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GENERAL NOTICE

NOTICE 41 OF 2010

DEPARTMENT OF TRADE AND INDUSTRY

2010 SOCCER WORLD CUP LIQUOR POLICY

SECOND 2010 FIFA WORLD CUP SOUTH AFRICA SPECIAL MEASURES ACT, 2006

By virtue of the powers vested in me in terms of section 6(1)(a) of Second 2010 FIFA World Cup South Africa Special Measures Act, 2006(Act No. 12, 2006) in consultation with Minister of Sports I. Dr. Rob Davies, Minister of Trade and Industry, hereby publish for public comments the 2010 Soccer World Cup Liquor Policy.

Interested persons must submit written comments on the proposed Policy by 17/02/2010 to:

Director General, Department of Trade and Industry

Private Bag X 84

Pretoria

0001

or

Block B Ground Floor

77 Mentjies Street

Sunnyside

Pretoria

2001

Fax: 012-3942654

E-mail: sukosi@thedti.gov.za

For attention: Adv Sandile Nkosi



Dr. Rob Davies, MP
Minister of Trade and Industry

LIQUOR CONTROL POLICY
2010 SOCCER WORLD CUP
SOUTH AFRICA



PREAMBLE

This Liquor Control Policy sets the framework in which liquor will be control during the 2010 Soccer World Cup in South Africa.

This Liquor Control Policy contains the measures that will govern the sale, consumption and distribution of liquor before, during and after matches.

1. INTRODUCTION

- 1.1 This Liquor Control Policy will contribute to the South African Government's commitment to making the 2010 Soccer World Cup events "the best World Cup ever", and will ensure compliance to commitments as set in the rules governing this special event.
- 1.2 This Liquor Control Policy will serve as a guide to control the distribution, selling and consumption of liquor during the duration of the 2010 Soccer World Cup.

2. SCOPE OF APPLICATION

- 2.1 The application of the scope of this Liquor Control Policy is focused on all FIFA Stadiums, FIFA Fan Parks and Public viewing areas

3. LEGISLATIVE MANDATE

- 3.1 This Liquor Control Policy will be directed and supplemented by the provisions of the following legislation:
- 3.2 2010 FIFA Soccer World Cup SA Special Measures Act, 2006 (Act No 11 of 2006).
- 3.3 Second 2010 Soccer FIFA World Cup Special Measures Act, 2006 (Act No 12 of 2006).
- 3.4 National Liquor Legislation
 - 3.4.1 Liquor Act, 2003 (Act No 59 of 2003).
 - 3.4.2 Liquor Act, 1989 (Act No 27 of 1989).

3.5 Provincial Liquor Legislation

3.5.1 Gauteng Liquor Act, 2003 (Act No 2 of 2003).

3.5.2 Eastern Cape Liquor Act, 2003 (Act No 10 of 2003).

3.5.3 Western Cape Liquor Act, 2003 (Act No 4 of 2008).

3.5.4 Free State Liquor Act, (Act No3 of 2007).

2.5.5 Mpumalanga Liquor Licensing Act, 2006 (Act No 5 of 2006).

3.5.6 Northern Cape Liquor Act, 2008(Act No. 2 of 2008).

3.6 Other Legislation

3.6.1 Liquor Products Act, 1989 (Act No 60 of 1989).

3.6.2 Revenue Laws Amendment Act, 2006 (Act No 20 of 2006).

3.6.3 Merchandise Marks Act, 1941 (Act No 17 of 1941).

4. DEFINITIONS

4.1 In this Liquor Control Policy, unless the context indicates otherwise -

“**Beer**” includes

- (a) ale, cider and stout; and
- (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, if it contains more than one per cent by volume of alcohol; or
 - ii) that is declared to be beer by the Minister of Trade and Industry;

“**Bottle**” means a container made of glass;

“**Demarcated Area**” means a clearly demarcated area in which liquor may be sold or consumed;

“**Distribute**” means to offer liquor for sale or sell it, to a registered person;

“**Distributor**” means a person registered to distribute liquor to licensed premises;

