



JOHANNESBURG BAR LIAISON  
1st FLOOR, THE CHAMBER  
3 PROTEA PLACE  
SANDOWN 2010

PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

# Provincial Gazette Igazethi Yephondo Provinsiale Koerant

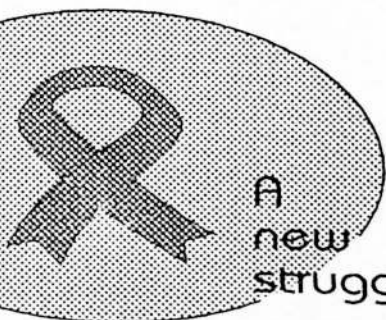
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BISHO/  
KING WILLIAM'S TOWN, 12 DECEMBER 2005

**No. 1459**

**All have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPUNE**

**0800 012 322**

DEPARTMENT OF HEALTH



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**PROVINCIAL NOTICE**

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**No. 44****12 December 2005****PROVINCE OF THE EASTERN CAPE****DEPARTMENT OF EDUCATION****FURTHER EDUCATION AND TRAINING ACT, 1998 (ACT No. 98 OF 1998)****NOMINATION FOR COUNCILS OF THE EIGHT PUBLIC FURTHER EDUCATION AND TRAINING COLLEGES IN TERMS OF SECTION 9 (9)**

The Member of the Executive Council responsible for Education in the Province of the Eastern Cape, acting in terms of section 9 (9) of the Further Education and Training Act, 1998 (Act No. 98 of 1998), hereby invite nominations for the members contemplated in subsection 4 (c) and (h) from—

- (a) the public;
- (b) organized business; and
- (c) organized labour.

The nominations are requested in respect of each of the following Public Further Education and Training Colleges listed below:

Port Elizabeth Public Further Education and Training College;  
Eastcape Midlands Public Further Education and Training College;  
Buffalo City Public Further Education and Training College;  
Lovedale Public Further Education and Training College;  
King Sabatha Dalindyebo Public Further Education and Training College;  
Ingwe Public Further Education and Training College;  
Ikhala Public Further Education and Training College;  
King Hintsa Public Further Education and Training College;

Nomination forms may be obtained from the following address:

The Superintendent-General  
Department of Education  
Steve Tshwete Complex  
Zone 6  
ZWELITSHA  
(040) 608-4205

or from the Chief Executive Officer of the relevant Public Further Education and Training College.

The closing date for all nominations is 10 December 2005.

**MKHANGELI MATOMELA****Member of the Executive Council****Responsible for Education**

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**LOCAL AUTHORITY NOTICES**

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**No. 215****NELSON MANDELA METROPOLITAN MUNICIPALITY: LIQUOR SELLING HOURS BY-LAW**

It is hereby published for general information that the Council of the Nelson Mandela Metropolitan Municipality, acting under the authority of section 11 (3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with sections 22 (2) (d) and 42 (b) of the Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003), has taken a decision on, and passed, a by-law on liquor selling hours and ward committee meetings.

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## 1. DEFINITIONS

In these by-laws unless the context otherwise indicates—

**"Act"** means the Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003);

**"Board"** means the Eastern Cape Liquor Board established by section 4 of the Liquor Act;

**"Council"** means the Nelson Mandela Metropolitan Municipality or any other committee, official or Councillor acting by virtue of powers delegated to it by Council as well as any powers and duties with regard to this by-law;

**"community"** means the residents, governing body of schools or Places of Worship, within a 100 m radius of the premises in respect of which the application for registration is made;

**"official"** means any person authorized by Council to perform the function of an officer under these regulations and includes any member of the South African Police Services and any person appointed in terms of the Act;

**"premises"** includes any place, land, building or conveyance or any part thereof which is registered or seeking to be registered, to permit trade in liquor;

**"Regulations"** means the regulations, published as Notice No. 1143 of 8 April 2004, made under the Act;

**"residential premises"** means premises zoned to permit residential purposes in accordance with the applicable Zoning Scheme Regulations;

**"selling hours"** means the time at which a trader must cease to sell liquor to any person in terms of Schedule 1;

**"ward committee"** means a committee as contemplated in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**"trader"** means a person who is registered in terms of section 19 of the Act, and any other words or expressions to which a meaning has been assigned in the Act and Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), carries that meaning;

**"hotel"** means premises, wherein or whereon the business of supplying lodging and meals for reward is or is intended to be conducted, and includes a motel, inn, bed and breakfast, caravan and camping park, farmhouse, guest-house, a lodge, boatel boat and a house boat.

