



# **NORTH WEST NOORDWES**

**EXTRAORDINARY • BUITENGEWOON**

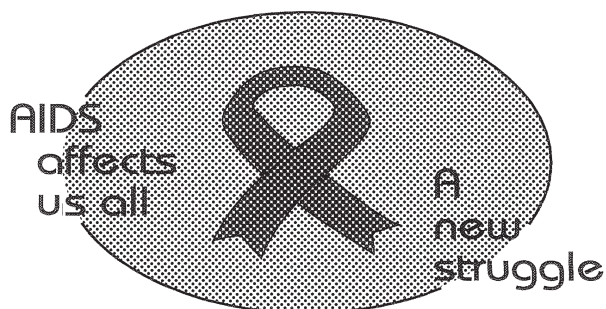
**PROVINCIAL GAZETTE  
PROVINSIALE KOERANT**

**Vol. 262**

**MAHIKENG**  
15 MAY 2019  
15 MEI 2019

**No. 8006**

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

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## PROVINCIAL NOTICE 67 OF 2019

**NORTH WEST BUSINESS LICENSING REGULATIONS, 2019**

I, Wendy Matsemela, Member of the Executive Council responsible for Finance, Economy and Enterprise Development hereby gives notice to publish the draft North West Business Licensing Regulations, 2019 for public comments.

Members of the public are invited to submit to the MEC, within 30 days after the publication of the Notice in the Gazette, written representation to the draft North West Business Licensing Regulations, 2019 to the following address:

By Post to : Deputy Director General: Department of Economy and Enterprise Development

Attention : Ms Phemelo Jood  
Private Bag X15  
**MMABATHO**  
2735

Tel : 018-387 7820/1  
Fax : 086 764 7859  
Email : [ljlekalake@nwpg.gov.za](mailto:ljlekalake@nwpg.gov.za)  
Address

Hand : NWDC Building  
Delivery : Cnr University Drive and Provident Streets  
2<sup>nd</sup> Floor  
**MMABATHO**

**SCHEDULE  
ARRANGEMENT OF REGULATIONS**

*Regulation*

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#### PART I INTRODUCTORY PROVISIONS

##### **Definitions**

1. In these Regulations, "the Act" means the North West Business Licensing Act, 2019 (Act No. 3 of 2019) and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it and, unless the context otherwise indicates –

**"applicant"** means any person who applies for business licence in terms of the Act;

**"application"** means any application lodged with the Business Licensing Authority, through the licensing officer, which meets all the requirements as set out in the Act;

**"guidelines"** means a policy- or procedural manual developed by the Business Licensing Authority subject to amendments from time to time when necessary to –

- (a) assist the Business Licensing Authority in carrying out its mandate;
- (b) guide an applicant in the application process in terms of these regulations;
- (c) guide the licensed traders in terms of compliance with the Act; and
- (d) guide any other party in terms of compliance with the Act.

**"member"** means a member of the Business Licensing Authority appointed in terms of section 6(1)(a) and 6(1)(b) of the Act;

**"person"** means a natural or juristic person;

**"regulations"** include all the annexures; and

**"substituted service"** means service of documents or notices by e-mail or publication in a newspaper circulating in an area where an individual or a number of individuals, having a direct or indirect interest in the matter, reside/s.

## PART II

### APPLICATION FOR BUSINESS LICENCE IN TERMS OF SECTION 17 OF ACT

#### **Lodging of application with Business Licensing Authority for Business licence in respect of licence categories listed under section 17 of Act**

2.(1) A person applying for a business licence in respect of the categories listed under section 17 of the Act must lodge such application with the Business Licensing Authority, through the licensing officer on any business day excluding declared public holidays and weekends at an address provided for by the Business Licensing Authority in the application form.

(2) An application lodged with the Business Licensing Authority as contemplated in sub regulation (1) is treated as duly lodged when all necessary documents and information contemplated in regulation 3 have been submitted to the Business Licensing Authority.

