liquor licence in respect of removal of licence from licensed premises to other premises in terms of section 67 of Act
- 37. Objections or representations in respect of application for removal of licence from licensed premises to other premises in terms of section 67 of Act
- 38. Filing of inspection report in respect of application for removal of licence from licensed premises to other premises in terms of section 67 of Act
- 39. Applicant's reply in respect of application for removal of licence from licensed premises to other premises in terms of section 67 of Act
- 40. Forwarding of documents to Liquor Authority in respect of application for removal of licence from licensed premises to other premises in terms of section 67 of Act
- 41. Procedure upon granting of application for removal of liquor licence from licensed premises to other premises in terms of section 67 of Act

PART VII
CODE OF CONDUCT FOR MEMBERS OF LIQUOR AUTHORITY

- 42. General conduct of members of Liquor Authority in terms of section 91 of Act
- 43. Rewards, gifts and favours
- 44. Unauthorised disclosure of information
- 45. Intervention in administration
- 46. Duty of responsible member

PART VIII
GENERAL PROVISIONS

- 47. Appointment of inspectors in terms of section 73(1) of Act
- 48. Minimum requirements of licensed premises in respect of Liquor store
- 49. Minimum requirements of licensed premises in respect of Tavern, Restaurants or Pub
- 50. Minimum requirements of licensed premises in respect of Nightclub
- 51. Minimum requirements of licensed premises in respect of grocer's wine outlet
- 52. Short title

PART IX
ANNEXURES

- Annexure A: Application form
- Annexure B: Fees
- Annexure C: Notice of incomplete application
- Annexure D: Notice to display intention to apply for a licence in terms of section 42(1)(b)(iii) of the Act

Annexure E: Notice of application in terms of section 42(1)(b), regulation 5(2) of the Act
Annexure F1: Inspector's Report in terms of section 45(2) of the Act
Annexure G: Inspector's Certificate of Appointment in terms of section 81(1)(b) of the Act
Annexure H: Objection Hearing: Notice in terms of section 47(2) of the Act, to be present and appear at a hearing of the district municipality liquor licensing officer
Annexure I: Licence Certificate in terms of section 62(1) of the Act
Annexure M: Special Events Permit in terms of section 53(7) of the Act
Annexure N: Notice of intention to appeal against the decision of the Liquor-Authority: notice of intention to lodge appeal
Annexure O: Application in terms of section 73(1) of the Act for additional storage of liquor
Annexure P: Application for alteration of business premises
Annexure Q1: Application for transfer of liquor licence to prospective licence holder
Annexure Q2: Transfer of Liquor Licence Certificate
Annexure R: Application for removal of licence from one licensed premises to other premises
Annexure S: Security Plan
Annexure T: Situational Report

PART I INTRODUCTORY PROVISIONS

Definitions

1. In these Regulations, "the Act" means the North West Liquor Licensing Act, 2016 (Act No. 6 of 2016) and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it and, unless the context otherwise indicates –

"applicant" means any person who applies in writing to the Liquor Authority in terms of the Act;

"application" means any application lodged with the Liquor Authority which meets all the requirements as set out in the Act;

"Code of Conduct" means the Code of Conduct of Members of the Liquor Authority referred to in Part VII of these regulations;

"guidelines" means a policy or procedural manual developed by the responsible member subject to amendments from time to time when necessary to –

(a) assist the Liquor Authority in carrying out its mandate;

- (b) guide an applicant in the application process in terms of these regulations;
- (c) guide the licensed traders in terms of compliance with the Act; and
- (d) guide any other party in terms of compliance with the Act.

"member" means a member of the Liquor Authority appointed in terms of section 8(1)(a) of the Act;

"person" means a natural or juristic person;

"public facilities" means public buildings, structures or land developed for the use of the public within a rural, urban or peri-urban area;

"regulations" includes all the annexures; and

"substituted service" means service of documents or notices by e-mail or publication in a newspaper circulating in an area where an individual or a number of individuals, having a direct or indirect interest in the matter, reside/s.

PART II

APPLICATION FOR LIQUOR LICENCE IN TERMS OF SECTION 33 OF ACT

Lodging of application for liquor licence in respect of licence categories listed under sections 31(1)(a) of Act

2.(1) A person applying for a liquor licence in respect of the categories listed under section 31 of the Act must lodge such application with the liquor licensing officer and must pay the application fee contemplated in Annexure B.

(2) The application contemplated in subregulation (1) must be lodged with the liquor licensing officer on any day excluding declared public holidays and weekends at an address provided for by the Liquor Authority in the application form.

(3) An application lodged with the liquor licensing officer as contemplated in subregulation (1) is treated as duly lodged when all necessary documents and information contemplated in sections 33(2) and 47(2) of the Act have been submitted to the Liquor Authority, by a liquor licensing officer.

(4) A liquor licensing officer may not accept any incomplete application.

Form of application for liquor licence in respect of licence categories listed under sections 31(1)(a) of Act

3.(1) An applicant must submit a written application in capital letters and in triplicate, for a licence, using Form NWLA 1 of Annexure A and must –

- (a) furnish such information as required in the application form, and
- (b) declare under oath or truly affirm at the end of the said form that the information contained therein, is true and correct.

(2) Every such application must, at the time lodged with the Liquor Authority, be accompanied by –

- (a) a plan of the premises clearly showing –
 - (i) the dimensions of each room;
 - (ii) all doors, windows and counters;
 - (iii) the entries and exits to the premises; and
 - (iv) the street and places to which such entries and exits lead; and
- (b) a description and size of the premises in square metres with reference to the rooms, including kitchens, ablution facilities, store rooms and the service area where liquor is to be served;
- (c) where the building is already erected, colour photographs clearly depicting the requirements of paragraph (b) above must be included with the plan; and
- (d) a comprehensive written representation or motivation in support of the application which must include –
 - (i) public interest requirements contemplated in section 40(6) of the Act, which must include –
 - (aa) the need for a liquor outlet in the area;
 - (bb) the socio-economic impact of a liquor outlet in the area; and
 - (cc) the capability of the applicant to run the outlet; and
 - (ii) the number of people to be employed;
 - (iii) the social responsibility program proposal by the applicant;
 - (iv) the proximity of other licensed outlets, learning institutions and religious institutions and other public recreational facilities within the 500m radius to the proposed premises;
 - (v) the security plan contemplated in Annexure S, including the impact assessment on the prevalence of crime as contemplated in section 40(6)(b)(i) of the Act;

- (vi) the criteria as contemplated in section 40(6)(b) of the Act;
- (vii) a valid and active tax clearance certificate; and
- (viii) a police clearance certificate.

Inspection report (section 37(1)(b) of Act)

4 (1) An inspector appointed in terms of section 73(1)(a) of the Act, must conduct an inspection and submit a report in terms of section 38(1)(b) of the Act, contained in Form NWLA 5A of Annexure F1.

Inspections (section 38(1)) of Act)

(2) Where the liquor licensing officer has, in terms of 37(1) of the Act, directed an inspector, appointed in terms of section 73(1)(a) of the Act, to carry out an inspection, such inspector must do so and submit a report by completing Form NWLA 5A of Annexure F1, to the liquor licensing officer within 14 days after conducting such an inspection.

Procedure in relation to objections or representations in terms of section 35 of Act

5.(1) A person making representations or lodging objections to an application for a liquor licence lodged in terms of section 33 of the Act must comply with the requirements as set out in section 35(3) of the Act.

(2) Upon receipt of written representations, the Liquor Authority must cause a copy of such representations to be sent by registered post or delivered to an applicant, advising such applicant to respond in writing to the written representations or submissions regarding the proposed award of the licence.

Delivery of written notice from Liquor Authority in terms of section 39(4)(a) of Act

6.(1) The written notice of an objection hearing may be delivered to an address provided by the applicant in terms of section 39(4)(a) of the Act using Form NWLA 3 of Annexure D; –

- (a) by publication in at least one newspaper circulating in the area in which the proposed premises will be located,
- (b) by post to the address provided for by the applicant; or
- (c) by an e-mail address provided for by the applicant; or
- (d) by sms to the cellphone number provided by the applicant, in the application form.

(2) The notice referred to in subregulation (1) must also be given to any party that lodged the objection in the same manner provided for in subregulation (1).

Procedure for applicant's response to objections or representations in terms of section 35(4) of Act

7. An applicant may, not later than 14 days after delivery of an objection or representation in terms of section 35(4) of the Act, or an inspection report, submit, in triplicate, his or her written response to the Liquor Authority.

Objection hearings by Liquor Authority in terms of section 39(1) of Act

8.(1) Upon receipt of the response contemplated in regulation 7 and where the matter –

(a) is clear in terms of the written representations; and

(b) is capable of being determined in terms of the papers before the Liquor Authority,

the Liquor Authority may dispense with the holding of an objection hearing as contemplated in section 39(1) of the Act.

(2) Where the Liquor Authority holds an objection hearing, it must do so in compliance with section 39(2) of the Act and must notify affected parties using Form NWLA 7 of Annexure H.

(3) The notice contemplated in regulation 6(1) must be given at least 14 days before such hearing takes place.

Consideration of Application for liquor licence by the Board

9.(1) Conditional authority may be issued in terms of section 41(1) of the Act, if all the requirements and consideration are met and the granting will be in the public interest.

Conditional approval notice contemplated in section 41(1) of Act.

10.(1) The Officer must within seven days issue to the applicant, a conditional approval notice granted in terms of section 41(1) of the Act.

(2) Any approval issued in terms of this regulation is not transferable.

Conditional approvals in terms of section 41 of the Act

11.(1) If the applicant fails to comply with the conditions contemplated in section 41(1) of the Act within 18 months from the date of granting of the application, the granting of the

conditional approval lapses, unless a written request for extension contemplated in subregulation (2) has been made.

(2) The applicant contemplated in subregulation (1) must make a written request to the Liquor Authority for an extension of the period contemplated in subregulation (1) at least one month prior to the expiry of such period referred to in subregulation (1) and must justify the basis of the extension.

(3) The onus rests with the applicant to ensure that the application for an extension period not exceeding twelve months referred to in subregulation (2) is received by the Liquor Authority at least one month prior to the expiry of the conditional approval.

(4) Where the applicant fails to comply with the time frames contemplated in subregulations (1) and (3) the conditional approval is deemed to have lapsed.

(5) The applicant must on completion of the structure inform the Liquor Authority to conduct a final inspection.

(6) If the Liquor Authority is satisfied that the completed structure complies with the approved plan, then the license will be issued.

Licence certificate upon granting of licence

12.(1) In respect of licence applications, the Officer must –

- (a) after an application for a licence has been granted, issue a licence certificate in the applicant's name, using Form NWLA 8 of Annexure I;
- (b) keep and maintain, in due and proper order, a register in respect of all decisions of the Liquor Authority in respect of such applications;
- (c) maintain a catalogue in chronological order of all the decisions of the Liquor Authority; and
- (d) perform all other functions and duties required of the Officer in terms of this Act.

