

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Vol. 19

PRETORIA, 1 MARCH
MAART 2013

No. 56

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



IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	GENERAL NOTICE		
585	Gauteng Liquor Act (2/2003): Gauteng Liquor Regulations on Shebeen Licences, 2013	3	56

GENERAL NOTICE

NOTICE 585 OF 2013

GAUTENG LIQUOR ACT, 2003 (ACT No. 2 OF 2003)

GAUTENG LIQUOR REGULATIONS ON SHEBEN LICENCES, 2013

The Member of the Executive Council responsible for economic development in the Province has, in terms of Section 141(1)(m) of the Gauteng Liquor Act, 2003 (Act No. 2 of 2003), read with section 141(1)(p), made the Regulations set out in the Schedule.

SCHEDULE**ARRANGEMENT OF REGULATIONS**

1. Definitions
2. Application period
3. Categories of licences
4. Lodgement and application procedure for shebeen licences
5. Nature of premises
6. Inspectorate
7. Consideration and issuing of a shebeen licence by the Board
8. Appeal
9. Trading hours
10. Conditions of sorghum beer licence
11. Appointment of Managers
12. Applicability of the Act
13. Short-title and commencement

Definitions

1. In these regulations, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act retains that meaning and in addition-

“ **Act**” means the Gauteng Liquor Act, 2003 (Act No.2 of 2003);

“**applicant**” means a person applying for a shebeen licence in terms of these Regulations and who carries on the business of selling liquor on the premises to which the application relates;

“**application**” means a fully completed application form with all the required accompanying documentation;

“**off consumption licence**” means a shebeen licence entitling the licensee to sell liquor not for consumption on the licenced premises and “**off consumption**” has a corresponding meaning;

“**on consumption licence**” means a shebeen licence entitling the licensee to sell liquor for consumption on the licenced premises and “**on consumption**” has a corresponding meaning; and

“**shebeen licence**” means a licence granted in terms of these Regulations and issued to the applicant.

Application period

2. (1) A holder of a shebeen permit envisaged in the Act is entitled to apply for a shebeen licence contemplated in these Regulations a day after the promulgation of these Regulations.

(2) An application contemplated in sub regulation (1) must be made within the period of twelve months from the date of promulgation of these regulations.

(3) The shebeen permit remains valid until the shebeen licence is granted and issued to a holder of a shebeen permit or it lapses when its application has been declined in terms of the Regulations.

(4) The holder of a shebeen permit whose application in terms of these Regulations is declined has 30 days to continue operating the business in order to allow the permit holder to sell off the stock.

(5) (6) All shebeen permits will cease after the application period closes.

Categories of licences

3. An applicant must apply for a shebeen licence to sell liquor in respect of one of four categories -

- (a) shebeen licence, on consumption;
- (b) shebeen licence, off consumption;
- (c) shebeen licence, (sorghum beer) on consumption;
- (d) shebeen licence, (sorghum beer) off consumption.

Lodgement and application procedure for shebeen licences

4. (1) An application for a shebeen licence must only be made by or on behalf of a person who is in possession of a shebeen permit issued to him or her and verified as valid by the Department.

(2) An application contemplated in sub regulation (1) includes shebeen permit holders who applied for liquor licences in terms of section 23 of the Act and were refused.

(3) An applicant is solely responsible for the correctness of an application submitted by or on behalf of the applicant in compliance with these Regulations.

(4) A person may not apply for a shebeen licence unless he or she is 18 years or older.

(5) An application for a shebeen licence must be lodged with the relevant local committee of the district or metropolitan municipality in which the licence is sought on an application form similar to form SHL 1 as set out in Annexure A.

(6) An application must be accompanied by-

- (a) a certified copy of the shebeen permit as verified by the Department;
- (b) colour photographs showing the external and internal features of the premises to which the application relates;
- (c) legible and certified copy of the identity document or of a valid passport;
- (d) proof of the right to occupy the premises;
- (e) menu in the case of a on consumption shebeen licence;
- (f) a non-refundable application fee of R50.00; and
- (g) sketch plan of the premises showing the external and internal features of the premises to which the application relates.

(7) The Board may request any further information and documentation it deems necessary in writing once the application has been lodged.