“**Exclusions Zone**” means the controlled zone situated immediately outside the outer perimeter of the stadium, as designated or demarcated by the municipality, including private property located therein;

- “FIFA”** means the Federation Internationale de Football Association;
- “FIFA Fan Park”** means a fan park to be established by the Municipality under the Auspices and guidance of FIFA;
- “FIFA Stadium”** means a stadium that has been identified and selected to host one or more matches under the auspices of the 2010 FIFA World Cup South Africa;
- “Liquor Product”** means wine, an alcoholic fruit beverage, a spirit, a grape-based Liquor, a spirit based liquor, specially authorized liquor and any liquor other than those mentioned in respect of which an import certificate has been issued;
- “Impotable substance”** means any substance that is unsafe for human consumption;
- “Minor”** means a person who has not attained the age of 18 years;
- “National Liquor Authority”** means the relevant National Authority responsible for issuing macro-manufacturing and distribution registrations;
- “Provincial Liquor Authority”** means the relevant Provincial Liquor Authority responsible for the issuing of micro-manufacturing and liquor licenses;
- “Person”** includes a natural person, juristic person, any trust, and any body of persons corporate and unincorporated;
- “Premises”** includes bars, pub, kiosk, display area, vendors, and corporate suites, hospitality suites and containers;
- “Sell”** includes exchange, offer, display, deliver, supply or dispose of, for sale, or authorize, direct or allow a sale;
- “Supply”** with regard to any liquor or methylated spirits, means to place a person in possession or control of that liquor or methylated spirits.

5. PURPOSE OF LIQUOR CONTROL POLICY

- 5.1 The purpose of this Liquor Control Policy is to ensure a uniform regulatory framework regarding the –
- 5.1.1 Issuing of liquor distribution registrations;

- 5.1.2 Issuing of special liquor licences;
- 5.1.3 Regulating of trading hours and days; and
- 5.1.4 Implementing of liquor legislation enforcement measures at FIFA Stadiums, FIFA Fan Parks and Public Viewing areas

6. PRINCIPLES OF THE LIQUOR CONTROL POLICY

- 6.1 The Liquor Control Policy is based on the following basic principles –
 - 6.1.1 To give effect to the delivering of guarantees provided by the Liquor Authorities and South African Police Service;
 - 6.1.2 To give effect to legislative mandates - protection of retail trade and distribution rights; and
 - 6.1.3 To ensure a safe and secure 2010 World Cup in South Africa by means of an integrated security strategy.

7. FIFA STADIUMS

- 7.1 The following provisions will apply to a FIFA stadium –
 - 7.1.1 The Office of the National Liquor Authority within the Department of Trade and Industry will be responsible for the issuing of a special liquor licence for the sale and supply of liquor at the FIFA stadiums.
 - 7.1.2 The special liquor licence will be issued to a stadium and will cover all the liquor premises within the stadium as well as the liquor premises within the display area of the stadium perimeter.
 - 7.1.3 A designated liquor premises manager will be appointed individually for each stadium.
 - 7.1.4 The trading hours and trading days within the FIFA stadiums will be according to the match times and days and shall apply as follows:

Venue	Time	Days
FIFA Stadiums	Liquor premises/kiosks will be open for trade three (3) hours before start of the match. Liquor to be sold throughout the match. No liquor will be sold once the soccer match has been concluded (after final whistle).	Monday to Sunday

7.1.5 A copy of the special liquor licence, together with the terms and conditions, appointment of the manager and the Liquor Control Policy must be visibly displayed within each liquor premises where liquor is being sold or supplied.

7.1.6 Only beer products of the FIFA World Cup sponsor (Budweiser) will be sold within the liquor premises and display areas within the stadium perimeters.

7.1.7 Beer may not be sold in glass containers and will only be served and sold in plastic containers not exceeding volumes of more than 500ml per cup.

