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LIMPOPO PROVINSIE  
XIFUNDZANKULU XA LIMPOPO  
PROFENSE YA LIMPOPO  
VUNDU LA LIMPOPO  
IPHROVINSI YELIMPOPO

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**No. 1407**

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**Hu tshi katelwa na  
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**GENERAL NOTICE**

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# GENERAL NOTICE

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## NOTICE 482 OF 2007

### DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM

#### LIMPOPO LIQUOR BILL, 2007

In terms of rule 113 of the Standing Rules and Orders of the Limpopo Legislature the Limpopo Liquor Bill, 2007 is hereby advertised for comments.

Any person or organization wishing to comment on the Bill may do so in writing, before 9 November 2007, with:

**The Head  
Department of Economic Development,  
Environment and Tourism  
Private Bag X9484  
POLOKWANE  
0700**

**FOR ATTENTION: Mr Simon Mbedzi  
[Mbedziks@ledet.gov.za](mailto:Mbedziks@ledet.gov.za)**

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**LIMPOPO PROVINCIAL LEGISLATURE**

**LIMPOPO  
LIQUOR BILL, 2007**

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**as introduced by**

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**(THE MEMBER OF THE EXECUTIVE COUNCIL FOR THE  
DEPARTMENT OF  
ECONOMIC DEVELOPMENT, ENVIRONMENT AND TOURISM)**

**B]**

**BILL**

To provide for the establishment of Local Liquor Authority, the Provincial Liquor Board and Appeal Tribunal; to regulate the application for and consideration of licences for the retail sale and micro-manufacturing of liquor; to regulate the application for and consideration of permits for the manufacturing and distribution of traditional African beer; to prohibit the sale of liquor to certain categories of people; to provide for enforcement procedures and matters connected therewith.

**BE IT ENACTED** by the Limpopo Provincial Legislature as follows:

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1. Definitions
2. Objects of Act
3. Application of Act

**CHAPTER 2****ESTABLISHMENT OF PROVINCIAL STRUCTURES****Part I****Local Liquor Authority**

4. Establishment of Local Liquor Authority
5. Composition of Local Liquor Authority
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**1. Definitions**

(1) In this Act unless the context indicates otherwise—

“**beer**” includes

- (a) ale, cider and stout;
- (b) any other fermented drink, other than traditional African beer —
  - (i) that is manufactured as or sold under the name of beer, ale, cider or stout, when it contains more than one per cent volume of alcohol; or
  - (ii) that is declared to be beer under section 42(2) of the Liquor Act, 2003 (Act No.59 of 2003);

“**Board**” means the Limpopo Liquor Board established in terms of section 8;

“**Chairperson**” means the chairperson of the relevant body in the provincial structure;

“**Companies Act, 1973**” means the Companies Act, 1973 (Act No. 61 of 1973);

“**Council**” means the Provincial Liquor Policy Council established in terms of section 20;

“**Department**” means the Department responsible for liquor matters in the province;

“**licence**” means a licence certificate issued in terms of section 31;

“**liquor**” means any

- (a) liquor product as defined in section 1 of the Liquor Products Act, 1989 (Act No. 60 of 1989);
- (b) beer; or
- (c) other substance or drink declared as liquor in terms of section 42(2) of the Liquor Act, 2003 (Act No. 59 of 2003);

“**Liquor Act, 1989**” means the Liquor Act, 1989 (Act No. 27 of 1989);

“**liquor consultant**” means a person who is registered in terms of section 29 to assist applicants with the application procedure of a liquor licence.

“**Liquor Products Act**” means the Liquor Products Act, 1989 (Act No. 60 of 1989);

“**MEC**” means the Member of the Executive Council responsible for liquor matters in the province;

“**methylated spirits**” means

(a) spirits denatured in accordance with any law on the denaturing or methylating of spirits; and

(b) any other denatured, medicated, perfumed or otherwise treated spirits declared as methylated spirits under section 42(2) of the Liquor Act, 2003 (Act No.59 of 2003);

“**micro-manufacture**” means to manufacture liquor at or below the threshold volume prescribed in terms of the Liquor Act, 2003 (Act No.59 of 2003) and micro-manufacturer has a corresponding meaning;

“**municipality**” means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**organ of state**” means an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“**premises**” includes any place, land, building, conveyance or any part thereof as approved by the Board;

“**prescribe**” means prescribed by regulations;

“**provincial structures**” means a Local Liquor Authority, Limpopo Liquor Board and the Appeal Tribunal established in Chapter II;

“**retail sale**” means the sale of liquor for the purpose of consumption;

“**sell**” includes

(a) supply, exchange, offer for sale, display for the purpose of sale; or

(b) authorise, direct or allow a sale, display, exchange or offer;

“**traditional African beer**” has the meaning determined by the Liquor Act, 2003 (Act No. 59 of 2003);

“this Act” includes any regulation made or issued in terms of this Act.

## 2. Objects of Act

The objects of this Act are to regulate the micro-manufacturing and retail sale of liquor and traditional African beer in the province in a manner which will

- (a) promote sustainable economic growth;
- (b) transform the liquor industry to meet the socio economic realities of the province; and
- (c) facilitate the entry of new participants into the liquor industry.

## 3. Application of Act

This Act does not apply to

- (a) an officer as defined in section 1(1) of the Customs and Excise Act, 1964 (Act No. 91 of 1964), in performing that officer’s functions;
- (b) a sheriff, an officer acting in terms of an order of court, judge or magistrate, in performing their functions as sheriff, officer, judge or magistrate respectively;
- (c) the convenor of a bona fide wine-tasting function, with regard to the sale of wine in quantities of less than 200 millilitres to be consumed at that function; or
- (d) a person who sells any spirituous or distilled perfumery or medicated spirit, which perfumery or spirit is not methylated spirits.

CHAPTER 2  
PROVINCIAL STRUCTURES  
Part I  
Local Liquor Authority

## 4. Establishment of Local Liquor Authority

The MEC may, by notice in the *gazette*, establish local liquor authorities at municipalities in the province.

#### 5. **Composition of Local Liquor Authority**

A local liquor authority established in terms of section 4 must consist of a

- (a) representative of the 
  - (i) Department;
  - (ii) municipality, nominated by the Municipal Manager of that municipality;
  - (iii) South African Police Service, nominated by the Provincial Commissioner;
- (b) member of the business community with knowledge and experience relating to the liquor industry; and
- (c) member of the community with knowledge and experience in the field of socio-economic development or social services.

#### 6. **Appointment of members of Local Liquor Authorities**

- (1) The Head of Department must publish a notice in two newspapers circulating in the relevant municipal area, inviting applications of persons complying with sections 5(b) and 5(c) for appointment.
- (2) Applicants must, in response to the notice in terms of subsection (1)(b), submit a comprehensive *curriculum vitae* containing –
  - (a) certified copies of all qualifications; and
  - (b) supporting documents that reflect the applicant's knowledge and experience that will contribute to regulating the liquor industry in the province.