#### **Form of application to Business Licensing Authority for business licence in respect of licence categories listed under section 17 of Act**

3.(1) An applicant must submit a written application in capital letters and in duplicate, for a licence, and must –

- (a) furnish such information as required in the application form, and
- (b) declare under oath or truly affirm at the end of the said form that the information contained therein, is true and correct.

(2) In addition to the requirements contemplated in section 19 (2) read with section 24 of the Act, every such application must, at the time lodged with the Business Licensing Authority, be accompanied by –

- (a) a plan of the premises clearly showing –
  - (i) all doors, windows and counters; and
  - (ii) the entries and exits to the premises;
- (b) proof of payment of lodgement fee;
- (c) motivation in support of the application

**Procedure upon receipt of application by licensing officer in respect of applications lodged in terms of section 19 of Act**

4.(1) Where a licensing officer has received an application in terms of section 19(1) of the Act, such licensing officer must, forthwith, using Form NWBLA 3 of Annexure C, complete an acknowledgement of receipt detailing –

- (a) the name of the licensing officer;
- (b) the name of the applicant;
- (c) the category of licence applied for;
- (d) the tracking number of the application;
- (e) the municipal area where the business is to operate;
- (f) the time and date of receipt of such application; and
- (g) signatures of both the applicant and the licensing officer.

(2) Where the licensing officer has received an application in terms of sub regulation (1), such licensing officer must, within ten days of receipt of such application, submit such application to the Business Licensing Authority.

(3) A licensing officer may not receive an incomplete application from an applicant.

**Procedure upon receipt of application by Business Licensing Authority in respect of applications lodged in terms of section 19 of Act**

5.(1) Upon receipt of an application from the licensing officer, the designated officer in the Business Licensing Authority must enter such application in a register of applications and must within five days of receipt of such application, notify the applicant of such receipt.

(2) The notice contemplated in sub regulation (1) must include –

- (a) the tracking number of the application;
- (b) the name of the licensing officer;

- (c) the name of the designated officer;
- (d) the category of licence applied for;
- (e) the municipal area where the business is to operate;
- (f) the time and date of receipt of such application;
- (g) signatures of the designated officer; and
- (h) the contact details of the designated officer.

(3) Where the notification contemplated in sub regulation (1) is not received within the stipulated timeframe by the applicant, such applicant may directly enquire from the Business Licensing Authority whether the Business Licensing Authority has received such application.

(4) In making such enquiry contemplated in sub regulation (2), the applicant must provide the Business Licensing Authority with –

- (a) the tracking number of such application;
- (b) the name of the relevant licensing officer; and
- (c) the date on which the application was submitted to the licensing officer.

### **Finalisation of applications**

6. Save for applications contemplated in section 17(d) of the Act, all applications for licence categories contemplated in section 17 of the Act must be finalised within 60 days of receipt by the Business Licensing Authority.

### **Delivery of written notice from Business Licensing Authority in terms of section 23(2)(b) of Act**

7.(1) The written notice of an objection hearing may be delivered by the Business Licensing Authority to the applicant in terms of section 23(2)(b) of the Act –

- (a) by publication in at least one newspaper circulating in the area in which the proposed premises will be located, using Form NWLA 4 of Annexure D;
- (b) by notice at the offices of the tribal authority with jurisdiction;
- (c) by post to the address provided for by the applicant; and
- (d) by an e-mail address provided for by the applicant.

(2) The notice referred to in subregulation (1) must also be given to any party that lodged the objection in the same manner provided for in sub regulation (1).

### **Procedure in relation to objections or representations in terms of section 21 of Act**

8.(1) A person making representations or lodging objections to an application for a Business licence lodged in terms of regulation 2 must comply with the requirements as set out in section 21(2) of the Act.

(2) Upon receipt of written representations, the Business Licensing Authority must cause a copy of such representations to be sent by registered post or delivered to an applicant, advising such applicant to respond in writing to the written representations or submissions regarding the proposed award of the licence.

**Inspection report (section 34(2) of Act)**

9. An inspector appointed in terms of section 32(1) of the Act, must conduct an inspection and submit a report in terms of section 34(2) of the Act.