7.1.8 No beer, other non alcoholic beverages and any other liquor products may be brought into the stadium perimeters.

8. CORPORATE/ HOSPITALITY SUITES AND VILLAGES

8.1 The Office of the National Liquor Authority within the Department of Trade and Industry will be responsible for the issuing of a special liquor licence for the supplying of beer and any other liquor products within the corporate/hospitality suites and villages at the FIFA stadiums.

8.2 Operators of the allocated corporate/hospitality suites within a stadium and hospitality villages within a commercial display areas will be issued with a special liquor licence for supply of liquor.

8.2 A copy of the special liquor licence for supply, together with the terms and conditions, appointment of the manager, code of conduct must be visibly displayed within each liquor corporate/hospitality suites and villages.

8.3 Liquor served in the corporate/hospitality suites/ villages must be consumed with the demarcated areas

8.6 Trading hours –

Venue	Trading Hours	Days
Corporate/Hospitality Suites and Villages	<p>Corporate/Hospitality suites will open three (3) hours before the start of the match.</p> <p>Corporate / Hospitality suites will continue to supply beer and/or other liquor products through the duration of the match.</p> <p>Liquor premises in Hospitality Villages will close one hour (1) before the start of the match.</p> <p>These Liquor premises will be open for two (4) hours after the match has been concluded.</p>	Sunday to Sunday

9 STADIUM MEDIA CENTRES

9.1 The stadium liquor licence as issued by the National Liquor Authority will include the stadium media centers. The media centers will operate 3 days prior to the tournament until one day after the tournament.

9.2 The stadium media centres will operate from 10h00 till 20h00 on non-match days and from 10h00 till 02:00 on match days. This area will be a controlled area and only be accessible by means of the relevant zone accreditation.

10. COMMERCIAL DISPLAY AREA WITHIN STADIUM PERIMETERS

10.1 In instances where the commercial display area is situated within the stadium perimeters, all the liquor premises/kiosks situated within the commercial display area will adhere to these regulations.

10.2 The special liquor licences for sale that has been issued to a stadium will also cover all the liquor premises/kiosks within the commercial display area.

11. COMMERCIAL DISPLAY AREA OUTSIDE STADIUM PERIMETER

11.1 The special liquor licence for sale that has been issued to a stadium will also cover all the liquor premises/kiosks within the commercial display area located outside the stadium perimeter.

11.2 A copy of the special liquor licence for sale, together with the terms and conditions, appointment of the manager, code of conduct must be visibly displayed within each liquor premises/kiosk where liquor is being sold or supplied.

11.3 Trading hours outside the stadium perimeters–

Venue	Trading Hours	Days
Commercial Display Area (outside stadium perimeter)	Liquor premises/kiosks will be open for trade five (5) hours before start of the match. Liquor premises will stop trading an hour before the match starts (kick off). Liquor premises will be open for one (3) hour after the match has been concluded.	Sunday to Sunday

11.4 The selling and consumption of beer within this area will only take place in demarcated areas.

11.5 Only beer products of the FIFA World Cup sponsor (Budweiser) will be sold within the liquor premises/kiosks.

11.6 No alcoholic beverages except Budweiser will be brought into the commercial display area.

11.7 Beer will only be served and sold in plastic containers not exceeding volumes of more than 500ml per cup.

11.8 The Venue Operating Centre Commander, in consultation with the Operational Centre representative shall have authority with respect to the opening and closing of liquor premises at the stadium, irrespective of any liquor licence that might have been obtained.

12. FIFA FAN PARKS

12.1 The "Host City Agreement" in terms of Paragraph 6.10 that the Host City shall provide FIFA, free of charge and in accordance with FIFA's requirements, with a suitable location at or near the centre of the Host City which is accessible by public transportation, for the establishment and operation by FIFA of at least one FIFA fan park for the duration of the Competition.

12.2 The following provisions will apply to all FIFA fan parks –

12.2.1 All FIFA fan parks will be licenced by the Provincial Liquor Authority in which they are located by means of a special liquor licence.

12.2.2 A copy of the special liquor licence, together with the terms and conditions, appointment of the manager and the Liquor Control Policy must be visibly displayed within each liquor premises where liquor is being sold or supplied within the fan park.