- (3) The Head of the Department must subject to section 13, appoint –
- (a) the representatives of the department, municipality and police contemplated in section 5(a);
  - (b) from the applications received in terms of subsection (2), the members contemplated in sections 5(b) and 5(c).
- (4) The Head of the Department must elect, from amongst the members, a Chairperson and Deputy Chairperson of the Local Liquor Authority.

**7. Functions and powers of Local Liquor Authority**

A Local Liquor Authority, established in terms of section 4 must

- (a) consider and issue permits for –
  - (i) micro-manufacturing and sale of traditional African beer, in the prescribed manner; and
  - (ii) sale and consumption of liquor at a special event;
- (b) scrutinise applications for liquor licences received in terms of section 26;
- (c) refer applications, received in terms of section 26, which 
  - (i) do not meet the prescribed requirements of this Act, to the applicant for compliance; or
  - (ii) meet the prescribed requirements of this Act, to the Board for consideration;
- (d) make recommendations to the Board with regard to applications in subparagraph (c)(ii);
- (e) make liquor licence applications accessible to the public;
- (f) submit any objection received with regard to an application for a liquor licence to the Board; and
- (g) perform any other function assigned by the Board or terms of this Act.

**Part II**  
**Limpopo Liquor Board**

**8. Establishment of Limpopo Liquor Board**

There is hereby established a juristic person known as the Limpopo Liquor Board.

**9. Composition of Board**

The Board must consist of

- (a) a representative of the 
  - (i) Department, nominated by the Head of the Department; and
  - (ii) South African Local Government Association, nominated by the Chief Executive Officer of that Association;
- (b) a member of the business community with knowledge and experience relating to the liquor industry;
- (c) an attorney or advocate with at least five years experience; and
- (d) a member of the community with experience in the field of socio-economic development or social services.

**10. Appointment of members of Board**

- (1) The Head of the Department must 
  - (a) submit a list of names of officials nominated in terms of section 9(a) to the MEC for appointment; and
  - (b) publish a notice in two newspapers circulating in the province, inviting applications of persons complying with sections 9(b),(c) and (d) for appointment.

- (2) Applicants must, in response to the notice in terms of subsection (1)(b), submit a comprehensive *curriculum vitae* containing—
  - (a) certified copies of all qualifications; and
  - (b) supporting documents that reflect the applicant's knowledge and experience that will contribute to regulating the liquor industry in the province.
- (3) The Head of the Department must make recommendations to the MEC regarding the appointment of members to the Board.
- (4) The MEC must—
  - (a) subject to section 13, appoint the members of the Board from the list of recommendations submitted by the Head of the Department; and
  - (b) elect from amongst the members a Chairperson and Deputy Chairperson of the Board.

#### **11. Functions and powers of Board**

- (1) The Board must consider applications for liquor licences.
- (2) The Board may—
  - (a) approve or refuse an application received in terms of section 26;
  - (b) determine conditions applicable to the categories of licences contemplated in section 24;
  - (c) amend or cancel a liquor licence;
  - (d) suspend a liquor licence for an indefinite time or for such period as it may determine;
  - (e) attach conditions to a liquor licence;
  - (f) conduct public hearings regarding liquor licences;
  - (g) assign certain powers and functions to the Local Liquor Authority; and
  - (h) exercise any other function or power conferred or imposed on the Board.



**Part III**  
**Appeal Tribunal**

**12. Appeal Tribunal**

- (1) There is hereby established an Appeal Tribunal for the province which must consider appeals against decisions made by the Board.
- (2) The Appeal Tribunal must be appointed by the MEC and consist of
- (a) two persons who have legal qualifications and at least five years experience; and
  - (b) one person with suitable skills and experience regarding the liquor industry.
- (3) The MEC must
- (a) publish, in two newspapers with wide circulation in the province, an invitation calling for applications to the Appeal Tribunal; and
  - (b) consider all applications submitted in response to the invitation and subject to section 13, appoint members to the Appeal Tribunal; and
  - (c) elect a Chairperson who must be legally qualified and another member as the Deputy Chairperson.

**Part IV**  
**General provisions applicable to provincial structure**

**13. Eligibility for appointment to provincial structure**

No person may be appointed as a member of a provincial structure

- (a) unless that person is a citizen of the Republic of South Africa;
- (b) if that person

- (i) has any direct or indirect interest in the liquor industry which may result in a conflict with that member's professional interest as a member of the provincial structure;
- (ii) has a family member with a direct interest in the liquor industry, unless the MEC is of the opinion that the family member's interest in the liquor industry does not prevent the person from being appointed as a member;
- (iii) is an unrehabilitated insolvent;
- (iv) is a political office bearer;
- (v) has at any time been removed from an office of trust on account of misconduct; or
- (vi) has at any time been convicted of an offence involving dishonesty.

**14. Term of office**

A member of a provincial structure is appointed for a term of three years and may be re-appointed for one additional term.

**15. Remuneration and allowances of members**

- (1) The MEC must, in consultation with the Member of the Executive Council responsible for finance, determine the remuneration and allowances payable to members of the provincial structure, who are not in the full-time employ of the State.

- (2) Different rates may apply to the bodies of the provincial structure.

**16. Meetings of provincial structure**

The MEC may prescribe the procedure for meetings of the provincial structure.

**17. Disqualification of members**

- (1) A member of a provincial structure who at any stage has –
- (a) a direct or indirect interest in a matter before the provincial structure; or
  - (b) an interest in the matter which precludes that person from performing his or her functions as a member of the provincial structure in a fair, unbiased and proper manner,
- must immediately disclose that interest in writing and may not vote or in any other manner participate in the proceedings of that matter.
- (2) A disclosure by a member in terms of subsection (1) must be recorded in the minutes of the proceedings.
- (3) The MEC may, when of the opinion that it is in the public interest, remove a member from a position on a provincial structure.

**18. Funds for Provincial Structures**

The funds for provincial structures shall consist of monies

- (a) appropriated by the Provincial Legislature; and
- (b) which may accrue to the Provincial Structure from any other source.

**19. Subpoena and notices**

- (1) The Chairperson of the relevant body in the provincial structure may, in the prescribed format, subpoena or notify a person who is or may be affected by or is concerned in the consideration of a particular matter before the relevant provincial structure.