## 2. PURPOSE OF BY-LAW

The Council, acting in terms of the powers granted to it in the Act, adopts these by-laws to regulating the hours during which liquor may be sold.

## 3. APPLICATION OF BY-LAW

This by-law shall be applicable in respect of all premises situated within the area of jurisdiction of the Council where selling in liquor is conducted or is intended to be conducted.

## 4. LEGISLATIVE FRAMEWORK

These by-laws fall within the following legislative framework, including any other relevant legislation—

- (a) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- (b) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
- (c) Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- (d) Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003).

## 5. SELLING HOURS

(1) The Council has determined the selling hours of the different types of registrations listed in the first column of Schedule 1 as the selling hours listed in the second column of the said Schedule.

(2) A departure from the hours stipulated in Schedule 1 shall occur only upon application on a form as prescribed in Schedule 2 and upon approval by Council.

(3) Council reserves to itself the right to depart from the stipulated selling hours in the interests of the community.

## 6. REPORT BY WARD COMMITTEE

6.1 The ward committee must, upon receipt of a notice of application for registration, in terms of section 22 (2) (d) (i) of the Liquor Act, consult the community of the area, within 100 m of the premises that are sought to be registered.



6.2 The ward committee must submit a report to the board and the Council within 30 days [in terms of item 3 (2) of the Regulations, Notice No. 1143 of 8 April 2004, made under the Act] that contains the details of the consultative process within the community, advises on objections to the application and makes recommendations.

## 7. ENFORCEMENT

7.1 The Council may appoint and mandate officials to enforce these by-laws.

7.2 An official, acting within the powers vested in him or her by these by-laws must, on demand by a member of the public produce proof of identity and the capacity in which they purport to conduct their business.

7.3 An official, acting in terms of the mandate contemplate in subsection 7 (1) may—

- (a) enter upon premises on which a business is being or is intended to be carried on; and
- (b) request any person to provide such information as the official deems necessary.

## 8. OFFENCES RELATING TO OFFICIAL

8.1 A person commits an offence if he or she—

- (a) hinders or interferes with an official in the execution of his or her official duties;
- (b) false professes to be an official;
- (c) furnishes false or misleading information when complying with a request of an official; or
- (d) fails to comply with a request of an official.

8.2 A person who contravenes a provision of subsection 8 (1) commits an offence.

## 9. PENALTIES

Any person who contravenes or fails to comply with any provision of this by-law is guilty of an offence and upon conviction may be liable to a fine or imprisonment, or to both a fine and imprisonment.

## 10. SHORT TITLE AND COMMENCEMENT

This by-law may be cited as the Liquor Selling Hours By-law.

## 11. REPEALED

The by-laws set out in Schedule 3 are hereby repealed to the extent set out in the third column of that Schedule.

## SCHEDULE 1

COLUMN 1	COLUMN 2
Type of registration	Selling hours
Sec. 20 (a)—Registration in terms of the Liquor Act for the retail sale of liquor for consumption off the premises where the liquor is being sold. ( <i>Bottle store, retail shop, wholesaler</i> )	<b>Monday to Saturday</b> 09h00 to 20h00 <b>Sunday</b> 09h00 to 15h30
Sec. 20 (b)—Registration in terms of the Liquor Act for the retail sale of liquor for consumption on the premises where the liquor is sold. ( <i>Restaurant, sports club, pool bar, pub</i> ) <i>Night club</i> <i>Hotel &amp; Casino's</i>	<b>Sunday–Sunday</b> 10h00 to 02h00  <b>18h00–02h00</b> <b>24 hours</b>
Sec. 20 (c)—Registration in terms of the Liquor Act for the retail sale of liquor for on and off the premises on which the liquor is being sold. ( <i>Taverns, shabeens</i> )	<b>On &amp; Off consumption</b> <b>Sunday–Thursday</b> 10h00 to 22h00 <b>Friday–Saturday</b> 10h00–02h00
Sec. 20 (d)—Registration in terms of the Liquor Act for the retail sale of liquor and consumption at special events. ( <i>Beer festival, fete, fundraising event</i> )	<b>Selling hours to be determined by the Council</b>
Sec. 20 (e)—Registration in terms of the Liquor Act for licensed micro-manufacturing.	<b>Monday–Saturday</b> 09h00 to 17h00 <b>Sunday</b> 09h00 to 13h00

## SCHEDULE 2

## APPLICATION FOR DEPARTURE WITH RESPECT TO SELLING HOURS OF LIQUOR OUTLETS

(In terms of section 5 (2) of Liquor Bylaw, 10 of 2003)

Name of applicant: .....