12.2.3 The trading hours and trading days within the FIFA fan parks will be according to the match times and days and shall apply as follows:

Venue	Time	Days
FIFA Fan Parks	10:00 to 02:00	Monday to Sunday

12.2.4 Only beer products of the FIFA World Cup sponsor (Budweiser) will be sold within the demarcated borders of the fan parks.

12.2.5 Beer may not be sold in glass containers and will only be served and sold in plastic containers not exceeding volumes of more than 500ml per cup:

12.2.6 Beer must be sold and consumed within demarcated borders of these fan parks. No beer or any other liquor products may be taken out of the demarcated fan park areas.

12.2.7 No beer, other non alcoholic beverages and any other liquor products may be brought into the fan parks.

13. PUBLIC VIEWING EVENT

- 13.1 An event is considered a **"Public Viewing Event"** if at such a event broadcast coverage of the 2010 World Cup Competitions is made available for exhibition to, and viewing by, an audience (whether members of the general public or otherwise) in any place other than a private dwelling, including at cinemas, bars, restaurants, stadiums, open spaces, offices, construction sites, oil rigs, water borne vessels, buses, trains, armed services establishments, educational establishments and hospitals.
- 13.2 The Provincial Liquor Authorities (See attached Schedule 1) will be responsible for the issuing of liquor licences for all Public viewing venues, other than FIFA venues. All public viewing events must be licenced in order to sell liquor. The licencing of these events resides within the competence of the Provincial Liquor Authorities. All set terms and conditions must be in writing and accompany the liquor licence.
- 13.3 The Provincial liquor Authorities will determine the terms and conditions, time and days of trade, any other provisions as stipulated within the provisions of the Provincial Liquor Acts.
- 13.4 A list of all the contraventions in terms of the applicable Provincial Liquor Acts must be attached to the issued Liquor Licence and conditions.
- 13.5 The original liquor licence, together with the terms and conditions, and the appointment of a manager for the venue, must be visibly displayed at a pre-determined place within the public viewing venue.
- 13.6 A security plan must be submitted with the application for a liquor licence to the Provincial Liquor Authority.
- 13.7 Liquor will only be sold at the demarcated areas within the public viewing venue.
- 13.8 Beer and liquor products may only be consumed within the parameters of the public viewing venue. No beer or any other liquor products may be taken out of the public viewing venue.

- 13.9 No beer, liquor products or other non-alcoholic beverages may be brought into the public viewing venue.
- 13.10 Licensee must ensure that sufficient ablution facilities are provided at the venue.
- 13.11 The Provincial Liquor Authorities must a keep a register of all liquor licences issued by the Authority concerning public viewing venues. Copies of all issued special liquor licences must be e-mailed or faxed once a week on every Monday to the SAPS National Liquor Control Office in Pretoria. The information will then forwarded by the relevant office to the Provincial Operational Commanders in order for them to adjust their operational planning accordingly.

14. GENERAL PRVISIONS

- 14.1 A proof of appointment from FIFA (if it's a stadia, fan park and suites)
- 14.2 A plan or map where liquor will be sold or supplied
- 14.3 A number of kiosks or suite where liquor will be sold or supplied
- 14.4 BEE status of the applicant in line with the BBBEE Act
- 14.5 An employment plan of the people within the area in which the applicant is applying for
- 14.6 Diversity of ownership
- 14.7 2% of turnover to be donated to the National Liquor Authority to run programme on effects of alcohol abuse
- 14.8 2% of turnover to be donated to the relevant provincial liquor authorities to run programme on effects of alcohol abuse in relation to the within the fan parks and public viewing areas
- 14.9 A motivation by the applicant

15. FEE STRUCTURES

- 15.1 R40 000.00 per each stadium.
- 15.2 R5000.00 for the suites per stadium
- 15.3 R50 000.00 per fan park
- 15.4 R50 000.00 public viewing area