(2) A licence certificate issued in terms of subregulation (1) must include –

- (a) a licence number;
- (b) the date on which the applicant's name was entered in the register;
- (c) the address of the premises in respect of which a licence has been granted;
- (d) the conditions upon which the licence was granted;
- (e) the trading hours and trading days applicable to the licence; and

(f) the category of licence.

Communication of decision in terms of section 51(1) of Act

13.(1) Where the Liquor Authority has made a decision to grant a licence, the Officer must inform the applicant that the licence will be issued upon payment of the application fee within 30 days of notice.

(2) When communicating the decision contemplated in subregulation (1) the Officer must also inform any person who objected or made representations, as contemplated in section 38(1)(c) of the Act, of the right to appeal the decision of the Liquor Authority by following the process contemplated in section 53 of the Act.

Special conditions for a grocer's premises

14.(1) A holder of a grocer's wine licence in respect of a grocer's premises must ensure that a separate and demarcated area is set aside within the grocer's premises for the purposes of retail sale of liquor in terms of the Act.

(2) The area contemplated in subregulation (1) must be clearly marked on the floor plan of the store.

(3) The area contemplated in subregulation (1) must have –

- (a) strictly controlled entry and exit points; and
- (b) appropriate signage to be displayed at the entrance to the liquor section within the grocer's premises prohibiting entry of persons under the age of 18.

(4) A licence holder must ensure that the tellers and other staff members within the demarcated area are trained not to sell liquor to persons under the age of 18.

(5) Where a licence holder or a staff member in the employ of a licence holder reasonably suspects a customer to be underage, such licence holder or staff member in the employ of the licence holder must require the customer to provide positive identification or proof of age.

PART III
APPLICATIONS FOR SPECIAL EVENTS PERMITS IN TERMS OF
SECTION 31(1)(c) OF ACT

Procedure for lodging of application for special events permits in terms of section 31(1)(c) of Act

15.(1) A person applying for a special events permit in terms of section 31(1)(c) of the Act must lodge such application with the liquor licensing officer, using Form NWLA 1 of Annexure A and must pay the application fee for special events permits contemplated in Annexure B.

(2) The application for a special events permit contemplated in subregulation (1) must be lodged with the liquor licensing officer on any day and within 14 days prior to the date of the event.

(3) An application lodged with the liquor licensing officer as contemplated in subregulation (1) is treated as duly lodged when all necessary documents and information required in the form have been submitted to the Liquor Authority.

(4) A liquor licensing officer may not accept any incomplete application.

Application for special events permits in terms of section 31(3) of Act

16.(1) Where an applicant applies for a special events permit, such application must be in writing, in capital letters and in triplicate, using Form NWLA 1 of Annexure A.

(2) Where an applicant applies for a special events permit contemplated in subregulation (1), such applicant must –

- (a) furnish such information as is required in the application form;
- (b) furnish the name of the person who will manage the sale of liquor at the special event; and
- (c) submit a Safety at Sports and Recreational Events Act, 2010 (Act 2 of 2010) certificate
- (d) The application for a special events permit must be accompanied by a duly completed situational report contemplated in Form NWLA 20 of Annexure T.
- (e) declare under oath or truly affirm at the end of the form that the information contained therein, is true and correct.

(3) If the premises where the special event contemplated in subregulation (1) is in a residential area the applicant must give notice of the application to the public using the procedure contemplated in section 34(3)(a) and (b) of the Act .

(4) A liquor licensing officer may not accept any incomplete application.

(5) The onus rests with the applicant to ensure that –

(a) the application for a special events permit is complete; and

(b) the application for the special events permit is submitted to the officer timeously.

(6) Where the application for a special events permit is complete, the Officer must, within five days of receipt thereof, consider the application.

(7) Where the Officer grants a permit in terms of section 45(2)(a) of the Act he or she must do so using Form NWLA 12 of Annexure M.

(8) Any approval issued in terms of this regulation is not transferable.

(9) The applicant is liable for a fee contemplated in Annexure B for each trading day for the duration of the special event.

(10) The fee contemplated in subregulation (9) is payable prior to the issue of the special events permit.

(11) Where the application contemplated in subregulation (1) is rejected, the Officer must notify the applicant of his or her right to appeal the decision of the Officer by following the process contemplated in section 53 of the Act.

Objections or representations in respect of granting of application for special events permit in terms of section 45 of Act

17.(1) In the interest of the public the Officer must consider all written representations received when considering an application for a special events permit.

(2) The representations contemplated in subregulation (1) must be received by the Officer not later than five days from the date upon which such notice of the proposed special event as contemplated in regulation 16 (3).

(3) The representations referred to in subregulation (2) must be filed at the offices of the Officer.

(4) Any person making representations contemplated in subregulation (2) must –

- (a) set out his or her full names and address;
- (b) provide a certified copy of the identity document of such applicant, if natural person;
- (c) state the nature of the person's interest in the application; and
- (d) provide comprehensive grounds for representation concerning the special events permit application.

(5) Any juristic person making representations contemplated in subregulation (2) must –

- (a) set out its name, registration number, address and full names and address its duly authorised representative;
- (b) provide a certified copy of the identity document of its representative;
- (c) state the nature of the person's interest in the application; and
- (d) provide comprehensive grounds for representation concerning the special events permit application.

(6) Upon receipt of written representations contemplated in subregulation (2), the Officer must cause a copy of such representations to be delivered to the applicant, advising such applicant to respond in writing to the written representations or submissions within 48 hours of receipt of the notification.

PART IV **APPLICATIONS TO ENGAGE IN MICRO-MANUFACTURING OF LIQUOR** **IN TERMS OF SECTION 47(1) OF ACT**

Application procedure for micro-manufacturing of liquor in terms of section 47(1) of Act

18.(1) A person who wishes to engage in the micro-manufacturing of liquor as contemplated in section 47(1) of the Act must –

- (a) lodge an application with the liquor licensing officer in writing, using Form NWLA 1 in Annexure A; and
- (b) pay the application fee contemplated in Annexure B.

(2) The application contemplated in subregulation (1) must be lodged with the liquor licensing officer on any day at an address provided for by the officer in the application form.

(3) The premises, in respect of which licensing to engage in micro-manufacturing of liquor is being sought, must meet the prescribed requirements of the standard building regulations of a municipality within which the business is situated.

(4) Every such application must, at the time lodged with the liquor licensing officer, be accompanied by –

(a) a plan of the premises clearly showing –

(i) the dimensions of each room;

(ii) all counters, doors and windows which serve as a means of entry and exit to the premises; and

(iii) the street and places to which such entries and exits lead;

(b) a description and size of the premises, in square metres;

(c) the construction material of the structure;

(d) where the premises contemplated in paragraphs (a) and (b) are already erected, colour photographs clearly depicting the facilities outlined in paragraphs (a) and (b) must be included;

(e) a comprehensive written representation or motivation in support of the application, which must include –

(i) public interest requirements contemplated in section 40(6) of the Act, which must include –

(aa) the need for a micro-manufacturing facility in the area;

(bb) the economic impact of a micro-manufacturing facility in the area;

(cc) the capability of the applicant to run the facility in terms of infrastructure and industry expertise; and

(ii) the number of people to be employed;

(iii) the social responsibility program proposal by the applicant;

(iv) the proximity of other licensed outlets and micro-manufacturing facilities, learning institutions and religious institutions and other public recreational facilities to the proposed premises; and

(f) a valid and active tax clearance certificate; and

(g) a police clearance certificate which is in the form of an SAPS 69.

(5) The application contemplated in subregulation (1) must include –

- (a) the physical address of the facility where the business will be conducted or a description of the location of the premises in terms of identifiable landmarks;
- (b) a detailed written motivation in support of the licence application;
- (c) the required particulars of the applicant;
- (d) a plan of the premises clearly showing the dimensions of each room;
- (e) a description of the premises with reference to the rooms, service buildings and construction material and, if the building is already erected, colour photographs clearly depicting the above and must be included;
- (f) proof of a business- or trading licence issued by the relevant organ of state in terms of any law or by-law to enable the applicant to trade;
- (g) proof of lawful occupation of the premises in the form of a title deed or a lease agreement in the name of the applicant or a permission to occupy the premises issued in favour of the applicant by the relevant authority;
- (h) written consent from the owner of the premises or the relevant authority for the applicant to conduct the intended business from the premises concerned;
- (i) in relation to premises not yet constructed or under construction –
 - (i) the details of such proposed premises, including a detailed sketch plan of the premises showing the rooms, buildings and construction material; and
 - (ii) other relevant information; and
- (j) proof of certification from the relevant government department certifying that the product to be micro-manufactured is in compliance with the Liquor Products Act, 1989 (Act No. 60 of 1989), as amended.

(6) The Officer must –

- (a) receive all applications contemplated in subregulation (1), from the relevant licensing officer;
- (b) endorse on each application the date of receipt;
- (c) compile a list of applicants; and
- (d) upon receipt of an application from the relevant licensing officer, examine the application in order to determine whether it is complete.

(7) If the Officer determines that the application is incomplete, he or she must forthwith issue a notice calling on the applicant to supplement or remedy the incomplete application within 14 days.

Inspections in respect of application to engage in micro-manufacturing of liquor in terms of section 48(2) of Act

19. In terms of section 48(3) read with subsection (3) of the Act, the inspector must conduct the inspection and submit a report to the Liquor Authority using Form NWLA 5A of Annexure F1.

Conditional approvals in respect of application to engage in micro-manufacturing of liquor in terms of section 50 of Act

20.(1) If the applicant fails to comply with the conditions contemplated in section 50 of the Act within 18 months from the date of granting of the licence, the conditional approval lapses and such approval is deemed not to have been granted: Provided that a written request for an extension contemplated in subregulation (2) has been made.

(2) The applicant contemplated in subregulation (1) may make a written request to the Liquor Authority for an extension of a period not exceeding 6 months contemplated in subregulation (1), one month prior to the expiry of such period referred to in subregulation (1).

(3) The onus rests with the applicant to ensure that the application for extension referred to in subregulation (2) is received by the Liquor Authority one month prior to the expiry of the conditional approval.

(4) Where the applicant fails to comply with the time frames contemplated in subregulations (1) and (3), the conditional approval is deemed to have lapsed.

(5) The applicant must ensure that the relevant business or trading licence is secured and submitted to the Liquor Authority within the period referred to in subregulations (1) and (3).

Prohibition of micro-manufacturing of unhealthy concoctions in terms of section 84 of Act

21. A holder of a licence under the category micro-manufacturing of liquor may not manufacture liquor other than that approved by the relevant government department and in compliance with the Liquor Products Act, 1989 (Act No. 60 of 1989), as amended.