Allotment area: ..... Erf No. of Premises: .....

Address of premises: .....

Postal address of applicant: .....

Contact Telephone No. (.....) ..... Fax No. (.....) .....

Type of business operating: .....

Full Detail of Departure Requested: .....

do the premises have Special Land Use Consent? (provide proof) .....	YES	NO
do premises have a business licence? (provide proof) .....	YES	NO
do premises have noise attenuation equipment installed? (provide details) .....		YES NO
does applicant possess a Liquor Licence? (provide copy) .....	YES	NO
Distance to nearest residence ..... Metres.		

*Official use*

## Does the business meet the following requirements:

Land use permission .....	YES	NO
Valid business license (if applicable) .....	YES	NO
Compliance with noise regulations .....	YES	NO
Possession of a valid liquor licence .....	YES	NO
Premises suitably located .....	YES	NO

## SPECTION REPORT:

Name of official: ..... Date of inspection: .....

## RECOMMENDATION BY ENVIRONMENTAL HEALTH DIVISION

Name of Official: ..... Date: .....

Designation: .....

## RECOMMENDATION OF BUSINESS UNIT MANAGER:

Business Unit Manager  
Environmental Services

Date

**No. 216****GENERAL VALUATION 2005, MZIMKULU MUNICIPALITY**

Notice is hereby given in terms of section 46 of the Valuation Act, 1978 (Act No. 30 of 1978), that the general valuation rolls for Mzimkulu is open for inspection by all property owners and occupiers of property at the Municipal Offices during normal office hours from 12 December 2005 to 12 January 2006. If you wish to object to the valuation of any property, you must do so in writing. Your letter must set out grounds for your objection and state amount of relief, if any. Your letter must be lodged with the Secretary to the Valuation Court, c/o Municipal Managers Office, Mzimkulu, if you lodge an objection in the manner described above, you may, if so desire appear before the Valuation Court either in person or represented in order to follow up such objection. The representative is an advocate or Attorney entitled to appear in any court of law in the Republic of South Africa. As such authority in writing is a power of attorney; the document must have the required revenue stamp. The Valuation Court will sit to consider objections on 2 and 3 February 2006 at 10h00 am.

I have to invite your attention to the fact that if you do not complete and submit any objection you may have in the manner and during the time prescribed in the office, you will not be entitled to be heard by the Valuation Court.

*Secretary:* Valuation Court.

*Division:* Mzimkhulu.

*Date:* 12 December 2005.

**NB.** All enquiries and correspondence must be addressed to the Secretary, Valuation Court, c/o Municipal Manager, Mzimkhulu.

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**ISAZISO SOWE 2005, SOXATYISO JIKELELE UMASIPALA WASE MZIMKHULU**

Ngokwenjenje kuyaziswa ngo kwesiqendu sama 46 somthetho wovavanyo maxabiso kowe 1978 (umThetho 30 ka 1978) lungahlolwa kwii-ofisi zika Masipala ngeeyure zomsebenzi ukusukela nge 12 Disemba 2005 ukuya 12 Janyuwari 2006 ngabo bonke abantu abanemihlaba kumhloba kamasipala.

Izichaso kolu luhlu lovavanyo maxabiso, ukuba zikho, ezicacisa izizathu zokuchasa nesaphulelo kumaxabiso ukuba isaphulelo siya celwa, mazithunyelwe ngembalelwano kwii-ofisi zika masipala.

Inkundla yovavanyo maxabiso echophele ukuvavanywa nokuqingqa izichaso koluluhlu lovavanyo ngentsimbi yeshumi 10h00 kusasa. Ngomhla wo 02 & 03 Februwari 2006.

Makuqatshelwe okokuba nawuphi na umntu ongasenzanga isichaso sakhe ngale ndlela nangeli xesha likhankanyiweyo kwesi saziso akasayi kuphulaphulwa yi nkundla yovavanyo maxabiso.

*Unobhala:* Wenkundla Yovavanyo-Maxabiso.

*Idolophu:* Mzimkhulu.

*Umhla:* 12-12-2005.

**NB.** Qaphela yonke imibuzo nembalelwano ubhalela unobhala wenkundla yovavanyo, c/o Municipal Manager, Mzimkhulu.

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