16. SAFETY REGULATIONS

- 16.1 The selling and consumption of liquor will be monitored by security forces.
- 16.2 The opening and closing of the liquor premises within stadiums, fan parks, fan miles will be monitored by security forces.
- 16.3 Liquor will only be sold in prescribed containers.
- 16.4 A zero-tolerance policy for intoxicated spectators will be applied.
- 16.5 Spectators will not be permitted to bring their own liquor or any other non alcoholic beverages into the Stadium at any stage of the tournament.
- 16.6 All liquor licence holders will have to confirm in writing the National Liquor Authority that they will comply with the relevant liquor legislation, conditions of their liquor licence and the Liquor Control Policy.
- 16.7 Any liquor premises within the stadium, fan mile, fan parks that do not adhere to the conditions of the liquor licence or the provisions of the Liquor Control Policy will be shut down by the appointed security forces and/or relevant Liquor Authorities.
- 16.8 The Venue Operating Centre Commander, in consultation with the Operational Centre representative shall have authority with respect to the opening and closing of liquor premises at the stadium, irrespective of any liquor licence that might have been obtained.

17. DISTRIBUTION OF LIQUOR

- 17.1 Any person who wishes to distribute liquor for the purpose of resale must possess a valid distribution registration. Such a person must apply for a distribution registration in terms of sections 4 and 11 of the Liquor Act, 2003 (Liquor Act No 59 of 2003) to the Office of the National Liquor Authority within the Department of Trade and Industry.

18. NATIONAL REGISTER

- 18.1 The National Liquor Authority must keep a national register of all special liquor licence issued by the Authorities.
- 18.2 Copies of all issued special liquor licences must be e-mailed or faxed once to the SAPS National Liquor Control Office in Pretoria. The information will then forwarded by the relevant office to the Provincial Operational Commanders in order for them to adjust their operational planning accordingly.

19. EXCLUSION ZONES

- 19.1 All licenced liquor premises that is situated within the jurisdiction of the exclusion zones will be allowed to trade. Where FIFA imposes clearly defined trade regulations within these zones, such trade regulations will have to be adhered to and enforced accordingly.

20. GENERAL ENFORCEMENT PROVISIONS

- 20.1 The following enforcement provisions will be applicable within FIFA stadiums, FIFA fan parks and Public viewing areas.
- 20.2 If during security check it appears that a person is under the influence of liquor or any other intoxicating substances, such a person will be refused access to the stadium.
- 20.3 If any person inside the stadium is found to be under the influence of liquor or any other substances that may affect their state of mind, the law enforcement officials shall accompany and remove such a person from the stadium.
- 20.4 Any person found attempting to bring liquor into the premises of the stadium will not be allowed into the stadium unless he/she voluntary surrender such liquor to the law enforcement officers for disposal.
- 20.5 Any person that displays drunk or disorderly behavior within the premises of the stadium will be arrested and removed from the stadium.
- 20.6 It is an offence to sell or supply liquor to a person under the age of 18 years. When requested by a police official or liquor inspector a spectator will be

obliged to provide proof his/her age by means of producing an authenticated form of identification such as a passport, identify document or drivers licence.

- 20.7 It is an offence not to visibly display the liquor licence within the licenced liquor premises.
- 20.8 It is an offence to sell liquor without a valid liquor licence.
- 20.9 It is an offence to distribute liquor without a distribution registration.
- 20.10 It is an offence to sell or supply liquor to an intoxicated person.
- 20.11 It is an offence to sell or supply liquor outside the prescribed trading hours.
- 20.12 It is an offence to manufacture, sell, supply or distribute an imposable substance.