Form for appeals against decisions of Liquor Authority in terms of section 53(1) of Act

22. Where a person affected by a decision taken by the Liquor Authority wishes to appeal against such decision, such person must, in terms of section 53(1) of the Act lodge a notice of intention to appeal, using Form NWLA 13 of Annexure N.

Notice of licence certificate issued in terms of section 54(1) of Act

23. Where a licence has been granted by the Liquor Authority, the Officer must, after having received payment of the prescribed licence fee contemplated in Annexure B, issue a licence certificate in the applicant's name using Form NWLA 8 of Annexure I.

Annual fees in terms of section 56 of Act

24.(1) A licence holder must pay the annual fee contemplated in Annexure B on or before the expiry date of the licence.

(2) The payment of the annual fee contemplated in subregulation (1) constitutes a renewal of a licence for a period of one year.

(3) Upon payment of the annual fee contemplated in subregulation (1) the licence holder must provide the Liquor Authority with a –

- (a) copy of the liquor licence;
- (b) copy of the identity document of the licence holder; and
- (c) valid, active tax clearance certificate issued by the South Africa Revenue Service.
- (d) letter of authority or executorship where applicable.

(4) The application for renewal contemplated in subregulation (3) is deemed to be complete when all the documents contemplated in subregulation (3) are submitted.

(5) The responsible Member of the Executive Council may, by notice in the *Gazette* and after consultation with the Member of the Executive Council responsible for Finance, review the prescribed fees contemplated in Annexure B annually.

Cancellation of licence due to non-trading in terms of section 58(1) of Act

25.(1) Before the Liquor Authority decides to, upon application by an interested person, cancel a licence in terms of section 58(1) of the Act, the Liquor Authority must notify the licence holder of the intended decision.

(2) The notice contemplated in subregulation (1) must clearly state the licence holder's right to make representations as to why the licence should not be cancelled.

(3) The notice contemplated in subregulation (1) must clearly state the time frame within which and to whom such representations must be made.

(4) Once the Liquor Authority has received the representations contemplated in subregulation (2) it may decide to either hold an enquiry or decide on the matter, on the basis of the information received from or representations made by the licence holder.

(5) Once a decision has been reached by the Liquor Authority it must be communicated to the licence holder within 14 days after taking such a decision.

(6) The licence holder has the right to appeal the decision of the Liquor Authority by following the process contemplated in section 53 of the Act.

(7) Any licence cancelled in terms of section 58(1) of Act must not be lodged within 18 months from the date of cancellation.

Death or incapacity of certain licensed persons, or applicants who are holders of conditional grant, or prospective holders in terms of section 60 of Act

26.(1) In circumstances where the interest held in a licensed business by a person who is under curatorship or is deceased passes, by operation of law or otherwise, to his or her estate or to any person who applies in terms of section 60(2)(a)(i) of the Act, such person must, within 12 months after the date of such death or curatorship applies, in writing, apply to the Liquor Authority for a licence.

(2) The applicant contemplated in subregulation (1) must submit a written application, in duplicate and in capital letters, for a licence using Form NWLA 17A of Annexure Q1 and must –

(a) furnish such information as solicited in the application form; and

(b) declare under oath or truly affirm at the end of the said form that the information contained therein is true and correct.

(3) The application contemplated in subregulation (1) must include –

- (a) a copy of the liquor licence and death certificate;
- (b) a copy of the identity document of the applicant contemplated in subregulation(1);
- (c) a copy of the identity document of a licensed person, or an applicant who is a holder of a conditional grant, or a prospective holder, who is sequestered, placed on liquidation or under judicial management or is deceased;
- (d) the applicant's valid and active tax clearance certificate issued by the South African Revenue Service; and
- (e) a police clearance certificate.

(4) The application contemplated in subregulation (1) is deemed to be complete when all the documents contemplated in subregulation (3) are submitted.

Acquisition of financial interest in terms of section 61(1) of Act

27.(1) A licensed person may not allow any other person to acquire a financial interest in the business to which the licence relates, unless the Liquor Authority has, in terms of section 61(1) of the Act, upon written application by the licensed person made by using Form NWLA 17A of Annexure Q1, granted consent that the other person may acquire that interest in that business.

(2) The application contemplated in subregulation (1) must be accompanied by –

- (a) a valid tax clearance certificate of the person who is acquiring a financial interest; and
- (b) a certificate issued by the South African Police Service indicating whether or not the person who is acquiring the financial interest has been convicted of any criminal offences.

(3) Where the Liquor Authority decides to approve the acquisition of a financial interest contemplated in subregulation (1), such interest or acquisition may not exceed the percentage of interest that the licence holder has in the business.

(4) Before the Liquor Authority decides to approve the transfer contemplated in subregulation (2), the Liquor Authority may investigate the status of the proposed person who is the subject

of the application to ensure that such person is not disqualified in terms of the Act.

(5) In investigating the person contemplated in subregulation (4) the Officer may, on good cause shown, invite the public to make representations as to why the acquisition contemplated in subregulation (1) may not be approved.

(6) Where the Liquor Authority rejects the application contemplated in subregulation (2), the applicant or the person who is acquiring a financial interest may appeal against the decision of the Liquor Authority by following the process contemplated in section 53 of the Act.

Alteration of licensed premises in terms of section 64 of Act

28.(1) A licence holder wishing to –

- (a) effect structural alterations to the licensed premises; or
- (b) change the floor plan,

must apply in writing, using Form NWLA 15 of Annexure P, to the Liquor Authority for approval.

(2) An application contemplated in subregulation (1) must be accompanied by –

- (a) a revised plan with the alterations of the premises marked in red together with the relevant approval by the relevant authority where applicable;
- (b) a written representation;
- (c) a description of the licensed premises;
- (e) a certified copy of the identity document of the licence holder or memorandum of incorporation, if it is a juristic person;
- (f) proof of payment of the prescribed fee, as contemplated in Annexure B to these regulations; and
- (g) where applicable, consent from the owner of the premises.

(3) An application contemplated in subregulation (1) is treated as duly lodged when all necessary documents have been submitted to the Liquor Authority.

(4) Upon receipt of the application contemplated in subregulation (2), the Liquor Authority must, within 14 days, dispatch an inspector to conduct an inspection of the licensed premises and to submit a written report of the inspection within 21 days.

(5) The Liquor Authority must consider and finalize the application lodged in terms of subregulation (1) after receipt of such application.

(6) The applicant must notify the liquor authority upon completion of the alterations to dispatch an Inspector to conduct a final inspection and compile a report thereof.

Storage of liquor in terms of section 65 of Act

29.(1) A licence holder wishing to store liquor on premises other than the licensed premises must submit a written request to the Liquor Authority for consideration and approval using Form NWLA 14 of Annexure O.

(2) The written request contemplated in subregulation (1) must be accompanied by –

- (a) a floor plan of the premises, having been approved by the relevant authority for storage purposes;
- (b) the physical address and description of the proposed storage premises;
- (c) written representation or motivation for additional storage space;
- (d) a certified copy of the identity document of the licence holder, if a natural person, or memorandum of incorporation, if it is a juristic person applying;
- (e) proof of payment of the prescribed fee as contemplated in Annexure B;
- (f) a certified copy of the valid licence; and
- (g) where applicable, written consent from the owner of the premises where the liquor will be stored.

(3) A request contemplated in subregulation (1) is treated as duly lodged when all necessary documents have been submitted to the Liquor Authority.

(4) Upon receipt of the request contemplated in subregulation (1), the Liquor Authority must, within 14 days, dispatch a designated inspector to –

- (a) conduct an inspection of the licensed premises; and
- (b) to submit a written report to the Liquor Authority within 14 days after conducting such an inspection.

(5) The Liquor Authority must consider and finalise the request lodged in terms of subregulation (1) within 21 days.

PART V
TRANSFER OF LICENCE TO PROSPECTIVE HOLDER
IN TERMS OF SECTION 66 OF ACT

Procedure for transfer of licence to prospective holder in terms of section 66 of Act

30.(1) A person applying for a transfer of a liquor licence to another person in terms of section 66 of the Act must lodge such application with the Liquor Authority using Form NWLA 17A of Annexure Q1 and must pay the application fee for transfer of a licence as contemplated in Annexure B.

(2) The application for a transfer of a licence contemplated in subregulation (1) must be lodged with the Liquor Authority on any day, excluding declared public holidays, at an address provided for by the Liquor Authority in the application form.

(3) An application lodged with the Liquor Authority, as contemplated in subregulation (1), is treated as duly lodged when all necessary documents and information have been submitted to the Liquor Authority.

Procedure relating to incomplete application for transfer of liquor licence to prospective holder in terms of section 66 of Act

31.(1) Where an application for a transfer of a liquor licence is incomplete, the Officer must forthwith issue a notice, in Form NWLA 2 of Annexure C, to the applicant, requesting such applicant to complete the application within 14 days.

(2) Where the applicant fails to comply with the notice contemplated in subregulation (1) the Liquor Authority may –

- (a) reject the application for a transfer of a liquor licence; and
- (b) notify the applicant, in writing, of its decision within 14 days after reaching such a decision.

Procedure upon granting of application in respect of transfer of liquor licence to prospective holder in terms of section 66 of Act

32.(1) The Liquor Authority must consider an application for transfer of a liquor licence and make a finding after receipt of the applicant's response to any representations or submissions received.

(2) Where a licence has been granted by the Liquor Authority the Officer must, after having received payment of the prescribed licence fee contemplated in Annexure B, issue a licence certificate in the applicant's name using Form NWLA 8 of Annexure I.

(3) Any approval issued in terms of this regulation is not transferable without prior approval of the Liquor Authority.

PART VI

REMOVAL OF LICENCE FROM LICENSED PREMISES TO OTHER PREMISES IN TERMS OF SECTION 67 OF ACT

Procedure for removal of licence from licensed premises to other premises in terms of section 67 of Act

33.(1) A person applying for removal of a licence from licensed premises to other premises in terms of section 67 of the Act within the same local municipal jurisdiction and relevant tribal authority if applicable must-

- (a) lodge such application with the Liquor Authority; and
- (b) pay the application fee contemplated in Annexure B.

(2) The application contemplated in subregulation (1) must be lodged with the Liquor Authority on any day at an address provided for by the Liquor Authority in the application form.

(3) An application lodged with the Liquor Authority as contemplated in subregulation (1) is treated as duly lodged when all necessary documents and information have been submitted to the Liquor Authority.

Form of application to Liquor Authority for liquor licence in respect of removal of licence from licensed premises to other premises in terms of section 67 of Act

34.(1) An applicant must make a written application, in duplicate, for removal of a licence from licensed premises to other premises as contemplated in section 67 of the Act, using Form NWLA 18 of Annexure R and must –

- (a) furnish in the said application such information as is required in the said application form; and
- (b) declare under oath or truly affirm at the end of the said form that the information contained therein is true and correct.