**Procedure for applicant's response to objections or representations in terms of section 21(4) of Act**

10. An applicant may, not later than seven days after receipt of an objection or representation in terms of section 21(4) of the Act, or an inspection report, submit, in duplicate, his or her written response to the Business Licensing Authority.

**Objection hearings by Business Licensing Authority in terms of section 23(1) of Act**

11.(1) Upon receipt of the response contemplated in regulation 8 and where the matter –

(a) is clear in terms of the written representations; and

(b) is capable of being determined in terms of the papers before the members of the Business Licensing Authority,

the Business Licensing Authority may dispense with the holding of an objection hearing as contemplated in section 23(1) of the Act.

(2) Where the Business Licensing Authority holds an objection hearing in terms of section 23(1) of the Act, the order or procedure must be as prescribed in the guidelines.

(3) Where the Business Licensing Authority holds an objection hearing as per sub regulation (2) above, it must do so in compliance with section 23(2) of the Act and must notify affected parties using Form NWBLA 4 of Annexure D.

(4) The notice contemplated in sub regulation (3) must be issued at least 14 days before such hearing takes place.

(5) The written notice delivered in terms of section 23(4)(a) of the Act may either be by hand, registered post or by email.

### **Licence certificate upon granting of licence**

**12.(1)** In respect of licence applications, the officer must –

- (a) after an application for a licence has been granted by the Business Licensing Authority, issue a licence certificate in the applicant's name;
- (b) keep and maintain in due and proper order, a register in respect of all decisions of the Business Licensing Authority in respect of such applications;
- (c) within 60 days after the end of each calendar year, publish in the *Gazette* and at least one newspaper widely circulated in the Province, the record of licences, setting out the names of all persons –
  - (i) who had been issued with licences on the last day of the relevant year;
  - (ii) whose licences were cancelled during the relevant year;
  - (iii) who surrendered voluntarily, or have been finally sequestered, wound up or dissolved during the relevant year; and
  - (iv) who were refused a licence during the relevant year;
- (d) maintain a catalogue in chronological order of all the decisions of the Business Licensing Authority, and after five years, may cause such decisions to be stored in the archives of the Province; and
- (e) perform all other functions and duties required of a licensing officer in terms of this Act.

**(2)** A licence certificate issued in terms of sub regulation (1) must include –

- (a) a licence number;
- (b) the date on which the applicant's name was entered in the register;
- (c) the fixed address of the premises in respect of which a licence has been granted;
- (d) the conditions upon which the licence was granted;
- (e) the trading hours and trading days applicable to the licence; and
- (f) the category of the licence.

**(3)** The trading hours contemplated in subregulation (2) do not apply in respect of a municipal area which has bylaws dealing with business trading hours.

### **Inspections in terms of Section 24(3) of Act**

**13.** Where the Business Licensing Authority has directed an inspector, appointed in terms of section 32(1) of the Act, to carry out an inspection, he or she must do so and submit a report

by completing Form NWBLA 1 of Annexure A, to the Business Licensing Authority within 14 days after conducting such an inspection.

**Communication of decision in terms of section 25(1) of Act**

14.(1) Where the Business Licensing Authority has decided to grant a licence, the licensing officer must inform the applicant that the licence will be issued upon payment of the prescribed application fee.

(2) When communicating the decision contemplated in sub regulation (1) the licensing officer must also inform any person who objected or made representations, as contemplated in section 21 of the Act, of the right to appeal the decision of the Business Licensing Authority by following the process contemplated in section 36 of the Act.

PART III  
TRANSFER OF LICENCE TO PROSPECTIVE HOLDER  
IN TERMS OF SECTION 30 OF ACT

**Procedure for transfer of licence to prospective holder in terms of section 30 of Act**

15.(1) A person applying for a transfer of a business licence to another person in terms of section 30 of the Act must lodge such application with the Business Licensing Authority using Form NWBLA 5 of Annexure E and must pay the application fee for transfer of a licence as contemplated in Annexure B of the Act.

(2) The application for a transfer of a licence contemplated in sub regulation (1) must be lodged with the Business Licensing Authority on any business day, excluding weekends and declared public holidays, at an address provided for by the Business Licensing Authority in the application form.