- (2) A person who has received a subpoena or notice in terms of sub-section (1), must personally appear before the provincial structure on the date, time and place set out in the subpoena or notice.
- (3) A person appearing before a provincial structure as contemplated in sub-section (2), may be accompanied by that person's legal representative.
- (4) The Chairperson of the relevant body in the provincial structure may subpoena any person to a meeting of that provincial structure to
- (a) give evidence; or
  - (b) produce any document or any other thing which is in that person's possession or custody or under that person's control
- and which, in the opinion of the Chairperson, relates to a matter to be considered by that provincial structure.

### CHAPTER 3

#### PROVINCIAL LIQUOR POLICY COUNCIL

##### **20. Establishment of Council**

There is hereby established a Provincial Liquor Policy Council.

##### **21. Composition of Council**

- (1) The Council consists of the –
- (a) MEC;
  - (b) Member of the Executive Council in the province responsible for –
    - (i) health and social development matters;
    - (ii) education matters;
    - (iii) agriculture;

- (iv) safety and security;
  - (v) local government matters; and
- (c) Provincial Commissioner of the South African Police Service.
- (2) The MEC is the chairperson of the Council and must convene a meeting of the Council at any time, but at least two meetings in each financial year.
- (3) The Council may adopt its own rules for the conduct of its meetings.

## **22. Functions of Council**

- (1) The Council is a forum for intergovernmental co-operation contemplated in 41(1)(h) of the Constitution of the Republic of South Africa.
- (2) The function of the Council is to consult on any regulatory matter concerning the liquor industry and liquor licences in the province.

## CHAPTER 4

### LICENCING AND PERMITS

## **23. Mandatory licencing**

- (1) No person may –
- (a) sell; or
  - (b) micro-manufacture;
- liquor or traditional African beer, unless that person is licenced or has a permit in terms of this Act, to sell or micro-manufacture liquor or traditional African beer.

- (2) A person who is authorised in terms of subsection (1) to sell or micro-manufacture liquor or traditional African beer must do so in accordance with the conditions attached to such licence or permit.

**24. Traditional African beer**

- (1) Only a Local Liquor Authority may issue a permit for the manufacturing and sale of traditional African beer.
- (2) The MEC must prescribe the application procedure for traditional African beer permits which must provide for a simplified application process and a nominal application fee.

**25. Categories of licences**

A person may apply for a licence to sell liquor in respect of one or more of the following categories:

- (a) sale of liquor for consumption off the premises where the liquor is being sold, where the core function of the business is a –
- (i) liquor store;
  - (ii) grocer; or
  - (iii) wine farm;
- (b) sale of liquor for consumption on the premises where the liquor is being sold, where the core function of the business is –
- (i) provision of accommodation;
  - (ii) provision of food;
  - (iii) a wine-house;
  - (iv) a theatre; or
  - (v) a club,

- (c) sale of liquor for consumption on and off the premises where the liquor is being sold under special conditions determined by the Board; and
- (d) micro-manufacturing of liquor.

**26. Special event permit**

- (1) An application for a special event permit must be lodged with the Local Liquor Authority on the prescribed form and in the prescribed manner.
- (2) The Local Liquor Authority may, subject to subsection (3), grant a special event permit on the payment of the prescribed special event permit fee;
- (3) The Local Liquor Authority may not, for a longer period than seven consecutive days and for more than a total of 30 days per year, issue a special event permit to an applicant.

**27. Disqualification**

- (1) No person may be licenced in terms of this Act, if that person is 
  - (a) a minor on the date the application for a licence is considered;
  - (b) not a South African citizen;
  - (c) declared to be of unsound mind by a competent court;
  - (d) an unrehabilitated insolvent; or
  - (e) a liquor manufacturer or the agent of a liquor manufacturer, that manufactures liquor above the threshold volume prescribed in terms of the Liquor Act, 2003 (Act No. 59 of 2003).
- (2) A business entity may not be licenced in terms of this Act, if the person who 
  - (a) has the controlling interest in the business entity;
  - (b) is a partner in the business entity; or

- (c) is the main beneficiary in a trust,  
has in terms of subsection (1), been disqualified in terms of this Act.

**28. Application procedure for liquor licence**

- (1) An application for a liquor licence must be lodged with the Local Liquor Authority on the prescribed form and must be accompanied by
- (a) a detailed written motivation in support of the licence application;
  - (b) a detailed sketch plan of the premises showing the dimension of the buildings, rooms, point of service areas, construction material and other prescribed information;
  - (c) a detailed written description of the premises to which the application relates, together with colour photographs of the external and internal features of the premises;
  - (d) a letter of consent from the municipality that there is compliance with municipal requirements;
  - (e) proof that notice of the application has been 
    - (i) published in one newspaper circulating in the municipal area where the premises is located; and
    - (ii) served on a member, over the age of sixteen years, of each household or business entity adjacent to the premises from where the liquor will be sold;
    - (iii) discussed in the relevant ward committee established in terms of section 73(1) of the Municipal Structures Act, 1998 (Act No. 117 of 1989);
  - (f) proof of payment of the prescribed application fee; and
  - (g) an original valid tax clearance certificate issued by the South African Revenue Services.



- (2) The Local Liquor Authority must within 21 days of receiving an application for a liquor licence in terms of subsection (1)
- (a) scrutinise the application for compliance with the requirements of subsection (1) ;
  - (b) afford the public the opportunity to 
    - (i) inspect or obtain a copy of the application; and
    - (ii) lodge objections regarding the application;
  - (c) when satisfied that the application meets the requirements of subsection (1), submit the application, in the prescribed format, together with –
    - (i) the recommendations of the Local Liquor Authority; and
    - (ii) any objections or representations received from the public, to the Board.
- (3) Where an application does not meet the requirements of subsection (1), the Local Liquor Authority must refer that application in the prescribed format to the applicant, directing the applicant to supplement or remedy the defective application within 14 days.
- (4) If the applicant fails to comply with sub-section (3), the Local Liquor Authority may decline the application and notify the applicant in writing thereof.
- (5) On receiving an application from the Local Liquor Authority, the Board must, subject to the provisions of this section, within 30 days consider the application, objections and the recommendations of the Local Liquor Authority and may
- (a) approve unconditionally;
  - (b) approve conditionally; or
  - (c) refuse,
- the application for a liquor licence.

- (6) The Board may approve the application for a liquor licence if
- (a) the applicant and premises complies with the provisions of this Act;
  - (b) the applicant is of good character and is fit to be the holder of the licence;
  - (c) it is in the public interest;
  - (d) the premises is not situated within the prescribed proximity of a –
    - (i) school;
    - (ii) place of worship;
    - (iii) public transport facility;
    - (iv) building where the public have access to public services;
    - (v) building occupied by government employees; or
    - (vi) filling station; and
  - (e) the licence will be sustainable.
- (7) Where the Board is of the opinion that the application does not comply with the provisions of this Act, the Board must refuse the application for a licence, and the Board must notify the applicant in writing
- (a) of the reasons for the Board's decision; and
  - (b) to comply with the provisions of this Act within 20 days of receiving the notice.
- (8) Where an applicant who has been notified in terms of subsection (7)–
- (a) complies with the requirements as set out in the notice, the Board may reconsider the application;
  - (b) does not comply with the requirements as set out in the notice, the Board must refuse the application and inform the applicant thereof in writing.