(2) In addition to the requirements contemplated in the Act, every application must, at the time of lodgement with the Liquor Authority, be accompanied by –

- (a) a plan of the premises clearly showing –
 - (i) the dimensions of each room;
 - (ii) all doors, windows and counters;
 - (iii) all internal and external information- or notice boards; and
 - (iv) the street and places to which such entries and exits lead; and
- (b) a comprehensive written representation or motivation in support of the application.

Procedure upon receipt of incomplete application by Liquor Authority for liquor licence in respect of transfer of licence from licensed premises to other premises in terms of section 67 of Act

35.(1) Where the application to the Liquor Authority for transfer of a liquor licence from licensed premises to other premises, lodged in terms of regulation 34, is incomplete, the liquor licensing officer must forthwith issue a notice, in Form NWLA 2 of Annexure C, to the applicant to complete the application within 14 days.

(2) Where the application is complete, the liquor licensing officer must, within 14 days of receipt, dispatch the application and all accompanying documents to the Officer.

(3) Upon receipt of an application contemplated in subregulation (2), the Officer must notify the applicant in order to give notice of the application.

(4) The application and all accompanying documents must be open for public inspection at the offices of the –

- (a) relevant liquor licensing officer; and
- (b) relevant tribal authority

(5) Upon payment of the prescribed fee, any person must within a period of 21 days from date of publication, be allowed to inspect a copy of the application contemplated in subregulation (4).

Notification of application for removal of licence from licensed premises to other premises in terms of section 67 of Act

36.(1) Upon receipt of a written notification contemplated in section 67 of the Act by the applicant from the Officer, the applicant must –

- (a) publish such notice in at least one local newspaper circulating in the area in which the proposed premises will be located or using Form NWLA 3 of Annexure D;
- (b) display a 1m x 1m notice board in a prominent place at the proposed premises, clearly showing the same information contained in Form NWLA 3 of Annexure D;
- (c) ensure that the notice contemplated in paragraph (b) is visible to a passers-by;
- (d) serve the notice of the application on a member of a household over the age of 16 years of each of the occupied residences within a radius of 100 metres of the proposed premises, only if the proposed premises is in the residential area;
- (e) simultaneously with publication of the application in the newspaper, deliver a copy of the application to the local office of the relevant tribal authority in whose area of jurisdiction the proposed premises are or will be located; and
- (f) submit proof of compliance within seven days from date of publication and notification to the Officer.

(2) The provisions of subregulation (1) (a) do not apply to an application made within a tribal.

(3) Where the premises are within a tribal area the notice contemplated in subregulation (1), must be published at the offices of the relevant tribal authority.

(4) In publishing the notice contemplated in subregulation (1)(a), a local newspaper must use Form NWLA 3 of Annexure D.

(5), In addition to the publication of the notice in terms of subregulation (1), the Officer must advise the applicant that a copy of such notice must be sent by registered post or delivered to –

- (a) the person or body currently in control of the residence earmarked for business;
- (b) the registered owner of the land and the occupier of the residence earmarked for business;
- (c) the local municipality or relevant tribal authority for the area in which the residence earmarked for business is situated.

Objections and representations in respect of application for removal of licence from licensed premises to other premises in terms of section 67 of Act

37.(1) Not later than 21 days after the applicant has given notice of application for removal of a licence from licensed premises, any person may, and in writing –

- (a) object to; or
- (b) make representations for or against the granting or refusal of the application, and must serve a copy thereof to –
 - (i) the liquor licensing officer; and
 - (ii) the applicant or his or her representative who prepared the application; and
- (c) provide conclusive proof of service by the applicant to the liquor licensing officer.

(2) A person making representations or lodging objections contemplated in subregulation (1) must –

- (a) set out his or her full names and address;
- (b) provide his or her identity number or, if a company or closed corporation, its registration number;
- (c) if applicable, state the name and address of his or her representative;
- (d) state the nature of the person's interest in the granting or refusal of the application; and
- (e) provide comprehensive grounds for objections to, or support of, the application.

(3) Upon receipt of written representations contemplated in subregulation (2), the liquor licensing officer must cause a copy of such representations to be sent by registered post or delivered to the applicant, advising such applicant to respond in writing to the objections or representations within seven days.

Filing of inspection report in respect of application for removal of licence from licensed premises to other premises in terms of section 67 of Act

38. The officer must examine the application contemplated in section 67(1) of the Act and direct an inspector to conduct an inspection not later than 14 days and submit a report using Form NWLA 5A of Annexure F1.

Applicant's reply in respect of application for removal of licence from licensed premises to other premises in terms of section 67 of Act

39. An applicant must, not later than seven days after receipt of an objection or representation in terms of section 35(4) of the Act or an inspection report, submit, in duplicate, his or her written response to the liquor licensing officer.

Forwarding of documents to Liquor Authority in respect of application for removal of licence from licensed premises to other premises in terms of section 67 of Act

40. Within 14 days after consideration of the application for a licence, the Officer must submit to the Liquor Authority –

- (a) a report with recommendations;
- (b) the application; and
- (c) any copies of documents submitted in terms of these regulations.

Procedure upon granting of application for removal of liquor licence from licensed premises to other premises in terms of section 67 of Act

41. (1) Where an application is granted in respect of the premises which are suitable for the purpose of the business to be conducted, a licence contemplated in Form NWLA 8 of Annexure I must be issued by the Officer.

(2) If an application is granted in respect of incomplete premises, a conditional approval must be issued by the Officer.

(3) Any approval issued in terms of this regulation is not transferable without prior approval of the Liquor Authority.

**PART VII
CODE OF CONDUCT FOR MEMBERS OF LIQUOR AUTHORITY**

General conduct of members of Liquor Authority

42. A member of the Liquor Authority must –

- (a) perform the functions of office in good faith, honestly, transparently and with all due diligence;
- (b) at all times, act in the best interests of the Liquor Authority and in such a way that the credibility and integrity of the Liquor Authority is not compromised;

- (c) strive to be familiar with and abide by all statutory and other instructions applicable to his or her conduct;
- (d) co-operate with public institutions established under legislation and the Constitution in the promotion of public interest;
- (e) serve the public in an unbiased and impartial manner in order to create confidence in the Liquor Authority;
- (f) be helpful and reasonably accessible in his or her dealings with the public and at all times treat members of the public as customers who are entitled to receive high standards of service;
- (g) not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;
- (h) not abuse his or her position to promote prejudice or self-interest;
- (i) recognise the public's right to access of information, excluding information that is specifically protected by law;
- (j) strive to achieve the objectives of the Liquor Authority cost-effectively and in the public interest;
- (k) be punctual in the execution of his or her duties;
- (l) be honest and accountable in dealing with public funds;
- (m) use the Liquor Authority's resources effectively, efficiently and only for authorised official purposes;
- (n) execute his or her responsibilities in a professional and competent manner; and
- (o) not engage in any action that is in conflict with or infringes on the execution of his or her official duties.

Rewards, gifts and favours

43. A member of the Liquor Authority may not request, solicit or accept any reward, gift or favour for –

- (a) voting or not voting in a particular manner on any matter before the Liquor Authority;
- (b) influencing the Liquor Authority concerning the exercise of any power, function or duty;
- (c) making a representation to the Liquor Authority; or
- (d) disclosing privileged or confidential information.

Unauthorised disclosure of information

44.(1) A member of the Liquor Authority may not, without the permission of the Liquor Authority, disclose any privileged or confidential information of the Liquor Authority to any third party.

(2) For the purpose of this regulation, “privileged or confidential information” includes, but is not limited to, any information –

- (a) determined by the Liquor Authority to be privileged or confidential;
- (b) discussed in closed session by the Liquor Authority;
- (c) disclosure of which would violate a person's right to privacy; or
- (d) declared to be privileged, confidential or secret in terms of law.

(3) This regulation does not derogate from the right of any person to access information in terms of national legislation.

Intervention in administration

45. A member of the Liquor Authority may not, except as provided by law –

- (a) interfere in the administration of the Liquor Authority unless mandated by the Liquor Authority;
- (b) give or purport to give any instruction to any employee of the department, except when authorised to do so by the Liquor Authority;
- (c) obstruct or attempt to obstruct the implementation of any decision of the Liquor Authority; or
- (d) encourage or participate in any conduct that would cause or contribute to maladministration in the Liquor Authority.

Duty of the responsible member

46.(1) If the responsible member, on reasonable suspicion, is of the opinion that a provision of the Code of Conduct has been breached, he or she must –

- (a) authorise an investigation of the alleged breach;
- (b) give the member a reasonable opportunity to reply in writing regarding the alleged breach.
- (c) take an appropriate decision.

(2) The responsible member must ensure that each member, when taking office, is aware of the Code of Conduct.

PART VIII GENERAL PROVISIONS

Appointment of inspectors in terms of section 73(1) of Act

47. Each inspector appointed by the responsible Member in terms of section 73(1) of the Act is provided with a certificate in Form NWLA 6 of Annexure G.

Minimum requirements of licensed premises in respect of Liquor store

48.(1) All excess stock of a liquor store must have a storeroom clearly demarcated from the area where liquor product are sold.

(2) Where fridges are installed such fridges must be installed in such a way that they do not pose any danger to customers.

(3) Where the liquor store is a self-service outlet, the stock shelves must be at least one metre apart and with a serving area being at one metre from such stock shelves with a counter.

(4) A liquor store must not have any sitting area in and around the building and no person may consume any liquor product within licensed premises.

(5) A licensee who obtained a licence prior to the promulgation of the Act and operates a liquor store within a residential area must within 18 months after the promulgation of these Regulations, erect a wall not exceeding two metres in height to separate such licensed premises from residential dwellings.

(6) A license holder or appointed manager or managers of any licensed premises, must be present at the licensed premises at all times during trading hours.

Minimum requirements of licensed premises in respect of Tavern, Restaurant or Pub

49.(1) All excess stock of a Tavern, Restaurant or Pub must be stored in a storeroom clearly demarcated from the area where liquor products are sold.

(2) A Tavern, Restaurant or Pub must have a selling area with a counter which is at least two metres from the sitting area.

(3) The sitting area contemplated in subregulation (2) must have chairs and tables and must be kept clean at all times.

(4) Where on-consumption licensed premises are in a residential area, such licensed premises must be separated by a wall not exceeding two metres in height from surrounding residential dwellings.

(5) Where the on-consumption area of licensed premises is outside the licensed premises, a wall not exceeding two metres in height with non-perforated steel gates must be erected to obscure passer by's.

(6) Save for restaurants and grocers wine, a person under the age of 18 may not be allowed within the licensed premises contemplated in subregulation (5).

(7) Where an on-consumption licensed premises is in town, such licensed premises must be clearly advertised by a billboard, signage and further indicate areas demarcated for on-consumption.

(8) A license holder of on-consumption premises may not cause nuisance to the neighbours in any form including music.