SCHEDULE 1

PROVINCE	PHYSICAL ADDRESS	TEL NUMBER	FAX NUMBER
Office of the National Liquor Authority	The Dfi Campus 77 Meintjies Street Sunnyside Pretoria 0002	0861 843 384	012 - 394 2557
Eastern Cape Head Office	East London Octoproc House Building 34 Argyle Street East London 5201	043 - 701 8500 086 610 3431	043 - 722 1492
(Regional Offices)	Queenstown 38 Grey Street Queenstown 5319	045 - 838 5557	045 - 839 3709
	Aliwal North 37(a) Gret Street Aliwal North 9750	051 - 634 2244	051 - 634 1510
	Cradock Cnr Victoria & Frere Street Cradock 5880	048-881 3756	048 881 4927
	Grahamstown 20 High Street Grahamstown 6140	046-622 4037	046 622 4063
	Port Elizabeth 64 Govan Mbeki Old Mutual Building Ground Floor Port Elizabeth 6001	041 582 2346	041-582 2357
	Uitenhage 64 Govan Mbeki Old Mutual Building Ground Floor Uitenhage 6230	041 582 2346	041-582 2357
Western Cape	The Waldorf Arcade No 80 80 St George Mall Cape Town 8001	021-483 4498 021- 483 3091	021-483 5066
Kwazulu-Natal	270 Jabu Street Pietermaritzburg 3201	033-264 2500 086 679 7790	033 - 264 2677

North West	NWDC Building Cnr University Drive & Provident Street Mmabatho 2735	018-387 7700	018-387 7920
Limpopo	Evridiki Towers 20 Hans van Rensburg Street Polokwane 0700	015 -293 8300	015 -293 5740
Free State	98 Zastron Street Agricultural Building Bloemfontein 9300	051 - 400 4920 051 - 400 9449	051 - 400 9609
Mpumalanga	Old Premiers Offices 66 Andersen Street Nelspruit 1200	013 - 752 3774	013 - 752-3729
Northern Cape	2 nd Floor Old Perm Building Cnr Jones & Du Toitspan Road Kimberley 8300	053 - 830 4833	053 - 830 4838
Gauteng Head Office	94 Main Street Matlotlo House Johannesburg 2000	011 - 355 8793	011 - 355 8387
Regional Offices	Johannesburg Office North State Building 8 th Floor Cnr Market and Kruis Street Johannesburg 2000	011 - 225 2301/6/7	011 - 255 2310
	Ekurhuleni Golden Heights Building 2 nd Floor Cnr Park & Victoria Street Germiston 1400	011 - 842 7450	011 - 842 7461
	Tshwane GPG Building, Block A, Ground Floor, Cnr Bosman & Pretorius Street Pretoria 0002	012 - 401 0680	012 - 401 0691

	Sedibeng Merrimeng Avenue 3 rd Floor Southern Life Building Vereeniging 1930	016 - 455 2652	016 - 455 2639
	West Rand West Rand District Municipality Cnr Park and 6 th Street Randfontein 1760	011 - 693 2766	011 - 693 2374
	Mestweding 43 Lanham Street Bronkhorstpruit 1020	013 - 932 1599	013 - 932 1599

**REPUBLIC OF SOUTH AFRICA
NATIONAL LIQUOR AUTHORITY**

INSTRUCTIONS

This form is prescribed for the use in terms of section 6(a) of the Second Special Measures Act, 2006

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 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 in the liquor industry within the Republic, and provide equivalent information with respect to each shareholder, member, partner or beneficiary of the applicant.
3. A sheet setting out separately the commitments made by the applicant towards combating alcohol abuse.
4. A sheet setting out the projected or actual annual turnover of activities relating to the application.
5. A proof of payment.

CONTACTING THE NATIONAL LIQUOR AUTHORITY

National Liquor Authority
77 Meintjies Street
Private Bag X 84
Pretoria
0001
Republic of South Africa
Tel: 0861 843 384
Email:
Nationalliquorauthority@thedti.gov.za

FORM NLA 1

Application for Special Liquor Licence Confederation Cup and World Cup

ATTACHED TO AND FORMING PART OF:

_____ Application for Special Liquor Licence

Submitted by:

DESCRIPTION OF APPLICANT

If the applicant 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).

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 of, the applicant, 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)

DESCRIPTION OF ACTIVITIES

_____ Premises from which liquor is sold or supplied.

Will you sale or supply liquor manufactured elsewhere? _____

(yes/no)

Will you sale or supply liquor across provincial boundaries _____

(yes/no)

If yes, attach a sheet setting out full details.