**29. Requirements for liquor consultant**

- (1) A liquor consultant must, in the prescribed format, apply to the Board to be a registered liquor consultant.
- (2) The Board may register a liquor consultant —
  - (a) after the consultant successfully completed training prescribed for liquor consultants; and
  - (b) on such terms and conditions as the Board may determine.
- (3) The Board must, upon payment of the prescribed registration fee, issue a certificate of registration to a liquor consultant.
- (4) Only a person who is a registered liquor consultant may assist persons with the application of a liquor licence in terms of section 28.

**30. Death or incapacity of applicant**

- (1) Where an applicant, on or before the date on which the application is considered—
  - (a) dies;
  - (b) becomes insolvent;
  - (c) is placed under judicial management; or
  - (d) is declared incapable of handling his or her own affairs by a court of law;the relevant administrator of the deceased or insolvent estate, judicial manager or curator or, if such an administrator, judicial manager or curator, has not been appointed or the holder of that office is unable or unwilling to act, a person who has an interest in the application and is authorised thereto by the relevant authority considering the application, must, subject to the law regarding deceased estates, insolvency, judicial management or mental health, assume all

the rights that the applicant would have had if the applicant had not died, become insolvent, been placed under judicial management or been declared incapable of handling his or her own affairs.

- (2) The Board may, in its discretion and subject to any applicable legislation, approve the licence in favour of such an administrator, judicial manager, curator or person.

**31. Appeal against refusal**

- (1) An applicant who is aggrieved by a decision of the Board, may within 30 days of being served with a notice of the decision of the Board, lodge an appeal with the Appeal Tribunal.

- (2) The Appeal Tribunal may, on good cause shown, condone the late lodging of an appeal.

- (3) An appeal must include the following:

- (a) a copy of the application for a liquor licence;
- (b) a written statement on the grounds of appeal;
- (c) the notice sent to the applicant by the Board in terms of section 28(7);
- (d) the applicant's response to the Board's notice;
- (e) the final notice and reasons for the decision issued in terms of section 28(8); and
- (f) any other information which is relevant to the appeal.

**32. Hearing of Appeal**

- (1) The Appeal Tribunal must, within 30 days of receiving all the documents referred to in section 31(3), consider the appeal.

- (2) All the members of the Appeal Tribunal constitute a quorum for a meeting of the Appeal Tribunal.
- (3) Subject to sections 19(4) and 31(3), the Appeal Tribunal—
  - (a) may confirm, set aside or amend a decision of the Board; and
  - (c) must, in writing, notify the applicant and the Board of the decision.

### **33. Licence Certificate**

- (1) When the Board approves an application for a liquor licence in terms of section 28, the Board must, subject to subsection (2) issue a certificate in the prescribed format, which must include the 
  - (a) full names and trading name of the licenceholder;
  - (b) category of the licence;
  - (c) the licence fee;
  - (d) licence number;
  - (e) date on which the licence was approved;
  - (f) date on which the licence expires;
  - (g) the physical address in respect of which the licence has been issued; and
  - (h) conditions upon which the licence was approved.
- (2) A liquor licence certificate will be issued upon payment of the prescribed liquor licence fee.

### **34. Effect of licencing**

- (1) A liquor licence certificate issued in terms of section 33 is proof that the licence holder has met all the requirements for a valid liquor licence in terms of this Act.
- (2) The licence holder must

- (a) indicate the liquor licence number on all trading documents of the licence holder;
  - (b) display the original licence certificate at the premises in respect of which the licence is issued; and
  - (c) pay the prescribed liquor licence renewal fee annually.
- (3) When a licence certificate is lost, stolen, damaged or destroyed, the licence holder must immediately report the matter to the South African Police Services and must, within 14 days on the prescribed form, apply for a duplicate licence certificate.
- (4) The Board may issue a duplicate licence certificate upon payment of the prescribed duplicate licence certificate fee.

**35. Non-compliance with licence obligations**

- (1) The Board must, if the Board has reason to believe that the licence holder has not complied with
- (a) a provision of a term or condition of that person's liquor licence; or
  - (b) his or her obligations in terms of this Act,
    - (i) serve a non-compliance notice in the prescribed form on the licence holder; and
    - (ii) if the Board is satisfied that any non-compliance contemplated in paragraph (i), constitutes an offence, report the licence holder to the South African Police Service for investigation.
- (2) A non-compliance notice contemplated in subsection (1), must advise the licence holder

- (a) of the alleged non-compliance and the steps that the licence holder is required to take in order to comply; and
  - (b) that the licence holder must comply with the notice within 30 days from the date the notice was received.
- (3) The Board may extend the period contemplated in subsection (2)(b), on good cause shown by the licence holder.

**36. Variation, suspension or cancellation of licence**

- (1) If a licence holder who has been served with a notice in terms of section 35 does not comply with the requirements stated in the notice or becomes disqualified in terms of this Act, the Board must
- (a) amend or suspend the liquor licence on such terms and conditions as the Board may determine; or
  - (b) cancel the licence,
- and notify the licence holder, in writing, of the
- (i) amendment, suspension or cancellation and state the reasons therefore; and
  - (ii) date on which the liquor licence was amended, suspended or cancelled.
- (2) When a liquor licence has been suspended or cancelled, all the rights, benefits and allowances accruing therefrom lapses on the date that the liquor licence was suspended or cancelled.

**37. Appeal against amendment, suspension or cancellation of licence**

- (1) A licence holder may, on the prescribed form, refer a decision of the Board to amend, suspend or cancel a licence to the Appeal Tribunal.

- (2) The appeal must include the following:
- (a) a copy of the non-compliance notice issued in terms of section 35;
  - (b) steps taken by the licence holder to comply with the terms of the non-compliance notice within the prescribed period;
  - (c) a copy of the decision of the Board to amend, suspend or cancel the licence;
  - (d) a written statement on the grounds of appeal; and
  - (e) any other information which may be relevant to the appeal.
- (3) Section 32 will apply to the hearing of the appeal.

**38. Voluntary deregistration, winding up or dissolution**

- (1) A licence holder may voluntarily deregister by sending a written notice to the Board stating the
- (a) intention and reasons for deregistration; and
  - (b) date from which the deregistration is to take effect.
- (2) If a licence holder is
- (a) sequestered;
  - (b) wound up; or
  - (c) dissolved,
- the licence holder must notify the Board in writing of that fact and attach certified copies of all relevant documents confirming the sequestration, winding-up or dissolution.
- (3) On receiving the notice contemplated in subsection (2), the Board must, on the date specified in the notice



- (a) cancel the licence of the licence holder; and
- (b) notify the licence holder, in writing, of the date on which the deregistration was effected.

**39. Death or incapacity of licence holders**

- (1) For the purposes of this section the expression 'an administrator of an estate' includes —
- (a) an executor of a deceased estate;
  - (b) a liquidator or trustee of an insolvent estate; and
  - (c) a curator.
- (2) When a licence holder dies, becomes insolvent, or is placed under curatorship, the administrator of the estate may, for the purposes of administering the estate, continue to conduct the licenced activities in the name of the estate.
- (3) Any person may apply in the prescribed manner and form to the Board for the appointment of a person to conduct the licenced activities of the licence holder, pending the appointment of an administrator contemplated in subsection (2).
- (4) Before granting an application made in terms of subsection (3), the Board must be satisfied that —
- (a) every person with a financial interest in the matter has been given reasonable notice of the application;
  - (b) an administrator has not been appointed; and
  - (c) there are reasonable grounds to believe that an administrator will be appointed.

- (5) A person appointed in terms of subsection (3) may, for the purpose of administering the estate, continue to conduct the licenced activities in the name of the estate, until an administrator has been appointed.

**40. Change of controlling interest**

- (1) A licence holder must not, unless the Board has on application by the licence holder granted consent, permit any other person to procure a controlling interest in the business entity to which the licence relates.

- (2) The Board must not grant consent in terms of subsection (1), when the person who is the subject of the application, is disqualified in terms of this Act to be a licence holder.

**41. Change or extend core business**

- (1) When a licence holder wish to extend or change the core business for which a liquor licence was issued, the licence holder must submit an application, on the prescribed application form, to the Board.

- (2) The Board must, within 21 days of receiving the application, consider the application and may –

- (a) approve unconditionally;
- (b) approve conditionally; or
- (c) refuse,

the application to extend or change the core business of the licence holder.

**42. Transfer of licence**

- (1) A licence holder may, in the prescribed format and on payment of the prescribed application fee, make an application to the Board for the transfer of a licence to another person.

- (2) The Board must, within 21 days of receiving the application for a transfer of a licence, consider the application and may —
- (a) approve unconditionally;
  - (b) approve conditionally; or
  - (c) refuse,
- the application for transfer of a licence.
- (3) The provisions of sections 27, 39, 31, 32 and 33 are applicable to an application for transfer of a licence.
- (4) When the application in subsection (1) is approved, the licence holder ceases to be the licence holder and all rights and obligations of the licence are transferred to the new licence holder.

#### **43. Relocation of premises**

- (1) A licence holder may, in the prescribed format and on payment of the prescribed application fee, make an application to the Board for the relocation of the licenced premises to other premises within the same district as the licenced premises.
- (2) The Board must, within 21 days of receiving the application, consider each application for a relocation of licenced premises and may, subject to subsection (4)—
- (a) approve unconditionally;
  - (b) approve conditionally; or
  - (c) refuse,
- the application for relocation of the licenced premises.

- (3) The Board must issue a certificate of relocation if the application is approved.
- (4) When an application in terms of subsection (1) is in respect of premises that –
- (a) has not been erected;
  - (b) requires structural alteration or addition;
  - (c) requires reconstruction,
- the Board must issue a notice to the applicant to comply with such conditions or requirements as the Board may determine.
- (5) The Board may, on application of the applicant –
- (a) withdraw or amend any condition or requirement determined in terms of subsection (4);
  - (b) subject to subsection (6), extend the period determined in terms of subsection (4); or
  - (c) approve an amended plan for the premises.
- (6) The period determined by the Board for completion of the premises may not be longer than 24 months and the period of the extension granted in terms of subsection (5)(b), may not be longer than 12 months.

#### **44. Register of licence holders and provincial records**

- (1) The Board must keep a register, in the prescribed format, of all
- (a) applications for licences;
  - (b) licences issued;
  - (c) cancelled licences;
  - (d) deregistered licences; and
  - (e) conditions attached to licences.

- (2) The Board must, not later than 60 days after each calendar year, publish in the *Gazette* and in two widely circulated newspapers in the province, the record of licences, specifying the names of all licence holders
- (a) who were licenced;
  - (b) whose licences were cancelled;
  - (c) who deregistered voluntarily or have been wound up or dissolved;
  - (d) who have been refused a licence; and
  - (e) whose licence conditions were amended,
- during the preceding calendar year.

**45. Payment into revenue fund**

All prescribed fees received in terms of this Act must be paid into the Provincial Revenue Fund.

CHAPTER 5  
CONDITIONS FOR SALE OF LIQUOR

**46. Sale of liquor**

A licence holder of a licence issued in terms of section 25(a) – (c) may not sell liquor to a manufacturer or a wholesaler.

**47. Prohibition on sale of liquor**

No person may sell liquor to a person who is –

- (a) under the age of 18 years;
- (b) pregnant;
- (c) visibly intoxicated; or
- (d) dressed in school uniform.

**48. Management of business**

- (1) A person, other than a natural person, must not conduct any business under a licence, unless a natural person who permanently resides in the Republic and who is not disqualified or incompetent in terms of this Act to be a licence holder, manages and is responsible for the business to which the said licence relates.
- (2) A natural person who is a licenced person may, in the prescribed manner, appoint another natural person who permanently resides in the Republic and who is not disqualified or incompetent in terms of this Act to be a licence holder, to manage and be responsible for the business to which the said licence relates.
- (3) If a licence holder or the only member of a company or close corporation which is the holder of a licence
- (a) has, in the opinion of the Board, abandoned the licenced premises without provision for the conduct thereon of the business to which the licence relates;
  - (b) becomes disqualified or otherwise incompetent in terms of this Act to be a licenced person; or
  - (c) which is a partnership, is dissolved,
- the Board may, on application by a person who has an interest in the relevant business, appoint any person who is fit to manage and be responsible for that business for a period of not more than 12 months, and a person so appointed is, subject to subsection 4(b), deemed to be the licence holder.
- (4) An appointment in terms of subsection (3)
- (a) is subject to the conditions set out by the Board;
  - (b) must not affect any right which a person may have in the business; and
  - (c) may be withdrawn by the Board on good cause.

- (5) A person managing a business and responsible for a business to which a licence relates is subject to the same obligations and liabilities as the licence holder.
- (6) Subsection (5) must not be interpreted to release the licence holder from any obligation or liability in terms of this Act.

**49. Alterations of premises**

- (1) A licence holder must, prior to effecting any structural alteration, addition or reconstruction of the licenced premises, apply on the prescribed application form to the Board for approval of such structural alteration, addition or reconstruction of the licenced premises.
- (2) The Board may grant or refuse an application in terms of subsection (1).

**50. Trading times**

The Board may, subject to conditions, restrict the days and hours during which a licence holder may sell liquor.

**51. Limitation on employers**

- (1) No person may employ another person, in connection with the sale of liquor who
- 
- (a) is under the age of 16 years; or
- (b) has within the preceding two years been convicted of contravening any law regulating the sale of liquor and has been sentenced to imprisonment without the option of a fine or to both imprisonment and a fine.
- (2) Subsection (1) does not apply to a person under the age of 16 years who is acquiring skills in a field of an accredited institution.

**52. Public health notices**

The MEC may, in consultation with the Member of the Executive Council responsible for health matters in the province, prescribe the content and the manner in which licence holders must display public health notices relating to the sale or consumption of liquor.

## CHAPTER 6

## LAW ENFORCEMENT AND JUDICIAL PROCEEDINGS

## Part I

## Prohibited and controlled liquids

**53. Prohibition of sale of unhealthy concoctions**

(1) No person may

- (a) have in his or her possession or custody or under his or her control; or
- (b) sell a 
  - (i) concoction manufactured by the fermentation of treacle, sugar or other substances and known as isishimiyana, hopana, qediviki, skokiaan, uhaili or barberton, but excluding indigenous qhilika;
  - (ii) concoction which may be called by another name, but is similar or substantially similar to any of the concoctions referred to in sub-paragraph (i);
  - (iii) concoction, which the MEC in consultation with the Member of the Executive Council for health matters in the province, has published by notice in the *Gazette* to be a concoction which is harmful to the health of a person; and
  - (iv) drink manufactured by the distillation of any concoction referred to in sub-paragraphs (i),(ii), or (iii).



- (2) The MEC may after consultation with the MEC responsible for health matters in the province, amend or withdraw a notice contemplated in subsection (1)(b)(iii).

**54. Methylated spirits**

The MEC, may make regulations regarding the

- (a) importation, transshipment, conveyance, transmission, keeping, sale or use of methylated spirits;
- (b) categories of persons who may sell methylated spirits;
- (c) keeping of records or other documents in respect of any dealing in methylated spirits, the form and manner in which the records or other document must be kept and the particulars to be entered therein;
- (d) custody and retention of records or other documents contemplated in paragraph (c);
- (e) denaturing, odourisation, colouring and rendering importable of methylated spirits sold or kept for sale, and the manner in which this must be done;
- (f) quantities of methylated spirits which may be sold on any occasion to any person and the receptacles in which it must be sold;
- (g) prohibiting or restricting of the purchase or possession of methylated spirits, including the granting of permits for the purchase or possession thereof.

**Part II**  
**Inspectorate**

**55. Designation of liquor trade inspectors**

- (1) The MEC may designate persons to be liquor trade inspectors, who is appointed as peace officers by the Minister of Justice in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) Liquor trade inspectors have the powers assigned to them by the Minister of Justice by proclamation in the *Gazette*.
- (3) The MEC must, in the prescribed format, issue a liquor trade inspector with a certificate stating that the person is a liquor trade inspector designated in terms of this Act.

#### **56. Powers and duties of liquor trade inspectors**

- (1) A liquor trade inspector may 
  - (a) conduct inspections, monitor and enforce compliance of this Act;
  - (b) investigate complaints submitted to the inspector in the prescribed format;
  - (c) question any person on any premises in respect of any matter which may be relevant to the inspection;
  - (d) inspect or copy any document, take photographs or make audio-visual recordings of any person, process, action or condition on or regarding any premises and take samples of any substance that is relevant to the inspection;
  - (e) seize any liquor which is sold or distributed contrary to the provisions of this Act;
  - (f) seize any substance that appears to be prohibited in terms of section 6 of the Liquor Products Act; and
  - (g) issue a non-compliance notice in the prescribed format.

- (2) A liquor trade inspector must issue a receipt, in the prescribed format, to the owner or person in control of the premises of all items removed during an inspection.
- (3) A liquor trade inspector may be accompanied during an inspection by a member of the South African Police Service or any other person reasonably required to assist in the conducting of the inspection.

**57. Duty to assist liquor trade inspector**

No person may

- (a) refuse to provide a document or information which that person is lawfully required to provide in terms of this Act;
- (b) furnish false or misleading information to a liquor trade inspector; or
- (c) refuse, obstruct, interfere or hinder a liquor trade inspector in the performing of his or her duties in terms of this Act.

**58. Non-compliance notice**

- (1) An inspector who is of the opinion that a provision of this Act or a condition attached to a licence have not been complied with, subject to subsection (2), must issue a non-compliance notice, in the prescribed format, to the owner or person in control of the relevant land or premises.
- (2) A non-compliance notice in terms of subsection (1) must set out
- (a) the provision that has allegedly not been complied with;
- (b) details of the nature and extent of the alleged non-compliance;
- (c) the action required to be taken and the period within which the required action must be taken; and
- (d) any penalty that may be imposed in the event of non-compliance.

- (3) A non-compliance notice remains in force until a liquor trade inspector issues in the prescribed format, a compliance certificate to indicate the compliance.

**59. Closing down of licenced premises**

- (1) Where the Board is of the opinion that

- (a) public disturbance;
- (b) disorder;
- (c) a riot; or
- (d) public violence,

is occurring or threatening at or near any licenced premises, the liquor trade inspector or the Board may order the licence holder or the manager or agent of the licence holder to close the licenced premises for the period directed by the inspector or the Board.

- (2) The licence holder, manager or agent of the licence holder, must comply with an order in terms of subsection (1).
- (3) A liquor trade inspector or the Board may at any time withdraw an order issued in terms of subsection (1).

**60. Inspectorate Reports**

A liquor trade inspector must submit a report to the Board

- (a) on any failure by a licence holder to discharge an obligation or condition of the licence;
- (b) of the disqualification of a licence holder in terms of this Act to hold the licence or permit concerned;
- (c) that alterations or repairs must be effected to any licenced premises;

- (d) that alterations were effected to licenced premises without the approval of the Board; and
- (e) on any other matter regarding licences, which the liquor trade inspector regard as important to bring to the attention of the Board.

**Part III**  
**Offences**

**61. General offences**

- (1) A person who 
  - (a) sells or micro-manufactures liquor —
    - (i) without a liquor licence; or
    - (ii) contrary to the conditions of the liquor licence;
  - (b) sells or manufactures traditional African beer—
    - (i) without a permit; or
    - (ii) contrary to the conditions of the traditional African beer permit;
  - (c) acts violent and disorderly on premises in respect of which a licence is issued;
  - (d) consumes any liquor on any road, street, lane or thoroughfare, or on vacant land adjacent thereto, in an urban area or other area subdivided into erven or plots with streets bounded by such erven or plots;
  - (e) introduces, possess or consumes any liquor on a sports ground that is not registered premises, to which the public has or is granted access, irrespective of whether access is granted against payment or is restricted to any category of persons or not;
  - (f) falsely represents himself or herself or any other person to be over the age of 18 years in order to persuade a licence holder or the agent or employee of a licence holder, to sell or supply liquor to that person; or
  - (g) supplies liquor to a person as

- (i) payment for wages;
- (ii) remuneration;
- (iii) an inducement to employment; or
- (iv) a supplement to employment,

commits an offence and is on conviction liable to a fine or imprisonment or to both such fine and imprisonment.

(2) A person who is –

- (a) under the age of 18 years; or
- (b) pregnant

and purchase liquor from a licence holder, commits an offence and is on conviction liable to a fine or imprisonment or to both such fine and imprisonment.

(3) A applicant or licence holder who

- (a) contravenes or fails to comply with any provision of this Act;
- (b) contravenes or fails to comply with a directive issued in terms of this Act;  
or
- (c) permits or allows any other person to do, or to omit to do, anything which is an offence in terms of paragraph (a) or (b),

commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

## **62. Offences regarding information**

A person who

- (a) submits or provides any information which is false or misleading; or
- (b) provides any false document which purports to be true but is not a true copy of an original document,

in relation to any application, appeal, objection, representation, reply to any objection or representation or complaint or request in terms of this Act, commits

an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

**63. Offences regarding Board**

A person who

- (a) does not appear before the Board on the date and the time as set out in a notice of the Board;
- (b) leaves a meeting of the Board without the approval of the Chairperson of the Board;
- (c) refuses to give evidence or produce any document or book after being called upon by the Board to give such evidence or produce any document or book; or
- (d) willfully interrupts the proceedings at a meeting of the Board or willfully hinder or obstruct the Board or any member thereof in the performance of that member's functions at the meeting,

commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

**64. Offences regarding inspections**

A person who

- (a) misrepresents himself or herself as being a liquor trade inspector;
- (b) hinders a liquor trade inspector in the execution of his or her duties;
- (c) refuses or fails to obey a lawful instruction given by a liquor trade inspector; or
- (d) refuses, without lawful excuse, to reply to a question put to him or her by a liquor trade inspector or knowingly gives a false or misleading answer,

commits an offence and is upon conviction liable to a fine or imprisonment or to both such fine and imprisonment.

#### **Part IV** **Judicial proceedings**

##### **65. Service of notices and documents**

Any notice or document required to be served in terms of this Act, may be served by hand or sent by telefacsimile or registered mail, addressed to the person to whom a notice or a document is to be served at the physical address, postal address or telefacsimile number, provided to the Board by that person, and notice of the contents is deemed to exist, where the notice or document was

- (a) hand delivered, when it was delivered;
- (b) sent by telefacsimile, upon receipt of record thereof by the sending station;
- (c) posted by registered mail, fourteen days after it was sent,

in the absence of evidence of the contrary that the person on whom it was served, acting in good faith, through absence, accident, illness or other cause beyond that person's control did not receive the notice, or did not receive the notice until a later date.

##### **66. Review of High Court**

Decisions of the Board are subject to review to the extent provided for in the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000).

#### **Part V** **Evidential matters**



**67. Proof of certain facts by affidavit**

(1) If the question arises in any civil proceedings whether a particular act, transaction or occurrence did or did not take place in a particular department of the State or an organ of state or in a branch or office of such a department or organ, or the question arises in such proceedings whether a particular functionary in such a department, organ, branch or office did or did not perform a particular act or did or did not take part in a particular transaction, a document purporting to be an affidavit by a person who in the affidavit allege

(a) that he or she is in the employ of the State or organ of state in the department, branch or office concerned;

(b) that

(i) if the act, transaction or occurrence concerned took place in that department, branch or office; or

(ii) if the functionary concerned performed such an act or took part in such a transaction, it would in the ordinary course of events have come to the deponent's knowledge and a record thereof which is available to him or her would have been kept; and

(c) that it has not come to his or her knowledge

(i) that such an act, transaction or occurrence took place; or

(ii) that the functionary performed such an act or took part in such a transaction and that there is no record thereof,

must on mere production be admissible as proof in those proceedings that the act, transaction or occurrence concerned did not take place or that the functionary concerned did not perform the act concerned or did not take part in the transaction concerned.

(2) If the question arises in any civil proceedings whether a person with a particular name did or did not furnish a particular officer with particular information or a

particular document, a document purporting to be an affidavit by a person who in that affidavit alleges that he or she is that officer and that no person with such a name furnished him or her with such information or document, shall on mere production be admissible as proof in those proceedings that that person did not furnish that officer with such information or document.

- (3) If the question arises in any civil proceedings whether a fact or information has been recorded under this Act or whether a document is kept or retained thereunder, a document purporting to be an affidavit by a person who in that affidavit alleges that he or she is the person on whom this Act confers the power or imposes the duty to record that fact or information or to keep or retain that document and that he or she has recorded the fact or information concerned or keeps or retains the document concerned or that he or she has satisfied himself that the fact or information concerned has been recorded or that the document concerned is kept or retained, shall on mere production be admissible as proof in those proceedings that that fact or information has been so recorded or that that document is so kept or retained.

**68. Procedural requirements for proof by affidavit**

- (1) An affidavit contemplated in section 67 is not admissible as proof in terms of the applicable subsection unless a copy thereof has been delivered by the party intending to make use thereof to every other party to the proceedings concerned at least seven days before the date of the production thereof.
- (2) The court to which an affidavit referred to in subsection (1), is produced may on application by any party to the proceedings concerned order that the person who made the affidavit concerned be called upon to give evidence in those proceedings or that written interrogatories be submitted to him or her for reply,

and such interrogatories and any reply thereto purporting to be a reply by that person must likewise be admissible as proof in those proceedings.