Minimum requirements of licensed premises in respect of Nightclub

50.(1) All excess stock of a Nightclub must be stored in a storeroom clearly demarcated from the area where liquor product are sold.

(2) A Nightclub must have a selling area with a counter which is at least two metres from the dance or sitting area.

(3) The sitting area contemplated in subregulation (2) must have chairs and tables and must be kept clean at all times.

(4) The dance area contemplated in subregulation (2) must be separate from the sitting area.

(5) A night club must have a soundproof system installed.

- (6) A licence holder of a nightclub must not play music outside the licensed premises.
- (7) The nightclub owner must ensure that there are at least proper trained security personnel at entry or exit point of a nightclub.
- (8) The licence holder of a nightclub license must ensure that all entry and exit points of a nightclub are suitable for easy evacuation in cases of emergency.
- (9) The license holder of a nightclub license must ensure that no weapons of patrons are allowed onto the nightclub premises during trading hours.
- (10) All licensed premises must have at least three fire extinguishers strategically mounted on the walls at all times during trading hours.
- (11) Where an outside area of the licensed premises is demarcated for on-consumption, such area must be surrounded by a two metre high wall, or if it is on the first floor or upwards, it must be clearly demarcated by a veranda.
- (12) A license holder Manager or Managers must be on the premises during all trading hours.
- (13) It is the duty of management to ensure the safety of patrons during trading hours.
- (14) It is the duty of management to ensure that no illicit dealings take place on licensed premises.
- (15) It is the duty of management of licensed premises to ensure that the number of patrons at any given time do not exceed the capacity of the licensed premises.
- (16) It is the duty of management of licensed premises to ensure that any or all disaster management measures are ready for implementation, should any disaster arise.
- (17) The name of the licensed premises must be clearly advertised by a billboard and signage.

(18) An owner of a night club must ensure that there is ample parking area with sufficient lighting around the premises of such a nightclub.

Minimum requirements of licensed premises in respect of grocer's wine outlet

51.(1) All excess liquor stock of a grocer's wine outlet must have a storeroom clearly demarcated.

(2) Where fridges are installed such fridges must be installed separate from where other non-alcoholic beverages are stored.

(3) Alcoholic beverages must be clearly demarcated from other groceries and where the normal liquor trading hours of a store have passed, a solid structure, burglar proof, glass or steel mesh door must enclose the shelves or area demarcated for alcoholic beverages.

(4) It is the duty of a licence holder to put up display signs in terms of conditions of their licence i.e age restrictions, trading hours, off-consumption, weapons, etc.

(5) It is a duty of a license holder to ensure that the liquor licence and all attachments are displayed at all times, at the licenced premises.

(6) It is the responsibility of licence holders to ensure that appointed persons know and understand the Liquor Licensing Act and the condition of their licence.

Short title

52. These Regulations are the North West Liquor Licensing Regulations, 2018.

**ANNEXURE A
APPLICATION FORM**
North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 1

Date	stamp
NW	
Liquor Authority	

Amount: R

Receipt No.:

Date:

APPLICATION IN TERMS OF SECTION 33(1) FOR LICENCE**(This form must be completed in Capital letters)**

(PART A) On-consumption in terms of section 39(a)	
Off-consumption in terms of section 39(b)	
(PART B) Special events permit in terms of section 39(c)	
(PART C) Micro-manufacturing in terms of section 39(d)	

(Indicate the category of licence application that you intend to apply for by marking the relevant square with an X)

INDEX**Description of document****Annexures:**

- | | |
|--|-------------------|
| (i) Application | NWLA 1 Annexure A |
| (ii) Comprehensive written representations or motivation in terms of section 33(2) | A |

- (iii) Plan of the premises with dimensions, section (33)(2)(e) B
 (iv) Description and photographs of the premises C
 (v) Documents required to be attached to application in section (33)(2)(a-l), as per regulation 3

Application prepared by:

1. **Applicant** ☐
2. **Person acting on behalf of the applicant** ☐
(attach Power of Attorney)
3. **If number 2 is applicable, please provide the following details:**
 - (a) Name and surname of person:
 -
 - (b) Postal address:
 -
 - (c) Contact details:
 - (d) Cell no.:
 - (e) Landline no.:
 - (f) Fax no.:
 - (g) Email address:

PARTICULARS OF APPLICANT

1.(a) Full names and surname of applicant:

(b) Age of applicant:

(c) Identity number /Company registration number:

(d) Residential address:

(e) Business address:			<input type="checkbox"/> Yes
(f) Postal Address:			
(g) District Municipality:			
(h) Local Municipality:			
(i) Business contact details:			
Cell:	Tel.:	Fax:	Email:
<p>2.(a) Is applicant a person who –</p> <p>(i) has, in the Republic or elsewhere, in the preceding 10 years been sentenced for any offence to imprisonment without the option of a fine;</p> <div style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <p>(ii) has, in the preceding 10 years, been convicted of an offence in terms of the Liquor Act, 1989 (Act No. 27 of 1989) or the North West Liquor Licensing Act, 2017 (Act No. 6 of 2017), irrespective of the sentence imposed and was, within three years after the conviction, again convicted of an offence in terms of any of the abovementioned two Acts and was then sentenced therefor to a fine of not less than R100 or to imprisonment without the option of a fine;</p> <div style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <p>(iii) is a South African citizen;</p> <div style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <p>(iv) if not, state the country of origin and submit a valid work or business permit from Home Affairs:</p> <p>(v) is an unrehabilitated insolvent;</p> <div style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <p>(vi) is a minor;</p> <div style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>			

(vii) is the spouse of a person contemplated in subparagraphs (i), (ii) or (iv): or

Yes	No
-----	----

(viii) has been committed in terms of the Mental Health Act, 1973 (Act No. 18 of 1973), or the Mental Health Care Act 2002, (Act No. 17 of 2002).

Yes	No
-----	----

3.(a) If the applicant is a legally registered company, close corporation, partnership, co-operative, association or trust, state whether a person contemplated in subparagraph (a) –

(i) has a controlling interest in such a company, close corporation, co-operative, association or trust;

Yes	No
-----	----

(ii) is a partner in such a partnership; or

(iii) is the main beneficiary under such trust.

Yes	No
-----	----

(b) If any of the questions in subparagraph (a) have been replied to in the affirmative, provide the legal documents establishing the specific legal entity referred to in (a) above; together with the resolution signed by all members of such entity authorising this application.

(Use an annexure if necessary)

4. (a) State the name, identity number and address of each person, including the applicant, who will have any financial interest in the business, and in each case the nature and extent of such interest. If the applicant is a public company, statutory institution or a co-operative, as contemplated in The Co-operatives Act, 1981 (Act No. 91 of 1981), it shall be sufficient if only the name and postal address of such company, statutory institution or co-operative, as the case may be, the name of each director (if any) thereof and the nature and extent of the financial interest of such company, statutory institution or co-operative are furnished and not also the interests of individual members of such company, statutory institution or co-operative.

(Use an annexure if necessary)

(b) State the financial interest of the applicant in the liquor trade in the Republic of South Africa and, if the applicant is a private company, close corporation, partnership or trust, also of every shareholder, member or partner thereof or beneficiary thereunder. (If the applicant or the said shareholder, member, partner or beneficiary has no such interest, this fact shall be specifically mentioned.) *(Use an annexure if necessary)*

PARTICULARS OF APPLICATION

1. Location of premises: physical address or identifiable landmarks:

--

<p>(a) Residential:</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>(b) Commercially zoned area:</p>	<input type="checkbox"/>		
<p>(c) Urban:</p>	<input type="checkbox"/>		
<p>(d) Rural:</p>	<input type="checkbox"/>		
<p>2. State the proximity of the proposed premises in terms of metres to:</p>			
<p>(a) Learning institutions:</p>	<input type="checkbox"/>		
<p>(b) Religious institutions:</p>	<input type="checkbox"/>		
<p>(c) Other licensed premises:</p>	<input type="checkbox"/>		
<p>3. What is the status of the applicant in terms of BEE rating? (Relevant certificates are to be attached).....</p> <p>.....</p>			
<p>4. Details pertaining to the total number of jobs to be created in terms of the proposed premises to be provided:</p> <p>.....</p>			
<p>5. Provide a description of the social responsibility programs in respect of alcohol consumption to be undertaken by the proposed licence applicant.</p> <p>.....</p> <p>.....</p>			
<p>6. Proof of a valid and current tax clearance certificate to be attached at the time of submission of this application.</p>			
<p>7. Is the application in the public interest? (If yes, provide motivation as contemplated in section 40(6) of the Liquor Act.)</p> <p>.....</p> <p>.....</p>	<input type="checkbox"/>	<input type="checkbox"/>	
<p>8. Is the structure of the premises complete?</p>	<input type="checkbox"/>	<input type="checkbox"/>	

(If yes, submit a valid business licence.)

9. Do you have lawful occupation of the premises?

(If yes, proof is to be submitted.)

☐ Yes

☐ No

10. Are you the owner of the proposed premises from which liquor is intended to be sold?

(If not, consent is required from the owner of the premises or relevant authority to conduct trade in liquor and proof is to be submitted.)

☐ Yes

☐ No

11. Do you have a security plan for the proposed premises?

(If yes, attach proof.)

☐ Yes

☐ No

12. Have you paid for your application?

(If yes, attach proof.)

☐ Yes

☐ No

13. Do you have a detailed sketch plan for the proposed premises, including storage of liquor? (If yes, attach proof.)

☐ Yes

☐ No

14. Do you have additional storage?

(If yes, attach a sketch plan with dimensions.)

☐ Yes

☐ No

If the premises will be managed by a person other than the applicant, then the application form must be accompanied by details of such person and Form NWLA 18 of Annexure P.

PART A: CONSUMPTION

ON-CONSUMPTION

☐

OFF-CONSUMPTION

☐

4. DETAILS OF THE PROPOSED PREMISES

(1) The name in which the business is to be conducted:

.....

(2) State the type of premises applied for in terms of section 31(1)(a) and (b).

.....

(3) State the physical address of the premises where the business will be conducted or the description of the location of the premises in terms of identifiable landmarks as required in terms of section 33(2)(a).

.....

.....

(4) Describe the situation of the premises where the business is to be conducted by reference to the erf-, street- or farm number.

.....

.....

(5) In which district or metropolitan area is the premises referred to in subparagraph (4) situated?

.....

(6) State on which portion of the premises the sale of liquor is to take place.

.....

(7) Is application made in respect of premises which –

(a) have not yet been erected;

☐ Yes☐ No

(b) are already erected, but require additions or alterations to make them suitable for the purposes of the proposed business;

☐ Yes☐ No

(c) are already erected and, in the applicant's opinion, do not require additions or alterations in order to make them suitable for such purposes; or

☐ Yes☐ No

(d) a business licence from the relevant local authority is

☐ Yes☐ No

attached where proposed premises will be physically located?