(8) If the application is incomplete, such submission will not be accepted by the local committee and the applicant will be afforded an opportunity to complete and submit all outstanding documents within 14 days.

Nature of the premises

5. The applicant for a shebeen licence, on consumption, must -
- (a) provide toilet for males;
 - (b) provide toilet for females;
 - (c) provide hand washing facility for the toilets; and
 - (d) serve light meals.

Inspectorate

6.(1) An inspector appointed in terms of section 105 of the Act must conduct inspections on the premises and submit a report to the Board.

(2) The powers of inspectors in terms of the Act are applicable to shebeen licence holders.

Consideration and issuing of a shebeen licence by the Board

7.(1) The Board must when considering the application take into cognisance the following-

- (a) whether the premises are suitable for the purposes for which they will be used as per the inspectorate report;

- (b) in the case of a shebeen licence, on consumption, whether there are sufficient toilet facilities and whether meals will be served.

(2) Where the Board is satisfied that the applicant has complied with all the requirements in terms of these Regulations the Board must-

- (a) grant and issue a shebeen licence; or
- (b) refuse the application and provide the applicant with reasons for refusal.

(3) An applicant whose licence has been granted by the Board must pay an issue fee of R100.00.

Appeal

8. (1) A shebeen permit holder whose application has been declined may, in Form SHL2 in Annexure B, within 14 days of being served with a notice of the decision of the Board, lodge an appeal with the MEC against the decision of the Board.

(2) An appeal must be accompanied by the following-

- (a) a copy of the application;
- (b) a written statement on the grounds of appeal;
- (c) the decision and reasons for the decision made in terms of regulation 7; and
- (d) a non-refundable fee of R100.00.

(3) Within 30 days after receiving all the documents referred to in regulation 2, the MEC must consider the appeal.

(4) The MEC-

- (a) may confirm, set aside or amend a decision of the Board;
and
- (b) must notify the applicant and the Board, in writing, of the decision within 14 days of deciding the appeal.

Trading Hours

9. The trading hours are as follows-

(1) shebeen licence off consumption, shebeen licence (sorghum beer) on consumption, and shebeen licence (sorghum beer) off consumption is **10:00 -22:00** everyday.

(2) shebeen licence, on consumption is –

(a) Sunday – Thursday **10:00 –22:00**

(b) Friday – Saturday **10:00 – 02:00.**

Conditions of sorghum beer licence

10. The holder of a shebeen licence (sorghum beer on and off consumption) may only sell sorghum beer.

Appointment of managers

11.(1) A person who is a holder of a valid shebeen permit may in form SHL1 appoint another person who permanently resides in the Republic of South Africa and who is not disqualified in terms of section 37 of the Act to hold a licence, to manage and be responsible for the business to which the shebeen licence relates and the appointment of the aforesaid person must be approved by the Board.

(2) A person appointed as a manager is responsible for a business, to which a shebeen licence relates, is subject to the same obligations as the licensee concerned.

(3) The Board may not grant an application for appointment of a manager unless it is satisfied that the person to be appointed is not disqualified in terms section 37 of the Act.

(4) An application referred to in this regulation must be accompanied by-

- (a) a non-refundable application fee of R50 per manager; and
- (b) a police clearance certificate stating particulars of any convictions recorded against the proposed manager.

Applicability of the provisions of the Act

12. Conditions applicable to licensees in relation to-

- (a) prohibitions;
- (b) exemptions;
- (c) enforcement and judicial proceedings;
- (d) offences and penalties;
- (e) compliance; and
- (f) renewals;

in terms of the Act apply to all shebeen licence holders.

Short title and commencement

13. These regulations are called the Gauteng Liquor Regulations on Shebeen Licenses, 2013 and commences upon publication in the Provincial Gazette.

Annexure A

FORM SHL1

INSTRUCTIONS

There is an application fee for filing this form.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Complete all questions on the form. If the question does not apply to you, respond by marking "N/A".

Where the space provided is insufficient to complete your response, use a separate sheet as annexure.