## CHAPTER 7 REGULATIONS

### 69. Regulations

- (1) The MEC may make regulations regarding
- (a) the procedure for conduct of meetings of the provincial structure in terms of section 16;
  - (b) the application procedure and issuing of permits for traditional African beer in terms of section 24;
  - (c) conditions applicable to permits of traditional African beer;
  - (d) requirements of premises for traditional African beer permit holders;
  - (e) the application fee for traditional African beer;
  - (f) certain exemptions applicable to traditional African beer permits;
  - (g) application form and procedure for a special event permit in terms of section 26;
  - (h) the format of the application form for a liquor licence in terms of section 28;
  - (i) the requirements for newspaper and gazette advertisements in respect of applications made in terms of section 28;
  - (j) the application fee for a liquor licence;
  - (k) the format of the forms in terms of which the Local Liquor Authority must refer applications in terms of sections 28(1) and 28(3) to the Board;
  - (l) the format of the liquor certificate issued in terms of section 33;
  - (m) the fee payable on issuing of a liquor licence in terms of section 33(2);
  - (n) the annual renewal fee payable by the licence holder in terms of section 34(2)(c);

- (o) the format of the non-compliance notice issued by the Board in terms of section 35(1);
  - (p) the format of the form for lodging an appeal against an amendment, suspension or cancellation of a licence in terms of section 37;
  - (q) the procedure for the appointment of another person to manage the business of a licence holder in terms of section 48(2);
  - (r) conditions for trading hours in terms of section 50;
  - (s) the format of the designation certificate of a liquor trade inspector in terms of section 55(3);
  - (t) the format of the form on which a complaint may be lodged to a liquor trade inspector in terms of section 56(1)(b);
  - (u) the format of the receipt which must be issued by a liquor trade inspector in terms of section 56(2);
  - (v) the format of a receipt issued in terms of section 56(2);
  - (w) the format of a non-compliance notice issued by a liquor trade inspector in terms of section 58(1);
  - (x) the format a a compliance certificate issued in terms of section 58(3);
  - (y) the establishment and functions of Liquor Trade Associations in the province; and
  - (z) all matters which are necessary to achieve the objects of this Act.
- (2) Regulations made in terms of this Act may provide for offences and penalties.

## CHAPTER 8 GENERAL PROVISIONS

### **70. Limitation of liability**

Neither the State nor any other person or body is liable for any damage or loss

caused by—

- (a) the exercise of any power or the performance of any duty under this Act;  
or
- (b) the failure to exercise any power, or perform any function or duty under this Act,

unless the exercise of or the failure to exercise the power, or performance or failure to perform the duty was unlawful, negligent or in bad faith.

#### **71. Transitional arrangements**

- (1) An application made in terms of the Liquor Act, 1989, before the date of commencement of this Act and not disposed of at that date, must continued and be disposed off as if the Liquor Act, 1989 was not repealed.
- (2) Every exemption, licence or approval referred to in the first column of the Schedule hereto and in force immediately before the date of the commencement of this Act, is deemed from that date to be a licence in the category referred to in the second column of that Schedule.
- (3) A notice referred to in section 34 of the Liquor Act, 1989, in respect of an application for a licence referred to in the first column of the Schedule and in force immediately before the date of commencement of this Act, is deemed from that date to be a licence referred to in the second column of the Schedule.

#### **72. Short title and commencement**

This Act is called the Limpopo Liquor Act, 2007 and comes into operation on a date fixed by the Premier by proclamation in the *Gazette*.

## SCHEDULE

## Conversion of exemptions, licences and approvals

Kind of exemption, licence or approval in force immediately before the date of commencement of this Act	Category of licence deemed to be in force from the date of commencement of this Act
An exemption in terms of section 31(e),(f),(g),(h),(j), or (k) or section 3(2) of the Liquor Act, 1989.	A licence for the retail sale of liquor referred to in section retail sale of liquor referred to in section 25(a),(b),(c),(d) (e), or (f) of this Act, as the case may be, for a period of 5 years, where after such licence will lapse.
An exemption referred to in section 4(1) of the Liquor Act, 1989.	A licence for the retail sale of liquor referred to in section retail sale of liquor referred to in section 25(a),(b),(c),(d), (e) or (f) of this Act, as the case may be, for a period of 5 years, where after such licence will lapse.
A hotel liquor licence referred to in section 20(a)(i) of the Liquor Act, 1989.	A licence for the retail sale of liquor for consumption on the premises on which liquor is being sold, referred to in section 25(b) of this Act.
A restaurant liquor licence referred to in section 20(a)(ii) of the Liquor Act, 1989.	A licence for the retail sale of liquor for consumption on the premises on which liquor is being sold, referred to in section 25(b) of this Act.
A wine-house liquor licence referred to in section 20(a)(iii) of the Liquor Act, 1989.	A licence for the retail sale of liquor for consumption on the premises on which liquor is being sold, referred to in section

Kind of exemption, licence or approval in force immediately before the date of commencement of this Act	Category of licence deemed to be in force from the date of commencement of this Act
	25(b) of this Act.
A theatre liquor licence referred to in section 20(a)(iv) of the Liquor Act, 1989.	A licence for the retail sale of liquor for consumption on the premises on which liquor is being sold, referred to in section 25(b) of this Act.
A club liquor licence referred to in section 20(a)(v) of the Liquor Act, 1989.	A licence for the retail sale of liquor for consumption on the premises on which liquor is being sold, referred to in section 25(e) of this Act.
A traditional African beer licence referred to in section 20(a)(vi) and 20(b)(vii) of the Liquor Act, 1989.	A permit for the retail sale of traditional African beer referred to in section 24 of this Act.
A special liquor licence referred to in section 20(a)(vii) of the Liquor Act, 1989.	A licence for the retail sale of liquor for consumption on the premises, on which liquor is being sold, referred to in section 25(b) of this Act.
An occasional licence referred to in section 20(a)(ix) of the Liquor Act, 1989.	A licence for the retail sale of liquor at a special event referred to in section 25(d) of this Act and must lapse at the closure of the special event for which it was granted.
A liquor store licence referred to in section 20(b)(iii) of the Liquor Act, 1989.	A licence for the retail sale of liquor for consumption off the premises on which the liquor is being sold, referred to in section 25(a) of this Act.
A grocer's wine licence referred to in	A licence for the retail sale of liquor for

<b>Kind of exemption, licence or approval in force immediately before the date of commencement of this Act</b>	<b>Category of licence deemed to be in force from the date of commencement of this Act</b>
section 20(b)(iv) of the Liquor Act, 1989.	consumption off the premises on which the liquor is being sold, referred to in section 25(a) of this Act, for a period of ten years after which such licence will lapse, provided that the holder of such licence may at any time after expiry of a period of five years after the date of commencement of this Act, apply for a licence to sell all kinds of liquor on separate premises as prescribed.
A special licence referred to in section 20(b)(viii) of the Liquor Act, 1989.	A licence for the retail sale of liquor for consumption off the premises, on which liquor is being sold, referred to in section 25(a) of this Act.
A sports ground liquor licence referred to in section 189 of the Liquor Act, 1989	A licence for the retail sale of liquor for consumption on the premises, on which liquor is being sold, referred to in section 25(b) of this Act.
A special licence (Tavern) referred to in section 20(a)(vii) of the Liquor Act, 1989	