(proof to be submitted)

(8)(a) If paragraph 7(a) or (b) applies, state –

(i) the date on which such erections, additions or alterations will be commenced

with:

and

(ii) the period which will be required for the erection, additions or alterations:

.....

(9)(a) Is application made for any determination, consent, approval or authority which may be granted by the North West Liquor Authority (e.g. other business or tasting facilities)?

Yes

No

(b) If so, give full particulars with reference to the section in terms of which application is made.

.....

.....

(Provide comprehensive motivation – Use an annexure)

(10) In the case of an on-consumption licence in respect of premises of a club, attach a copy of the rules/constitution of the club, certified by the president, chairman or secretary.

I declare/truly affirm that the information furnished in this application and in the documents attached to it, is true and correct.

.....
Date

.....
Signature (of applicant or person
authorised to sign application)

I certify that this declaration has been signed and sworn to/affirmed before me at..... on this day of

20..... by the applicant/person authorised to sign the application and who has acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection to taking the prescribed oath/affirmation;
- (c) he/she considers the prescribed oath/affirmation to be binding on his/her conscience,

and that he/she uttered the following words –

“I swear that the contents of this declaration are true, so help me God.”/“I truly affirm that the contents of this declaration are true.”.

.....

Commissioner of Oaths

.....

Affirmation

Full names and surname:

Business address:

.....

Designation:

Area for which appointment is held:

Office held if appointment is ex officio:

PART B: SPECIAL EVENTS

DETAILS OF SPECIAL EVENTS PERMIT APPLICATION

(1) State type of liquor applicant intends selling under approved permit:

.....

(2) Please indicate the place of storage and provide a plan:

.....
(3) What is the name of the special event?

(4)(a) Describe the physical address of the premises where the business is to be conducted by reference to the erf-, street- or farm number and a description of the premises in terms of identifiable landmarks:
.....
.....
.....

(b) In which district or metropolitan area is the premises referred to in subparagraph (a) situated?.....

(5) Will the applicant have the right to occupy the premises, including such place on other premises upon which any approval is to be exercised, for the purposes of the licence applied for?

Yes

No

(6) Duration of the special event:

(7) Start date and end date of the special event:

(8) Start time and closing time of the event for each day:

(9) Name of the person who will be responsible for the sale of liquor at the special event:
.....

(10) Identity number of person referred to in (9) above (*attach certified copy of the I.D.*):
.....

(11) Contact details of the person managing the event:

PART C: MICRO-MANUFACTURING

(1) State type of liquor applicant intends manufacturing:

(2) State intended amount of liquor to be manufactured per year:

(3) If application is made for a micro-manufacturer's licence –

(a) is applicant a person who –

(i) engages in viticulture; or

☐ Yes

☐ No

(ii) manufactures any other fermented beverage?

☐ Yes

☐ No

(4)(a) Is application made in respect of premises which –

(i) have not yet been erected;

☐ Yes

☐ No

(ii) are already erected, but require additions or alterations to make them suitable for the purposes of the proposed business; or

☐ Yes

☐ No

(iii) are already erected and, in the applicant's opinion, do not require additions or alterations in order to make them suitable for such purpose?

☐ Yes

☐ No

(5) If paragraph 4(a)(i) or (ii) applies, state –

(a) the date on which such erections, additions or alterations will be commenced with:

.....; and

(b) the period which will be required for the erection, additions or alterations:

.....

(6)(a) Is application made for any determination, consent, approval or authority which may be granted by the North West Liquor Authority? (e.g. other business or tasting facilities.)

☐ Yes

☐ No

(b) If so, give full particulars with reference to the section in terms of which application is made:

.....

.....

(Use an annexure if necessary)

I declare/truly affirm that the information furnished in this application and in the documents attached to it, is true and correct.

.....

Date

.....

*Signature (of applicant or person
authorised to sign application)*

I certify that this declaration has been signed and sworn to/affirmed before me

at..... on this day of 20.....

by the applicant/person authorised to sign the application and who has acknowledged that –

(a) he/she knows and understands the contents of this declaration;

(b) he/she has no objection to taking the prescribed oath/affirmation; and

(c) he/she considers the prescribed oath to be binding on his/her conscience,

and that he/she uttered the following words:

“I swear that the contents of this declaration are true, so help me God.”/“I truly affirm that the contents of this declaration are true.”.

.....

Commissioner of Oaths

.....

Affirmation

Full names and surname:

Business address:

.....

Designation:

Area for which appointment is held:

Office held, if appointment is ex officio:

**ANNEXURE B (NEW TARRIFS)
NORTH WEST LIQUOR LICENSING FEES**

North West Liquor Licensing Act, 2016

(Act No. 6 of 2016)

CATEGORIES IN RESPECT OF LICENSED PREMISES.

<u>PART 1– PRIMARY APPLICATIONS</u>				
Categories in terms of section 39 of NW Liquor Licensing Act, 2018	Type of Application	Application fee	Licence Issue Fees	Licence Renewal Fees
On-Consumption	Accommodation on 4* & above	R2000.00	R2000.00	R4000.00 per annum
	Accommodation on 3* & below	R1000.00	R1000.00	R2000.00
	Restaurant	R2000.00	R2000.00	R2000.00 per annum
	Club	R2000.00	R2000.00	R4000.00 per annum
	Night Club	R2000.00	R2000.00	R4000.00 per annum
	Gaming premises	R1000.00	R1000.00	R2000.00 per annum
	Pub	R1000.00	R1000.00	R2000.00 per annum
	Tavern	R1000.00	R1000.00	R2000.00 per annum
	Theatre	R1000.00	R1000.00	R2000.00 per annum

	Liquor store	R2000.00	R2000.00	R2000.00
	Grocer's wine	R2000.00	R2000.00	R2000.00
	Micro-Manufacture	R4000.00	R4000.00	R4000.00
	Special Events Permits	R2000.00	R1000 per day	-

PART 2 – SECONDARY APPLICATIONS

Type of Secondary application	Application Fee	Licence Issue Fee	Renewal Licence Fee
Transfer of a licence	R1000.00	As per type of application as indicated in Part A	
Removal of a licence	R1000.00		
Transfer of financial interests	R1000.00	R1000.00	–
Appointment of manager	R500.00	R500.00	–
Structural alterations	-	-	–
Offsite storage	-	-	–
Wine tasting	-	-	
Any copies for all documents	R100.00	–	–
Appeals	R200.00	–	–

ANNEXURE C
NOTICE OF INCOMPLETE APPLICATION IN TERMS OF SECTION 33(4) FOR LICENCE

North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 2

Our ref:

Enquiries:

Date:

[Address of applicant]

Dear Sir/Madam

**APPLICATION IN TERMS OF [APPLICABLE SECTION] OF NORTH WEST LIQUOR
LICENSING ACT, 2017 (ACT NO. 6 OF 2017) – [NAME OF OUTLET] – [DISTRICT]**

The application lodged on [Date] refers.

Your application has been perused for administrative compliance and the following peremptory requirements have not been met:

Section/Regulation:

[Quote the section of the Act/Regulation]

If you are of the opinion that you have complied with the abovementioned provisions, as prescribed, you are given the opportunity to submit proof within **10 DAYS** from the date hereof.

Failing to submit the above outstanding requirements, your application will be an incomplete application and will not proceed any further for approval.

NORTH WEST LIQUOR AUTHORITY

ANNEXURE D
NOTICE OF INTENTION TO APPLY FOR A LIQUOR LICENCE IN TERMS OF SECTION
(42) (1)(b)(ii)
North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 3

(To be displayed in a prominent place at the proposed premises USING A NOTICE BOARD 1m x 1m in size)

Name and surname of the applicant:	
Category of licence applied for: (on/off consumption/micro- manufacturer/special event):	
Type of premises for which licence is applied for:	
Trading name of the premises:	
Address of the premises:	
Date of display:	
Expiry date of display:	

NB: Objections should be lodged with the liquor licensing officer in the district from where the application emanates within twenty one days from the date of the display.

ANNEXURE F1
INSPECTION REPORT IN TERMS OF SECTION 48(3)
North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 5A

1. Name of applicant/name of a company/partnership/close corporation:

2. Identity number/Registration number:

3. Is the applicant registered as a tax payer?

Yes

No

4. Name of proposed premises and address of premises (including GPS coordinates):

.....
.....
.....

5. Is the applicant disqualified in terms of section 32?

Yes

No

6. Description of location (district, local municipality, urban/rural):

.....

7. Description of premises:

.....
.....
.....

8. Category of licensing being sought:

.....

9.(a) Suitability of premises in terms of the submitted sketch plan:

.....

.....

(b) Is application made in respect of premises which –

- (i) have not yet been erected;
- (ii) are already erected, but require alterations; or
- (iii) are already erected and do not require any further alterations?

(Mark applicable box)

10. Is the permission to occupy/lease agreement/title deed attached?

Yes

No

11. Is the business licence /ITB attached to the application?

Yes

No

12. Is the detailed security plan attached to the application?

Yes

No

13. Are there any similar applications pending, conditionally approved
and existing licensed premises?

14. Names and nature of any learning institutions and places of worship within a 500m
circumference:

.....

15. Is the granting of this application likely to cause a monopolistic situation?

Yes

No

Explain:

.....

16. Do any forwarded objections in respect of this application exist?

Yes

No

Explain:

.....

17. General remarks:

.....

.....

.....

.....

18. Report compiled by:

19. Dated at on this day of20.....

.....

Inspector

ANNEXURE G
INSPECTOR'S CERTIFICATE OF APPOINTMENT IN TERMS OF SECTION 81(1)(b)
North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 6

Certificate No.:

I,, by virtue of the powers vested in me as the Member of the Executive Council for Economic Development and Tourism, hereby appoint –

(a) Name and surname:

(b) Identity number:; and

(c) Employee number:
to be a Provincial Liquor Inspector in terms of section 48(1) of the North West Liquor Licensing Authority, to carry out the duties as contemplated in sections 82, 83, 84, 85, 86, 87, 88 and 89 of the same Act read with the provisions of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

.....
North West Liquor Authority
Member of Executive Council

.....
Date

ANNEXURE H
OBJECTION HEARING: NOTICE IN TERMS OF SECTION 47(2) OF ACT,
TO BE PRESENT AND APPEAR AT HEARING OF
DISTRICT MUNICIPALITY LIQUOR LICENSING OFFICER
North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 7

Reference no.:

FOR ATTENTION:

Name and surname:
Address:
Sex: Age: I.D. No.:

By virtue of the powers vested in the chairperson of the Board of the Liquor Authority by section 39(4) of the Act, you are hereby directed to be present at a meeting of the committee which relates to a hearing in respect of objections received (See Annexure attached) in respect of the application for a liquor licence for the abovementioned premises, which will be held as per the date, time and place indicated as follows:

Date	Time	Place

Your attention is drawn to the following –

- (a) it is compulsory for you to appear in person. The applicant may be assisted or represented by any person of his/her choice in terms of section 39(3)(c) of the Act;
- (b) it is an offence not to be present and to remain in attendance, without you having appointed somebody to appear on your behalf, and
- (c) you will be required to give evidence under oath and/or produce any document or article which is in your possession or custody or under your control, in terms of section 39(4)(a) and (b) of the Act.

.....
Place of issue

.....
Secretary

.....
Date

FOR OFFICIAL USE ONLY

I certify that I have served this notice upon the said person by –

(* Cross out that which is not relevant and true by drawing a line through the word/s)

*(a)	delivering a true copy to.....PERSONALLY; or
(b)	delivering, as he/she could not be found, a true copy to, apparently over the age of 16 years and apparently residing or employed at the place of RESIDENCE/EMPLOYMENT/BUSINESS of the said

at.....

The nature and exigency of this notice was explained to the recipient thereof.

Time: Day: Month: 20.....

.....
Signature of the Liquor Inspector

ANNEXURE I
LICENCE CERTIFICATE IN TERMS OF SECTION 67
 North West Liquor Licensing Act, 2016
 (Act No. 6 of 2016)

NWLA 8

PARTICULARS OF THE LICENCE HOLDER
Licence number:
Licence category:

Type of premises:
Period of validity:
Date for renewal application:
Name of licence holder:
Identity number of licence holder:
Physical address of licence holder:
Name of licensed premises:
Physical address of licensed premises:
Name of person managing licensed premises:
Identity number of manager:
Amount paid:
Receipt number:
District:
Local municipality:
General conditions:
Special conditions:
Determinations, consent, approvals and authorities granted:

Place of issue:
Date of issue:

.....
**Person acting under power delegated by
responsible Member of the Executive Council**

ANNEXURE M
SPECIAL EVENTS PERMIT IN TERMS OF SECTION 53(7)
North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 12

<u>PARTICULARS OF THE PERMIT HOLDER</u>
--

Permit number:

Name of event:
Nature of event:
Period of event:
Start date of event:
End date of event:
Name of permit holder:
Physical address of the premises where the event will be held:
Description of the location in terms of identifiable land marks:
Name and surname of person managing special event premises:
Identity number of manager:
Amount paid:
Receipt number:
District:
Local municipality:
General conditions:
Special conditions:

Place of issue: PIETERMARITZBURG
Date of issue:

.....
**Person acting under power delegated by
the responsible Member of the Executive Council**

ANNEXURE N
NOTICE OF INTENTION TO APPEAL AGAINST THE DECISION
OF THE LIQUOR AUTHORITY
North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 13

In the matter between –

Appellant/Applicant*:

.....
and

The NW Liquor Authority

and Premises (address):

Take notice that
(hereinafter called the Appellant/Applicant*) hereby applies to this Liquor Authority for an
order in the following terms:

1. *Leave to appeal against the judgment (state particulars):

.....
.....
.....

2. *Condoning of the failure to (state particulars):

.....
.....
.....

3. *Any other matter (state particulars):

.....
.....
.....
.....
.....
.....

The accompanying documentation of

.....Is attached in support of the
application.

If you intend to oppose this application, you are required to lodge your affidavit in support
of your opposition, after prior service upon the Appellant/Applicant, with the responsible
Member of the Executive Council or the Liquor Authority within one month after service of
this application on you.

Dated at on this day of 20.....

.....
Applicant/Appellant/Agent

Address:
.....
.....

To: (liquor licensing
officer)

Address:
.....
.....

ANNEXURE O
APPLICATION IN TERMS OF SECTION 65
FOR ADDITIONAL STORAGE OF LIQUOR
North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 14

1. Name of the licensed premises:

2. Name of licence holder:

.....

3. The physical address of the existing licensed premises:

Official Use: NW Liquor Authority's reference no.:

Amount: R.....

Receipt No.:

Date:

.....

4. The physical address of the proposed storage premises:

.....

5. In which district or metropolitan municipality is the liquor going to be stored?

.....

6. Description of premises and coloured photographs:

.....

.....

.....

7. Comprehensive written representation or motivation:

.....

.....

.....

8. Documents required to be attached to the application –

(a) plan of the premises;

(b) consent from the owner of the premises; and

(c) a certified copy of the applicant's identity document if a natural person or the memorandum of incorporation if it is a juristic person.

I declare/truly affirm that the information furnished in this form and in the documents attached to it, is true and correct.

.....
Date

.....
*Signature (of holder of the licence or person
authorised to sign this form)*

I certify that this declaration has been signed and sworn to/affirmed before me

at on this day of 20.....

by the holder of the licence/person authorised to sign form who has acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection to taking the prescribed oath/affirmation; and
- (c) he/she considers the prescribed oath to be binding on his/her conscience,

and that he/she uttered the following words:

“I swear that the contents of this declaration are true, so help me God.”/“I truly affirm
that the contents of this declaration are true.”.

.....
Commissioner of Oaths

.....
Affirmation

Full names and surname:

Business address:

.....

Designation:

Area for which appointment is held:

Office held if appointment is ex officio:

ANNEXURE P
APPLICATION FOR ALTERATION OF BUSINESS PREMISES
North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 15

<p>Date stamp</p> <p>.....</p> <p>NW Liquor Authority</p>

NW Liquor Authority reference no.:

INDEX
Description of document

Annexures:

1. Description of premises and coloured photographs (Reg. 3(2)(b)).
2. Comprehensive written representation or motivation (Reg. 3(2)(c)).
3. Documents required to be attached to the application –
 - (a) a certified copy of the identity document if a natural person; or
 - (b) memorandum of incorporation if it is a juristic person; and
 - (c) the plan showing alterations marked in red;
 - (d) approval of altered premises from the relevant municipality; and
 - (e) consent from the owner of the premises.

Form completed by:

Postal address:

.....

Telephone no.:

4. Name in which the licensed business is conducted:

.....

Name of licence holder:

I declare/truly affirm that the information furnished in this form and in the documents attached to it, is true and correct.

.....
Date

.....
*Signature (of holder of the licence or person
authorised to sign this form)*

I certify that this declaration has been signed and sworn to/affirmed before me

at..... on this day of 20.....
by the holder of the licence/person authorised to sign form who has acknowledged that –
(a) he/she knows and understands the contents of this declaration;
(b) he/she has no objection to taking the prescribed oath/affirmation; and
(c) he/she considers the prescribed oath to be binding on his/her conscience and that
he/she uttered the following words:

"I swear that the contents of this declaration are true, so help me God."/"I truly affirm
that the contents of this declaration are true."

.....
Commissioner of Oaths

.....
Affirmation

Full names and surname:

Business address:
.....

Designation:

Area for which appointment is held:

Office held if appointment is ex officio:

**ANNEXURE Q1
APPLICATION FOR TRANSFER OF LIQUOR LICENCE TO
A PROSPECTIVE LICENCE HOLDER
North West Liquor Licensing Act, 2016
(Act. No. 6 of 2016)**

NWLA 17A

For official use: NW Liquor Authority Reference No.:

Amount: R.....

Receipt No.:

Date:

APPLICATION FOR A LICENCE IN TERMS OF ...

(Choose the applicable section in the table below and mark the relevant square with an X)

Section 60 in respect of death or incapacity of a licensed person	
Section 61(1) to transfer financial interest	
Section 66 to transfer a liquor licence to a prospective holder	

INDEX
Description of document

Attachments:

1. Application in terms of sections 60, 61 and 66.
2. Comprehensive written representations.
3. Documents required to be attached to the application –
 - (a) letter of executorship;
 - (b) death certificate (sections 60 and 66);
 - (c) permission to occupy (in the form of a title deed or lease agreement or rates statement from the municipality);
 - (d) copy of the existing valid business licence;
 - (e) certified copy of identity document of the applicant;
 - (f) proof of payment of lodging fees;
 - (g) proof of renewal of licence fees;
 - (h) tax clearance certificate of applicant/person acquiring a financial interest;
 - and
 - (i) an SAPS 69 from the South African Police Service.

PART A**INFORMATION RELATING TO APPLICANT WHO IS THE HOLDER OF THE LICENCE**

1. Full names and surname of applicant:

.....

2. If applicant is not natural person, state the name, identity number and address of each shareholder, member, partner or beneficiary. The applicant is required to submit a resolution from the company authorising a signatory from amongst the existing shareholders. The resolution must be accompanied by a certified copy of the signatories' identity document/s. Should the applicant resolve to have the consultant be the signatory, then the applicant is required to attach a Power of Attorney.

3. Name in which is the licensed business conducted:

4.(a) Describe the situation of the premises where the licensed business is conducted with reference to the erf-, street- and farm number:

(b) In which district or metropolitan municipality is the premises referred to in subparagraph (a) situated?.....

I declare/truly affirm that the information furnished in Parts A and B of this application in so far as it relates to me/the applicant on whose behalf I am authorised to sign the application, is true and correct.

.....
 Date

.....
Signature (of applicant who is the holder of the licence or person authorised to sign application)

I certify that this declaration has been signed and sworn to/affirmed before me

at on this day of 20.....

by the holder of the licence/person authorised to sign application who has acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection to taking the prescribed oath/affirmation; and

(c) he/she considers the prescribed oath to be binding on his/her conscience, and that he/she uttered the following words:

"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of this declaration are true."

.....
Commissioner of Oaths

.....
Affirmation

Full names and surname:

Business address:

Designation:

.....

Area for which appointment is held:

Office held if appointment is ex officio:

PART B

INFORMATION RELATING TO APPLICANT WHO IS THE PROSPECTIVE HOLDER

1. (a) Full names and surname of applicant:

.....

(b) Age of applicant:

(c) Identity number, or in the case of a company or close corporation, its registration number:

.....

(d) Residential address or address of registered office:

.....

(e) Business address:

.....

.....

(f) Postal address:

.....

(g) Business telephone number:

(Delete (b) if applicant is not a natural person)

2. If applicant is not a natural person, state the name, identity number and address of each shareholder, member, partner or beneficiary:

.....

.....

3.(a) The applicant is required to submit a letter of executorship or letter of authority.

(b) The applicant is to state or explain his/her relationship to the licence holder:

.....

(c) The applicant –

(i) has, in the Republic or elsewhere in the preceding 10 years, been sentenced for any offence to imprisonment without the option of a fine;

Yes	No
-----	----

(ii) has, in the preceding 10 years, been convicted of an offence in terms of the Liquor Act, 1989 (Act No. 27 of 1989), or the NW Liquor Licensing Act, 2016 (Act No. 6 of 2016), irrespective of the sentence imposed, and was, within three years after the conviction, again convicted of an offence in terms of any of the abovementioned two Acts and was, therefore, then sentenced to a fine of not less than **R100** or to imprisonment without the option of a fine;

Yes	No
-----	----

(iii) is not domiciled in the Republic;

Yes	No
-----	----

(iv) is an unrehabilitated insolvent;

Yes	No
-----	----

Yes	No
-----	----

(v) is a minor;

(vi) is the spouse of a person contemplated in subparagraphs (i), (ii) or (iv); or

Yes	No
-----	----

(vii) is committed in terms of the Mental Health Act, 1973 (Act no. 18 of 1973) or the Mental Health Care Act, 2002 (Act No. 17 of 2002), as the case may be; and

Yes	No
-----	----

(d) if the applicant is a company, close corporation, partnership, co-operative association or trust, state whether a person contemplated in subparagraph (a) –

(i) has a controlling interest in such a company, close corporation, co-operative association or trust;

Yes	No
-----	----

(ii) is a partner in such a partnership; or

Yes	No
-----	----

(iii) is the main beneficiary under such a trust.

Yes	No
-----	----

(e) If any of the questions in subparagraphs (a) or (b) have been replied to in the affirmative, provide full details:

.....
.....

(Use an annexure if necessary)

4.(a) State the name and surname, identity number and address of each person –

(i) including the holder of the licence, or who has any financial interest in the business to which the licence relates:

.....

.....; and

(ii) who, including the applicant, will have an interest if the application is granted, and in each case, the nature and extent of such interest. If the applicant is a juristic person, it shall be sufficient if the name, registration number and postal address of such juristic person is provided, together with the name of each director and the nature and extent of the financial interest of such company:

.....

(Use an annexure if necessary)

(b) State the financial interest of the applicant in the liquor trade in the Republic and, if the applicant is a private company, close corporation, partnership or trust, also of every shareholder, member or partner thereof or beneficiary thereunder. (If the applicant or the said shareholder, member, partner or beneficiary has no such interest, this fact must be specifically mentioned):

(Use an annexure if necessary)

(c) In the case of an application for a liquor store licence, or a special licence for off-consumption, is the applicant –

(i) a producer or his agent;

Yes	No
-----	----

(ii) a manufacturer of beer or his agent;

Yes	No
-----	----

(iii) a person who has a financial interest in the business of a producer or a manufacturer of beer, or the agent of such person;

Yes	No
-----	----

(iv) a company in which shareholders have a financial interest in the business of a producer or a manufacturer or hold a controlling interest in such business; or

Yes	No
-----	----

(v) a company in which a company contemplated in subparagraph (c)(iv) holds a controlling interest, or the agent of such a company?

Yes	No
-----	----

(Delete subparagraph (c) if not applicable or mark the applicable square)

5. If application is made for the transfer of a micro-manufacturing licence, is the applicant a person who –

(a) engages in viticulture;

Yes	No
-----	----

(b) manufactures any other fermented beverage; or

Yes	No
-----	----

(c) is a member of a co-operative society, as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), which manufactures wine from grapes produced by members of the co-operative society?

Yes	No
-----	----

6. Name in which the business is to be conducted:

.....

7. Will the applicant have the right to occupy the premises referred to in paragraph 4(a) of Part A of the application, including such place on other premises upon which any approval or determination is

Yes	No
-----	----

exercised for the purposes of the licence?

I declare/truly affirm that the information furnished in Part B of this application in so far as it relates to me/the applicant on whose behalf I am authorised to sign the application and in the documents attached to it, is true and correct.

.....
Date

.....
Signature (of applicant who is the prospective holder of licence or person authorised to sign application)

I certify that this declaration has been signed and sworn to/affirmed before me

at on this day of 20.....

by the applicant who is the prospective holder/person authorised to sign the application who has acknowledged that –

- (a) he/she knows and understands the contents to this declaration;
- (b) he/she has no objection to taking the prescribed oath/affirmation; and
- (c) he/she considers the prescribed oath to be binding on his/her conscience,

and that he/she uttered the following words:

"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of this declaration are true."

.....
Commissioner of Oaths

.....
Affirmation

Full names and surname:

Business address:

Designation:

Area for which appointment is held:

Office held if appointment is ex officio:

ANNEXURE Q2
TRANSFER CERTIFICATE
 North West Liquor Licensing Act, 2016
 (Act No. 6 of 2016)

NWLA 17B

CERTIFICATE IN TERMS OF SECTION 74(3): TRANSFER OF A LIQUOR LICENCE

Licence number:

The(type of licence) licence held by:

.....

situated at in the

(district or metropolitan municipality under which business is conducted in the name of:

.....

is hereby transferred to.....

.....

.....

The business is conducted in the name of:

The transfer of the licence shall be of no force and effect after the expiry date unless the prescribed renewal fees have been paid.

Date of Issue	Amount Received	Receipt No.	Expiry Date
.....

ANNEXURE R
APPLICATION IN TERMS OF SECTION 75 FOR REMOVAL OF LICENCE FROM
LICENSED PREMISES TO OTHER PREMISES
 North West Liquor Licensing Act, 2016
 (Act No. 6 of 2016)

NWLA 18

For official use:

Date stamp NW Liquor Authority Receipt of Application
--

Amount: R

Receipt No.:

Date:

NW Liquor Authority's Reference no.:

INDEX
Description of document

Annexures:

1. Application.
2. Plan of the premises.
3. Description of premises and colour photographs.
4. Comprehensive written representation or motivation.
5. Documents required to be attached to the application –
 - (a) liquor inspector's report;
 - (b) business licence;
 - (c) permission to occupy (in the form of a title deed or lease agreement or rates statement from the municipality);
 - (d) consent to trade in liquor;
 - (e) certified copy of identity document of the applicant;
 - (f) proof of payment of lodging fees;
 - (g) tax clearance certificate of applicant; and
 - (h) power of attorney/company resolution authorising a signatory (to be accompanied by a certified copy of the signatories' identity document/s (where applicable)).

1. Full names and surname of applicant:

2. If applicant is not a natural person, state the name, identity number and address of each shareholder, member, partner or beneficiary:

.....
.....
.....

(Use an annexure if necessary)

3.(a) Name in which licensed business is conducted:

.....

(b) Will the name change as a result of the removal?

Yes

No

(c) If so, state new name:

4.(a) Describe the situation of the premises where the licensed business is presently conducted with reference to the erf-, street- and farm number:

.....
.....
.....
.....
.....
.....
.....

(b) Describe the situation of the proposed premises where the business is to be conducted with reference to the erf-, street- and farm number:

.....
.....
.....
.....
.....

5.(a) Are the premises referred to in paragraph 4(a) and (b) in the same district or metropolitan municipality, and if not, state the district/metropolitan municipality:

.....

 (b) State the shortest distance by road from the premises referred to in paragraph 4(a) to the premises referred to in paragraph 4(b):

6. Will the applicant have the right to occupy the premises referred to in paragraph 4(b)?

☐ Yes

☐ No

7. In the case of an application for the removal of an on-consumption licence, state in which portion of the premises the sale of liquor is to take place:

.....

8.(a) Is application made in respect of premises which –

(i) have not yet been erected;

☐ Yes

☐ No

(ii) are already erected, but require additions or alterations to make them suitable for the purpose of the proposed business; or

☐ Yes

☐ No

(iii) are already erected and, in the applicant's opinion, do not require additions or alterations in order to make them suitable for such purpose?

☐ Yes

☐ No

(b) If paragraph 8(a)(i) or (ii) applies, state –

(i) the date on which such erection, additions, or alterations will be commenced with:

.....;and

(ii) the period which will be required for the erection, additions or alterations:

.....

9.(a) Is application made for any determination, consent, approval or authority which may be granted by the competent authority (e.g. other business or tasting facilities)?

☐ Yes

☐ No

(b) If so, give full particulars with reference to the relevant section in terms of which application is made:

.....

(Use an annexure if necessary)

10. In the case of an application for the temporary removal of a licence, state for what period such removal is desired:

I declare/truly affirm that the information furnished in this application and in the documents attached to it, is true and correct.

.....
Date

.....
*Signature (of applicant or person
authorised to sign application)*

I certify that this declaration has been signed and sworn to/affirmed before me

at on this day of 20.....

by the applicant/person authorised to sign application who has acknowledged that –

(a) he/she knows and understands the contents of this declaration;

(b) he/she has no objection to taking the prescribed oath/affirmation; and

(c) he/she considers the prescribed oath to be binding on his/her conscience,

and that he/she uttered the following words –

“I swear that the contents of this declaration are true, so help me God”/“I truly affirm that the contents of this declaration are true.”.

.....
Commissioner of Oaths

.....
Affirmation

Full names:

Business address:

Designation:

Area for which appointment is held:

Office held if appointment is ex officio:

ANNEXURE S
SECURITY PLAN
 North West Liquor Licensing Act, 2016
 (Act No. 6 of 2016)

NWLA 19

The Security Plan is to include the following –

No.	Security Plan	Check Box	
1.	The floor plan of the proposed site or area.	Yes	No
2.	The access point (entry and exit).	Yes	No
3.	The entry/exit point to be manned at all times.	Yes	No
4.	Patrons to be searched at point of arrival and departure.	Yes	No
5.	Storage facilities for licensed firearms to be provided.	Yes	No
6.	The point of sale to be cordoned off (indicated on the floor plan submitted).	Yes	No
7.	The restricted part for consumption of liquor to be cordoned off (to be indicated on the floor plan submitted).	Yes	No
8.	Parking to be provided.	Yes	No

9.	Ablution facilities for males and females to be provided.

Yes	No

Dated at on this day of 20.....

.....

Applicant

ANNEXURE T
SITUATIONAL REPORT
North West Liquor Licensing Act, 2016
(Act No. 6 of 2016)

NWLA 20

NO.	SECURITY PLAN
1.	Name and surname of the applicant:
2.	Trading name:
3.	Category of licence:
4.	Type of premises applied for:
5.	Address of premises:
6.	The floor plan of the proposed site or area is included:
7.	The access point (entry and exit) is indicated in red on the floor plan:
8.	The entry and exit point is manned at all times: Please provide the number of security staff who will man the door:
9.	Patrons are searched at point of arrival and departure: Indicate the point of search on the floor plan in black.

10.	Storage facilities for licensed firearms are provided in compliance with the Firearm Control Act, 2000 (Act No. 60 of 2000):
11.	The point of sale is cordoned off (to be indicated on the floor plan submitted): Please indicate the type of equipment used for cordoning:
12.	The restricted part for consumption of liquor is cordoned off (indicated on the floor plan submitted):
13.	Sufficient parking is made available in compliance with municipal regulations:
14.	Ablution facilities for males and females are indicated on the floor plan: There is compliance with municipal by-laws regarding the following – (a) age restriction; (b) the restriction on sound levels in the case of music and public announcements; and (c) restrictions on the quantity of liquor supplied to individuals.

Dated at on this day of 20.....

.....

Applicant

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **North-West Province**, Private Bag X2036, Mmabatho, 8681. Tel. (0140) 81-0121.