This Application form must be accompanied by the following-

1.	a certified copy of the shebeen permit;	YES	NO
2.	colour photographs showing the external and internal features of the premises to which the application relates;	YES	NO
3.	legible and certified copy of the identity document or of a passport;	YES	NO
4.	proof of the right to occupy the premises;	YES	NO
5.	menu in the case of a on consumption shebeen licence;	YES	NO
6.	a non refundable application fee of R50.00;	YES	NO
7.	sketch plan of the premises showing the external and internal features of the premises to which the application relates.	YES	NO

GAUTENG LIQUOR ACT, 2 OF 2003**APPLICATION FOR A SHEBEEN LICENCE**

Application made by:

Address for service of documents:

Telephone No/s:

Fax No and email address:

1. APPLICANT DETAILS

1.1 Full names:

1.2 Identity number or passport number:

1.3 Telephone number/s:

1.4 Fax number and email address:

2. APPLICATION DETAILS

2.1 Licence type applied for:

2.2 Type of liquor applicant intends selling:

2.3 Trade name under which the business is conducted?

2.4 Physical address of the premises to be licensed with reference to erf, street name and number, building, farm number, apartment, floor or suite:

2.5 Does the applicant have the right to occupy the premises referred to in paragraph 2.4 above?

YES	NO
------------	-----------

2.6 How many toilet facilities are in the premises in the case of a shebeen licence on consumption?

2.7 Describe the type of food available for sale and provide a menu, (only applicable to shebeen licence on consumption).

2.8 Appointment of a Manager

State the following particulars of person to be appointed:

(a) Full Name:

--

(b) Identity Number:

--

(c) Is the proposed manager a person who:

(a) is an unrehabilitated insolvent ?	<table border="1"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> </table> <p>If the answer to the above is affirmative please provide details.</p>	YES	NO
YES	NO		
(b) is a minor ?	<table border="1"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> </table>	YES	NO
YES	NO		
(c) has been convicted of any liquor related offence?	<table border="1"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> </table> <p>If the answer to the above is affirmative please provide details.</p>	YES	NO
YES	NO		
(d) is the partner of a person contemplated in sub-paragraphs (a) or (c)?	<table border="1"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> </table> <p>If the answer to the above is affirmative please provide details.</p>	YES	NO
YES	NO		

By signing this form I solemnly declare that all information provided in this application and the documentation is true and correct.

Date:
Print name:

Signature of applicant or an authorised person (written authorization or power of attorney to be attached).

--

I certify that the applicant or authorised person has acknowledged that he or she knows and understands the contents of this declaration, which has been signed and sworn to or affirmed before me

At _____ this ____ day of _____ 20__

Commissioner of Oaths

Full names

--

Business address

--

Designation

--

Area for which appointment is held

--

Office held if appointment is ex officio

--

ANNEXURE B**FORM SHL2****GAUTENG LIQUOR ACT, 2 OF 2003****APPLICATION FOR APPEAL AGAINST A DECISION OF THE BOARD
IN TERMS OF REGULATION 8****INSTRUCTIONS**

There is an application fee for filing this form.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Complete all questions on the form. If the question does not apply to you, respond by marking "N/A".

Where the space provided is insufficient to complete your response, use a separate sheet as annexure.

This form must be accompanied by:

Copy of the application for a shebeen licence	YES	NO
Payment of the prescribed fee	YES	NO
Reasons for the decision	YES	NO

Application made by:

Address for service of documents:

Telephone No/s:

Fax No and email address:

1. APPELLANT'S DETAILS

1.1 Full names:

1.2 Identity number:

1.3 Telephone number/s:

1.4 Fax number and email address:

2. DETAILS OF APPEAL

2.1 Name of the applicant	
2.2 Date of the decision	
2.3 Date on which the appellant was informed of the decision.	

3. Nature of the right adversely affected by the Boards decision (Use annexure if necessary)

4. Grounds for appeal (Use annexure if necessary)

By signing this form, I solemnly declare that all information provided in this application and the documentation is true and correct.

Date:

Print name:

Signature of applicant or an authorised person (written authorization or power of attorney to be attached)

I certify that the applicant or authorised person has acknowledged that he or she knows and understands the contents of this declaration which has been signed and sworn to or affirmed before me.

At _____ this _____ day of _____ 20__

Commissioner of Oaths

Full names:

Business address:

Designation:

Area for which appointment is held:

Office held if appointment is ex officio: