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GENERAL NOTICE

NOTICE 344 OF 2010

Department of Trade and Industry

Liquor Act, 2003

2010 Soccer World Cup Liquor Regulations

By virtue of the powers vested in me in terms of section 42 of the Liquor Act, 2003 (Act No. 59 of 2003), I Dr Rob Davies, Minister of Trade and Industry, hereby publish the following Regulations for the control of liquor trade and distribution during the 2010 Soccer World Cup, having consulted with the National Liquor Policy Council.

Interested persons may submit written comments on the proposed regulations by 3 May 2010 to:

Director-General, Department of Trade and Industry

Private Bag X84

Pretoria

0001

or

77 Meintjies Street

Block B, 1st Floor

Sunnyside

Pretoria

Fax No: 012 394 2504

Email: MMosing@thedti.gov.za

For Attention: Mpho Mosing

Dr Rob Davies, MP

Minister of Trade and Industry

SCHEDULE

Definitions and Interpretation

1. (1) In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Liquor Act 2003 has the same meaning, and –

“Act” means the Liquor Act, 2003 (Act No.59 of 2003).

“Applicant” means a person who has applied to be registered in terms of the Liquor Act or a person applying for a licence, permit or any other dispensation in terms of the these regulations

“Commercial display area” means a dedicated display area inside a stadium for the FIFA Commercial Affiliates to display and sell their wares, and where there is insufficient space inside a stadium, the area of up to 2 500 square metres within the Exclusion zone as near as possible to the outer perimeter of a stadium provided by the Host City for the purposes of setting up a commercial display area;

“Commercial Affiliate” means an institution associated to the 2010 FIFA World Cup South Africa by virtue of having agreement/s with FIFA for the purposes of supporting FIFA through sponsorship or otherwise and in return FIFA grant it advertising and other product promotion rights during the FIFA World Cup South Africa;

“Commercial establishment” means an existing licenced commercial establishment such as a pub, club, restaurant and or a bar;

“Special liquor licence” means a license issued in terms of these Regulations by a Provincial Liquor Board

“Special distribution certificate” means a certificate issued in terms of these regulations to a distributor by the National Liquor Authority for

the purposes of distributing liquor to 2010 FIFA World Cup South Africa related venues.

“Designated sales area” means a clearly demarcated area within the licensed premises in which liquor may be sold or consumed;

“Exclusion zone” means the controlled zone situated immediately outside the outer perimeter of the stadium, designated by the municipality by agreement with FIFA;

“FIFA Fan Park” means a location designated by the municipality by agreement with FIFA for the establishment and operation by FIFA or its appointee, of a fan park for the duration of the 2010 FIFA World Cup South Africa;

“Licensed premises” means the premises on which liquor may be sold and or consumed under a licence issued in terms of these Regulations;

“Liquor” means liquor as defined in section 1 of Liquor Act No. 59 of 2003;

“Manager” means a natural person who is appointed as manager of the licensee or certificate holder, in terms of these Regulations and has been approved by the relevant Provincial Liquor Board ;

“Match” means any football match in its entirety, including replay, overtime and penalty kick phases, which takes place as part of the 2010 Africa including delayed or deferred matches and replays;

“National Liquor Authority” means the National Liquor Authority responsible for the issuing of amongst others, macro-manufacturing and distribution certificates;

“Provincial Liquor Board” means the relevant Provincial authority responsible

for the issuing of amongst others, micro-manufacturing and retail sale liquor licences;

“Public viewing area” means any of the areas designated by the municipalities in South Africa and approved by Local Organising Committee where public event will be taking place during the 2010 FIFA World Cup South Africa;

“Regulation” includes any Schedule or Tables included or referred to in a these Regulations; and

“Stadium” means a stadium in a Host City which hosts any match, including all areas around the stadium, such areas being delimited by the points of entry beyond which no person without appropriate accreditation or match ticket is entitled to pass.

“Inspector” means a person appointed by the Provincial Liquor Board and the National Liquor Authority with either general or specific authority to exercise powers in terms of these regulations

Objectives and Purpose of the regulations

2. (1) The main objectives of these regulations are to:
- (a) control the distribution, selling and consumption of liquor during the 2010 FIFA World Cup South Africa at designated sales areas; and
 - (b) protect the distribution and retail trading rights of holders of licences and certificates issued in terms of these regulations.
- (2) The purpose of these regulations is to establish a uniform regulatory framework for the 2010 FIFA World Cup regarding the –
- (a) issuing of liquor distribution registrations certificate;
 - (b) issuing of special liquor licence;
 - (c) monitoring compliance with the conditions and these regulations; and

- (d) enforcement of these regulations at the stadium, fan parks and public viewing areas.

Scope and application

3. (1) These regulations apply to all activities relating to the distribution, selling and consumption of liquor at all stadia, fan parks and public viewing venues hosting activities about or related to the 2010 FIFA World Cup South Africa .
- (2) Existing liquor licence holders of a commercial establishment not hosting 2010 FIFA World Cup South Africa related activity is not required to apply for a Special liquor licence in terms of these regulations.
- (3) The Provincial Liquor Board shall issue the Special retail liquor licences and determine the terms and conditions for such licences.
- (4) The National Liquor Authorities shall issue the distribution certificate liquor licences and determine the terms and conditions for such licences.

Premises and Parameters wherein liquor will be sold

Stadium and FIFA Fan Parks

4. (1) The Special liquor licence issued in terms of these regulations includes all liquor outlets within the stadium perimeters, exclusion zone, FIFA Fan Park.
- (2) Trading time within the stadium will be according to the match days as indicated in Table A.
- (3) Liquor in the stadium will be sold throughout the match and no liquor will be sold after the end of the match.

- (4) Trading hours and trading days will be according to the match times and days, as indicated in Table F.

Corporate or hospitality suites and hospitality villages

- 5. (1) The corporate or hospitality suites shall be issued with a Special Liquor License in terms of these regulations
- (2) Liquor served in a hospitality suite and hospitality village must be consumed only within the hospitality suite or hospitality village as the case may be.
- (3) Trading time within the hospitality suite or hospitality village will be according to the match days as indicated in Table B.

Stadium Media Center

- 6. (1) The stadium media center shall be issued with a Special Liquor License in terms of these regulations
- (2) The stadium media centre may be licensed to operate earlier than the 1 June 2010 and later than 11 July 2010.
- (3) Media Center will be a controlled access area, only accessible to stadium media center accredited persons.
- (4) Trading time within the stadium media center will be according to the match days as indicated in Table C.

Commercial display area within and outside the stadium perimeters

- 7. (1) The commercial display area shall be issued with a Special Liquor License in terms of these regulations

- (2) Commercial display areas include all liquor premises and kiosks situated within and outside the commercial display area in the stadium perimeters.
- (3) Trading time for commercial display area situated within the stadium perimeters will be according to the match days as indicated in Table D.
- (4) Trading time for commercial display area outside the stadium perimeter will be according to the match days as indicated in Table E.
- (5) The selling and consumption of liquor within the commercial display area located outside the stadium perimeter must only take place in designated sales areas.

Public viewing Areas

- 8. (1) The Public Viewing Area shall be issued with a Special Liquor License in terms of these regulations
- (2) Liquor may only be sold at the designated sales areas within the public viewing area.
- (3) Liquor may only be consumed within the parameters of the public viewing area.

Application process for a Special liquor licence or Special Distribution certificate.

- 9. (1) An application for special liquor licence or special certificate must be lodged with Provincial Liquor Board on application Form 2010/1 of these regulations

- (2) An application for a special distribution certificate must be lodged with the National Liquor Authority, by completing Form 2010 /2 of these regulations.
- (3) An application for a Special liquor licence must be in a prescribed form and include:
 - (a) in case of a stadium or fan park, proof of appointment from FIFA;
 - (b) in case of a public viewing area, proof of approval or right of occupation of a designated sales area by the relevant municipality;
 - (c) a plan or map or a sketch where liquor will be sold or supplied;
 - (d) a number of kiosks or suites or villages where liquor will be sold or supplied;
 - (e) recognizable benefit for the local community or the number of historically disadvantaged individuals in the employ of the applicant;
 - (f) proof of payment of the application fee depending on the premises the person intends trading in.
- (4) The applications in terms of these regulations are exempt from publication for public comments and objections.
- (5) On receipt of the duly completed form the National Liquor Authority or Provincial Licensing Authority as the case may be must assess and finalize the application within 7 working days.
- (6) Where the applicant meets the requirements to qualify for the granting of the special liquor licence or special distribution certificate the National Liquor Authority or Provincial Liquor Authority as the case may be, will issue the special licence or the certificate with or without conditions.
- (7) The Provincial Liquor Board or National Liquor Authority has the right to refuse or reject an application, and such refusal or rejection must be

communicated in writing to the applicant with reasons for such refusal or rejection.

Fees for Special Liquor Licence or Fee Special Registration Certificate Fees

10. (1) Special Liquor Licence fees and Special Registration Certificate are prescribed by these regulations and are contained in Table H.

(2) The prescribed fees are not refundable.

General conditions for special liquor licences or Special Distribution certificate

11. (1) A special liquor licence or special distribution certificate issued in terms of these regulations is only valid for the duration of issue that is 11 June to 11 July 2010 unless otherwise stipulated.

(2) The special liquor licence or special distribution certificate is neither renewable nor transferable to another person other than the applicant without the consent of the relevant Provincial Liquor Board or the National Liquor Authority as the case may be.

(3) It shall not be made a requirement of licensing under these regulations that a licensee be a member of a industry association responsible for programs intended to combat alcohol abuse.

(4) All special liquor licences or special distribution certificate shall be subject to all the conditions applicable in terms of these regulations.

(5) Only 2010 FIFA World Cup South Africa approved products may be sold or supplied in FIFA controlled premises.

- (6) Except in the corporate or hospitality suite, hospitality village and stadium media centre, liquor must not be sold or supplied in glass containers but must only be sold and served in approved plastic, styrophone or paper containers not exceeding a volume of 500 ml each.
- (7) The special liquor licence or special distribution certificate, together with any imposed conditions, and the certificate of appointment of a manager for the venue, must be prominently displayed at a pre-determined place within the licensed premises.

Advertising

- 12. (1) Any advertising of liquor by a licensee or registrant must contain warning messages regarding the age restriction for sale and consumption of liquor and the dangers associated with liquor consumption.
- (2) The warning messages must be clearly visible on the advertisement so as not to likely be missed by any person reading the advertisement.
- (3) Advertisements must clearly indicate that visibly pregnant women and visibly intoxicated persons will not be supplied with liquor.

Safety regulations

- 13 (1) The sale, consumption and distribution of liquor in terms of these regulations will be monitored by inspectors appointed by Provincial Liquor Board and National Liquor Authority
- (2) In enforcing compliance with these regulations inspectors may be assisted by other government law enforcement and security agency.

- (3) In addition to these regulations the FIFA Safety Regulations apply to all the holders of liquor licences and certificates issued in terms of these regulations for the duration of the 2010 FIFA World Cup South Africa.
- (4) No person other than the special liquor or special distribution certificate holders shall bring or remove liquor in the licensed premises

Functions of Inspectors

14. (1) An inspector may –

- (a) subject to these regulations or any other law that authorizes the inspector to conduct an inspection –
 - (i) monitor and enforce compliance with these regulations; or
 - (ii) conduct an inspection under these regulations.
- (b) question any person whom the inspector believes may have information relevant to an inspection;
- (c) question any person present on any premises being inspected, in respect of any matter which may be relevant to the inspection;
- (d) inspect any document that –
 - (i) a person is required to maintain in terms of these regulations or any other relevant law; or
 - (ii) may be relevant to any liquor-related inspection;
- (e) take samples of any substance that is relevant to the inspection;
- (f) seize –
 - (i) any liquor that appears to have been manufactured contrary to section 4(2) of the National Liquor Act 2003;
 - (ii) any liquor, if it appears that the liquor is being distributed contrary to section 4(2) of the National Liquor Act 2003;
 - (iii) any substance that appears to be prohibited in terms of section 6 of the National Liquor Act of 2003.

- (g) for the purpose of the inspection, take photos or make audiovisual recordings of anything or any person, process, action or condition implicated in the inspection on or regarding any premises; and do all things necessary for conducting the inspection.
- (2) An inspector who –
- (a) seizes any goods in terms of these regulations must –
 - (i) issue a receipt for the goods to the owner of or person in control of the premises; and
 - (ii) secure the seized goods, pending a decision concerning forfeiture of those goods; or
 - (b) removes anything from premises being inspected, must –
 - (i) issue a receipt for it to the owner of or person in control of the premises; and
 - (ii) unless it is a substance contemplated in subsection (2)(e), return it as soon as practicable after achieving the purpose for which it was removed.

Notifications, National register of licences and certificates

15. (1) A Provincial Liquor Board issuing a special liquor licence in terms of these regulations must:
- (a) notify in writing the designated police officer in whose area of jurisdiction the stadium, FIFA fan park or public viewing area for which the special liquor licence has been issued;
 - (b) in notifying the designated police officer in terms of this sub-regulation include a copy of the special liquor licence issued , including all the conditions of the licence;
 - (c) the same notification referred to in this sub-regulation (1)(a) and (b) must be communicated to the National Liquor Authority which will be entered into a national register;

- (d) notify the South African Police Service, National Liquor Control Office and the relevant Provincial Commissioner within 24 hours of all the special liquor licenses issued for the period.
- (2) The National Liquor Authority must include in the national register the special liquor licences and special distribution certificates issued.
- (3) The National Liquor Authority must notify the South African Police Service, National Liquor Control Office and the relevant Provincial Commissioner within 24 hours of all special distribution certificates issued in terms of these regulations.

General enforcement

16. (1) If during a security check at the premises within and surrounding the stadium including exclusion zones, FIFA fan park, public viewing area , it appears that a person is visibly under the influence of liquor or any other intoxicating substance , such person will be refused further supply for consumption of liquor
- (2) If a person the within and surrounding the stadium including exclusion zones, FIFA fan park or public viewing area is visibly under the influence of liquor or other intoxicating substance and displays disorderly or unruly conduct, such person will be asked to leave failing which such person will be removed by safety and security officers.
 - (3) When requested by any person responsible for compliance of these regulations, a person purchasing or consuming liquor is obliged to produce proof of identification to verify the age upon request by the person responsible for compliance or the person selling/supplying liquor.

Offences and penalties

17. (1) Any contravention of these regulations shall be dealt with in terms of the applicable Provincial and National Legislation including penalties applicable to such offences.

Short title

18. These regulations are called 2010 FIFA World Cup Liquor Regulations

SCHEDULE 1

TABLES

Number	Description
Table A	Trading hours and trading days within stadium
Table B	Trading hours and trading days within corporate or hospitality suites and hospitality villages
Table C	Trading hours and trading days within stadium media centres
Table D	Trading hours and trading days in commercial display areas located within stadium perimeter
Table E	Trading hours and trading days in commercial display areas located outside stadium perimeter
Table F	Trading hours and trading days in FIFA fan parks
Table G	Applicable fees for special liquor licences and certificates

TABLE A**Trading hours and trading days within stadiums**

Venue	Time	Days
Stadiums	Designated sales areas may open for trade three (3) hours before start of the match, except on the opening and closing matches where designated sale areas may open five (5) hours before the start of the said matches	Match Days

TABLE B**Trading hours and trading days within Corporate or Hospitality suites and Hospitality villages**

Venue	Trading Hours	Days
Corporate or Hospitality Suites and Hospitality Villages	<p>Corporate and hospitality suites may open from three (3) hours before the start of a match, except the opening and closing matches, where corporate and hospitality may open five (5) hours before the start of the said matches</p> <p>Corporate and hospitality suites may continue to supply liquor throughout the duration of a match.</p> <p>Designated sales areas in corporate and hospitality suites will open 3 hours after the end of a match.</p>	Match Days

TABLE C**Trading hours and trading days in stadium media centres**

Venue	Trading Hours	Days
Stadium media centres	<p>Non-match days: 10h00 to 21h00</p> <p>Match days: 10h00 to 22h00 on</p>	Monday to Sunday

TABLE D**Trading hours and trading days in commercial display areas located within stadium perimeter**

Venue	Trading Hours	Days
Commercial Display Area (within stadium perimeter)	<p>Designated sales areas –</p> <p>(a) will open for trade five (5) hours before the start of a match;</p> <p>(b) must close one (1) hour before the start of a match; and</p> <p>(c) may be open for one (1) hour after the end of a match.</p>	Match Days

TABLE E

Trading hours and trading days in commercial display areas located outside stadium perimeter

Venue	Trading Hours	Days
Commercial Display Area (outside stadium perimeter)	Designated sales areas – (a) may open for trade five (5) hours before the start of a match; (b) must close one (1) hour before the start of a match; and (c) may be open for one (1) hour after the end of a match.	Match days

TABLE F

Trading hours and trading days in FIFA Fan Parks

Venue	Time	Days
Fan parks	10:00 to 22h00	Monday to Sunday

Trading hours and trading days in Public Viewing Areas

Venue	Time	Days
Public Viewing Area	10:00 to 22h00	Monday to Sunday

TABLE G

TABLE H

Licence fees per stadium, corporate or hospitality suite and hospitality village, stadium media centre, fan park and public viewing event

Stadium	R40 000
Corporate or Hospitality suite	R5 000
Stadium media center	R5 000
Fan park	R50 000
Public viewing area	R5 000
Special Distribution certificate	R15 000

SCHEDULE 2

REPUBLIC OF SOUTH AFRICA

Application for the Special Liquor Licence during 2010 FIFA World Cup

INSTRUCTIONS

This form is prescribed for the use for the application for licence during 2010 World Cup

Please also attach the following:

1. A sheet setting out the name, race, gender, ID number and address of each person, including the applicant or proposed transferee who will have a financial interest in the business, and in each case the nature and extent of that interest
2. A sheet setting out the financial interest of the applicant or proposed transferee in the liquor industry within the Republic, and if the applicant or proposed transferee is not an individual, provide equivalent information with respect to each shareholder, member, partner or beneficiary of the applicant or proposed transferee
3. A sheet setting out separately the following: in case of the stadium or fan park, proof of appointment from FIFA; in case of a public viewing area, proof of approval or right of occupation of a designated sales area by the relevant municipality; a plan or map or a sketch where liquor will be sold or supplied; a number of kiosks or suites or villages where liquor will be sold or supplied; a recognised benefit for the local community or the number of historically disadvantaged individuals in the employ of the applicant.
4. Proof of payment of the application fee depending on the premises the person intends trading in.

FORM 2010 /1**Application for the Special Liquor Licence during 2010 FIFA World Cup****ATTACHED TO AND FORMING PART OF:**

_____ Application

Submitted by: _____

DESCRIPTION OF APPLICANT

If the applicant or proposed transferee is an individual, is that individual:

- (i) a minor _____ (yes/no)
- (ii) an unrehabilitated insolvent _____ (yes/no)
- (iii) committed in terms of the Mental Health Act, 1973 _____ (yes/no)
- (iv) a person who has been convicted of an offence as contemplated in section 11(2)(d) or (e) of the Liquor Act, 2003 _____ (yes/no).
- (v) person who has been convicted of an offence in terms of the liquor Act , No. 27 of 1989

If the answer to any of the above is "yes", attach a sheet setting out full details.

If the applicant is not an individual, attach a sheet setting out the names of each person who has a controlling interest in, or is a director or board member, or main beneficiary or, the applicant or proposed transferee, and with respect to each such person, indicate, and provide full details if "yes" whether that individual is:

- (a) a minor _____ (yes/no)
- (b) an unrehabilitated insolvent _____ (yes/no)
- (c) committed in terms of the Mental Health Act, 1973 _____ (yes/no)
- (d) person who has been convicted of an offence as contemplated in section 11(2)(d) or (e) of the Liquor Act, 2003 _____ (yes/no).
- (e) person who has been convicted of an offence in terms of the liquor Act , No. 27 of 1989

DESCRIPTION OF ACTIVITIES

Kinds of liquor: _____

Premises from which liquor is sold, with reference to street, erf, farm number, town, city and province

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

Name: **Signature**

Address

Date:/...../2010

REPUBLIC OF SOUTH AFRICA

Application for the Special Distribution Certificate during 2010 FIFA World Cup

INSTRUCTIONS

The form is prescribed for the use for the application for licence during 2010 World Cup.

Please also attach the following:

5. A sheet setting out the name, race, gender, ID number and address of each person, including the applicant or proposed transferee who will have a financial interest in the business, and in each case the nature and extent of that interest.
6. A sheet setting out the financial interest of the applicant or proposed transferee in the liquor industry within the Republic, and if the applicant or proposed transferee is not an individual, provide equivalent information with respect to each shareholder, member, partner or beneficiary of the applicant.
7. A sheet setting out Premises from which liquor is sold, with reference to street, erf, farm number, town, city and province.
8. Proof of payment of the application.

FORM 2010 /2

Application for the Special Distribution Certificate during 2010 FIFA World Cup

ATTACHED TO AND FORMING PART OF:

_____ Application

Submitted by: _____

DESCRIPTION OF APPLICANT

If the applicant or proposed transferee is an individual, is that individual:

- (vi) a minor _____ (yes/no)
- (vii) an unrehabilitated insolvent _____ (yes/no)
- (viii) committed in terms of the Mental Health Act, 1973 _____ (yes/no)
- (ix) a person who has been convicted of an offence as contemplated in section 11(2)(d) or (e) of the Liquor Act, 2003 _____ (yes/no).
- (x) person who has been convicted of an offence in terms of the liquor Act, No. 27 of 1989

If the answer to any of the above is "yes", attach a sheet setting out full details.

If the applicant is not an individual, attach a sheet setting out the names of each person who has a controlling interest in, or is a director or board member, or main beneficiary or, the applicant or proposed transferee, and with respect to each such person, indicate, and provide full details if "yes" whether that individual is:

- (f) a minor _____ (yes/no)
- (g) an unrehabilitated insolvent _____ (yes/no)
- (h) committed in terms of the Mental Health Act, 1973 _____ (yes/no)
- (i) person who has been convicted of an offence as contemplated in section 11(2)(d) or (e) of the Liquor Act, 2003 _____ (yes/no).
- (j) person who has been convicted of an offence in terms of the liquor Act, No. 27 of 1989

DESCRIPTION OF ACTIVITIES

Kinds of liquor: _____

Premises from which liquor is sold, with reference to street, erf, farm number, town, city and province

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

Name: **Signature**

Address

Date:/...../2010