(3) An application lodged with the Business Licensing Authority, contemplated in sub regulation (1), is treated as duly lodged when all necessary documents and information contemplated in regulation 3(2), have been submitted to the Business Licensing Authority:

**Procedure upon granting of application in respect of transfer of Business licence to prospective holder in terms of section 30(1) of Act**

16.(1) The Business Licensing Authority must consider an application for transfer of a business licence and make a finding, not more than 90 days after receipt of the applicant's response to any representations or objections received.

(2) Where a licence has been granted by the Business Licensing Authority the licensing officer must, after having received payment of the prescribed licence fee contemplated in Annexure B, issue a licence certificate in the applicant's name using Form NWBLA 6 of Annexure F.

(3) Any approval issued in terms of this regulation is not transferable without prior approval of the Business Licensing Authority.

#### PART IV CODE OF CONDUCT FOR MEMBERS OF BUSINESS LICENSING AUTHORITY

##### **General conduct of members of Business Licensing Authority**

**17.(1)** A member of the Business Licensing Authority must –

- (a) perform the functions of office in good faith, honestly, transparently and with all due diligence;
- (b) at all times, act in the best interests of the Business Licensing Authority and in such a way that the credibility and integrity of the Business Licensing Authority is not compromised;
- (c) strive to be familiar with and abide by all statutory and other instructions applicable to his or her conduct;
- (d) co-operate with public institutions established under legislation and the Constitution of the Republic of South Africa in the promotion of public interest;
- (e) serve the public in an unbiased and impartial manner in order to create confidence in the Business Licensing Authority;
- (f) be helpful and reasonably accessible in his or her dealings with the public and at all times treat members of the public as customers who are entitled to receive high standards of service;
- (g) not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;
- (h) not abuse his or her position to promote prejudice or self-interest;
- (i) recognise the public's right to access of information, excluding information that is specifically protected by law;
- (j) strive to achieve the objectives of the Business Licensing Authority cost-effectively and in the public interest;
- (k) be punctual in the execution of his or her duties;
- (l) be honest and accountable in dealing with public funds;

- (m) use the Business Licensing Authority's property and other resources effectively, efficiently and only for authorised official purposes;
- (n) execute his or her responsibilities in a professional and competent manner; and
- (o) not engage in any action that is in conflict with or infringes on the execution of his or her official duties.

(2) The Responsible Member must ensure that each member, when taking office, is aware of the Code of Conduct.

### **Rewards, gifts and favours**

18. A member of the Business Licensing Authority may not request, solicit or accept any reward, gift or favour for –

- (a) voting or not voting in a particular manner on any matter before the Business Licensing Authority or before a committee of which that member is part of;
- (b) influencing the Business Licensing Authority or any committee concerning the exercise of any power, function or duty;
- (c) making a representation to the Business Licensing Authority; or
- (d) disclosing privileged or confidential information.

### **Unauthorised disclosure of information**

19.(1) A member of the Business Licensing Authority may not, without the permission of the Business Licensing Authority, disclose any privileged or confidential information of the Business Licensing Authority to any third party.

(2) For the purpose of this regulation, "privileged or confidential information" includes, but is not limited to, any information –

- (a) determined by the Business Licensing Authority to be privileged or confidential;
- (b) discussed in closed session by the Business Licensing Authority;
- (c) disclosure of which would violate a person's right to privacy; or
- (d) declared to be privileged, confidential or secret in terms of law.

(3) This regulation does not derogate from the right of any person to access information in terms of national legislation.

### **Interference in administration of Business Licensing Authority**

20. A member of the Business Licensing Authority may not, except as provided by law –

- (a) interfere in the management or administration of the Business Licensing Authority unless mandated by the Business Licensing Authority;

- (b) give or purport to give any instruction to any employee of the Business Licensing Authority except when authorised to do so by the Business Licensing Authority;
- (c) obstruct or attempt to obstruct the implementation of any decision of the Business Licensing Authority; or
- (d) encourage or participate in any conduct that would cause or contribute to maladministration in the Business Licensing Authority.

### **Misconduct by members of Business Licensing Authority**

**21.(1)** If the Responsible Member, on reasonable suspicion, is of the opinion that a provision of the Code of Conduct has been breached, the Responsible Member must –

- (a) authorise an investigation of the alleged breach; and
- (b) give the member a reasonable opportunity to reply in writing regarding the alleged breach.

(2) Upon conclusion of the investigation contemplated in sub regulation 1(a), the Responsible Member may after consideration of the investigation report contemplated in subregulation (1)(a) and complying with the provisions of subregulation (1)(b), remove a member from office.

## **PART V GENERAL PROVISIONS**

### **Appeals to responsible Member in terms of section 36 of Act**

**22.(1)** A person who appeals against the decision of the Business Licensing Authority, must lodge a notice of intention to appeal with the responsible Member within 21 days after that person has been notified of the decision.

(3) The responsible Member may, in writing and on good cause, extend the period within which a notice of intention to appeal must be submitted.

(4) An appeal must be –

- (a) on an official form NWBLA 7 of Annexure G obtainable from the department; and
- (b) accompanied by –
  - (i) a statement setting out the grounds of appeal;
  - (ii) supporting documentation which is referred to in the appeal and which is not in the possession of the department; and
  - (iii) the prescribed appeal fee, if any.

(5) The responsible Member must consider an appeal lodged in terms of subsection (1) and inform the appellant of the outcome within 30 days after lodgement of such appeal.

(6) When the responsible Member has reached a decision on an appeal, the appellant must be notified of the decision in writing.

(7) Written reasons for the decision must be given to the appellant, upon written request.

(8) The powers vested in the responsible Member in terms of this regulation may be delegated.

(9) The responsible Member in his or her discretion may, however, refer the appeal as contemplated in subsection (1) to an ad hoc committee in terms of section 36(3) of the Act for adjudication if the responsible Member is of the view that the decision would be better made by that committee.

#### **Appointment of inspectors in terms of section 32(1) of Act**

**23.** Each inspector appointed by the responsible Member of the Executive Council in terms of section 32 of the Act is provided with a certificate in Form NWBLA 2 of Annexure B.

#### **Short title**

**24.** These Regulations are called the North West Business Licensing Regulations, 2019.

**ANNEXURE A**  
**APPLICATION FOR A BUSINESS LICENCE IN TERMS OF SECTION 19**  
**North West Business Licensing Act, 2019**  
**(Act No.3 of 2019)**

**NWBLA 1**

1. Name of applicant/name of a company/partnership/close corporation: .....

2. Identity number/Registration number: .....

3. Is the applicant registered as a tax payer?

Yes

No

4. Name of proposed premises and address of premises (including GPS coordinates):

.....  
.....  
.....

5. Description of location (district, local municipality, urban/rural): .....

.....  
.....  
.....

6. Description of premises: .....

.....  
.....  
.....

7. Category of licensing being sought: .....

.....

8.(a) Suitability of premises in terms of the submitted sketch plan:

.....  
.....  
.....  
.....

(b) Is application made in respect of premises which –

- (i) have not yet been erected;
- (ii) are already erected, but require alterations; or
- (iii) are already erected and do not require any further alterations?


**(Mark applicable box)**

9. Is the permission to occupy/lease agreement/title deed attached?

☐ Yes

☐ No

10. Is the granting of this application likely to cause a monopolistic situation?

☐ Yes

☐ No

Explain:

.....

.....

.....

.....

11. Do any forwarded objections in respect of this application exist?

☐ Yes

☐ No

Explain:

.....

.....

.....

12. General remarks: .....

.....

.....

.....

.....

13. Report compiled by: .....

14. Dated at ..... on this ..... day of .....20.....

.....  
Inspector

**ANNEXURE B**  
**INSPECTOR'S CERTIFICATE OF APPOINTMENT IN TERMS OF SECTION 32(2)**  
North West Business Licensing Act, 2019  
Section 32(2)

**NWBLA 2**

Certificate No.: .....

I, ....., by virtue of the powers vested in me as the Member of the Executive Council for Economic Development and Tourism, hereby appoint –

(a) Name and surname: .....

(b) Identity number: .....; and

(c) Employee number: .....

to be a Provincial Business Inspector in terms of section 32(1) of the North West Business Licensing Authority, to carry out the duties as contemplated in sections 34(1) and 34(2) of the same Act read with the provisions of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

.....  
North West Business Licensing Authority  
Member of Executive Council

.....  
Date

**ANNEXURE C**  
**RECEIPT OF APPLICATION IN TERMS OF SECTION 19**  
 North West Business Licensing Act, 2019  
 (Regulation 4)

**NWBLA 3**

**For official use:**

Date stamp

.....

NW Business Licensing  
 Authority  
 Receipt of Application

(a) the name of the licensing officer;	
(b) the full names of the applicant;	
(c) the category of licence applied for;	
(d) the tracking number of the application;	
(e) the municipal area where the business is to operate;	
(f) the time and date of receipt of such application; and	

.....

Signature of licensing officer

.....

*Signature of applicant*

**ANNEXURE D**  
**OBJECTION HEARING: NOTICE IN TERMS OF SECTION 23**  
 North West Business Licensing Act, 2019  
 (Act No. 3 of 2019)

**NWBLA 4**

Reference no.: .....

**FOR ATTENTION:**

<b>Name and surname:</b>
<b>Address:</b>
<b>Sex:</b> ..... <b>Age:</b> ..... <b>I.D. No.:</b> .....

By virtue of the powers vested in the chairperson of the Board of the Business Licensing Authority by section 23(4) of the Act, you are hereby directed to be present at a meeting of the Business Licensing Authority which relates to a hearing in respect of objections received (See Annexure attached) in respect of the application for a business licence for the abovementioned premises, which will be held as per the date, time and place indicated as follows:

Date	Time	Place

Your attention is drawn to the following –

- (a) it is compulsory for you to appear in person. The applicant may be assisted or represented by any person of his/her choice in terms of section 23(3)(b) of the Act;
- (b) it is an offence not to be present and to remain in attendance, without you having appointed somebody to appear on your behalf, and
- (c) you will be required to give evidence under oath and/or produce any document or article which is in your possession or custody or under your control.

.....  
**Place of issue**

.....  
**Designated officer**

.....  
**Date**

---

**FOR OFFICIAL USE ONLY**

I certify that I have served this notice upon the said person by –

(\* Cross out that which is not relevant and true by drawing a line through the word/s)

*(a)	delivering a true copy to.....PERSONALLY; or
*(b)	delivering, as he/she could not be found, a true copy to ....., apparently over the age of 16 years and apparently residing or employed at the place of RESIDENCE/EMPLOYMENT/BUSINESS* of the said ....., .....,

at.....  
 .....

The nature and exigency of this notice was explained to the recipient thereof.

Time: ..... Day: ..... Month: ..... 20.....

.....  
**Signature of the Inspector**

**ANNEXURE E**  
**APPLICATION FOR TRANSFER OF BUSINESS LICENCE TO**  
**A PROSPECTIVE LICENCE HOLDER IN TERMS OF SECTION 30**  
 North West Business Licensing Act, 2019  
 (Act No. 3 of 2019)

**NWBLA 5**

**For official use:**      NW    Business    Licensing    Authority    Reference    No.:

.....

Amount: R.....

Receipt No.: .....

Date: .....

**APPLICATION FOR A LICENCE IN TERMS OF ...**

*(Choose the applicable section in the table below and mark the relevant square with an X)*

<b>Section 31 in respect of death or incapacity of a licensed person</b>	
<b>Section 30(1) to transfer a Business licence to a prospective holder</b>	

**INDEX**  
**Description of document**

**Attachments:**

1. Application in terms of sections \_\_\_\_
2. Comprehensive written representations.
3. Documents required to be attached to the application –
  - (a) letter of executorship;
  - (b) death certificate (sections 60 and 66);
  - (c) permission to occupy (in the form of a title deed or lease agreement or rates statement from the municipality);
  - (d) copy of the existing valid business licence;
  - (e) certified copy of identity document of the applicant;
  - (f) proof of payment of lodging fees;
  - (g) proof of renewal of licence fees;
  - (h) tax clearance certificate of applicant/person acquiring a financial interest;
  - and
  - (i) an SAPS 69 from the South African Police Service.

**PART A****INFORMATION RELATING TO APPLICANT WHO IS THE HOLDER OF THE LICENCE**

1. Full names and surname of applicant:

.....  
 .....

2. If applicant is not natural person, state the name, identity number and address of each shareholder, member, partner or beneficiary. The applicant is required to submit a resolution from the company authorising a signatory from amongst the existing shareholders. The resolution must be accompanied by a certified copy of the signatories' identity document/s. Should the applicant resolve to have the consultant be the signatory, then the applicant is required to attach a Power of Attorney.

3. Name in which is the licensed business conducted: .....

.....

4.(a) Describe the situation of the premises where the licensed business is conducted with reference to the erf-, street- and farm number: .....

.....

(b) In which district or metropolitan municipality is the premises referred to in subparagraph (a) situated? .....

.....

I declare/truly affirm that the information furnished in Parts A and B of this application in so far as it relates to me/the applicant on whose behalf I am authorised to sign the application, is true and correct.

.....

Date

.....

*Signature (of applicant who is the holder of the licence or person authorised to sign application)*

I certify that this declaration has been signed and sworn to/affirmed before me

at ..... on this ..... day of ..... 20.....

by the holder of the licence/person authorised to sign application who has acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection to taking the prescribed oath/affirmation; and
- (c) he/she considers the prescribed oath to be binding on his/her conscience, and that he/she uttered the following words:

"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of this declaration are true."

.....  
*Commissioner of Oaths*

.....  
*Affirmation*

Full names and surname: .....

Business address: .....

Designation: .....

.....  
Area for which appointment is held: .....

Office held if appointment is ex officio: .....

## **PART B**

### **INFORMATION RELATING TO APPLICANT WHO IS THE PROSPECTIVE HOLDER**

1. (a) Full names and surname of applicant: .....

.....  
(b) Age of applicant: .....

(c) Identity number, or in the case of a company or close corporation, its registration number:

.....  
(d) Residential address or address of registered office: .....

(e) Business address: .....

.....

.....

(f) Postal address: .....

.....

(g) Business telephone number: .....  
(Delete (b) if applicant is not a natural person)

2. If applicant is not a natural person, state the name, identity number and address of each shareholder, member, partner or beneficiary: .....

.....

.....

3.(a) The applicant is required to submit a letter of executorship or letter of authority.

(b) The applicant is to state or explain his/her relationship to the licence holder: .....

.....

(c) The applicant –

(i) has, in the Republic or elsewhere in the preceding 10 years, been sentenced for any offence to imprisonment without the option of a fine;

Yes

No

(ii) has, in the preceding 10 years, been convicted of an offence in terms of the Business Act, 1989 (Act No. 27 of 1989), or the NW Business Licensing Act, 2017 (Act No. X of 2017), irrespective of the sentence imposed, and was, within three years after the conviction, again convicted of an offence in terms of any of the abovementioned two Acts and was, therefore, then sentenced to a fine of not less than **R100** or to imprisonment without the option of a fine;

Yes

No

(iii) is not domiciled in the Republic;

Yes

No

(iv) is an unrehabilitated insolvent;

Yes

No

Yes

No

(v) is a minor;

(vi) is the spouse of a person contemplated in subparagraphs (i), (ii) or (iv); or

☐ Yes

☐ No

(vii) is committed in terms of the Mental Health Act, 1973 (Act no. 18 of 1973) or the Mental Health Care Act, 2002 (Act No. 17 of 2002), as the case may be; and

☐ Yes

☐ No

(d) if the applicant is a company, close corporation, partnership, co-operative association or trust, state whether a person contemplated in subparagraph (a) –

(i) has a controlling interest in such a company, close corporation, co-operative association or trust;

☐ Yes

☐ No

(ii) is a partner in such a partnership; or

☐ Yes

☐ No

(iii) is the main beneficiary under such a trust.

☐ Yes

☐ No

(e) If any of the questions in subparagraphs (a) or (b) have been replied to in the affirmative, provide full details: .....

.....

.....

***(Use an annexure if necessary)***

4.(a) State the name and surname, identity number and address of each person –

(i) including the holder of the licence, or who has any financial interest in the business to which the licence relates:

.....

.....; and

(ii) who, including the applicant, will have an interest if the application is granted, and in each case, the nature and extent of such interest. If the applicant is a juristic person, it shall be sufficient if the name, registration number and postal address of such juristic person is provided, together with the name of each director and the nature and extent of the financial interest of such company:

.....

***(Use an annexure if necessary)***

(b) State the financial interest of the applicant in the Business trade in the Republic and, if the applicant is a private company, close corporation, partnership or trust, also of every shareholder, member or partner thereof or beneficiary thereunder. (If the applicant or the said shareholder, member, partner or beneficiary has no such interest, this fact must be specifically mentioned): .....

*(Use an annexure if necessary)*

(c) In the case of an application for a Business store licence, or a special licence for off-consumption, is the applicant –

(i) a producer or his agent;

☐ Yes

☐ No

(ii) a manufacturer of beer or his agent;

☐ Yes

☐ No

(iii) a person who has a financial interest in the business of a producer or a manufacturer of beer, or the agent of such person;

☐ Yes

☐ No

(iv) a company in which shareholders have a financial interest in the business of a producer or a manufacturer or hold a controlling interest in such business; or

☐ Yes

☐ No

(v) a company in which a company contemplated in subparagraph (c)(iv) holds a controlling interest, or the agent of such a company?

☐ Yes

☐ No

*(Delete subparagraph (c) if not applicable or mark the applicable square)*

society?

5. Name in which the business is to be conducted: .....

.....

6. Will the applicant have the right to occupy the premises referred to in paragraph 4(a) of Part A of the application, including such place on other premises upon which any approval or determination is exercised for the purposes of the licence?

☐ Yes

☐ No

I declare/truly affirm that the information furnished in Part B of this application in so far as it relates to me/the applicant on whose behalf I am authorised to sign the application and in the documents attached to it, is true and correct.

.....

.....

Date

*Signature (of applicant who is the prospective holder of licence or person authorised to sign application)*

I certify that this declaration has been signed and sworn to/affirmed before me

at ..... on this ..... day of ..... 20.....

by the applicant who is the prospective holder/person authorised to sign the application who has acknowledged that –

- (a) he/she knows and understands the contents to this declaration;
- (b) he/she has no objection to taking the prescribed oath/affirmation; and
- (c) he/she considers the prescribed oath to be binding on his/her conscience,

and that he/she uttered the following words:

"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of this declaration are true."

.....

*Commissioner of Oaths*

.....

*Affirmation*

Full names and surname: .....

Business address: .....

Designation: .....

Area for which appointment is held: .....

Office held if appointment is ex officio: .....

**ANNEXURE F**  
**TRANSFER CERTIFICATE IN TERMS OF SECTION 30**  
 North West Business Licensing Act, 2019  
 (Act No.3 of 2019)

**NWBLA 6**

**CERTIFICATE FOR TRANSFER OF A BUSINESS LICENCE**

Licence number: .....

The .....(type of licence) licence held by:

.....

situated at ..... in the .....

(district or metropolitan municipality under which business is conducted in the name of: .....

.....

is hereby transferred to.....

.....

.....

The business is conducted in the name of: .....

The transfer of the licence shall be of no force and effect after the expiry date unless the prescribed renewal fees have been paid.

Date of Issue	Amount Received	Receipt No.	Expiry Date
.....	.....	.....	.....

**ANNEXURE G**  
**NOTICE OF INTENTION TO APPEAL AGAINST THE DECISION**  
**OF THE BUSINESS LICENSING AUTHORITY IN TERMS OF SECTION 36**  
North West Business Licensing Act, 2019  
(Act No.3 of 2019)

**NWBLA 7**

In the matter between –

Appellant/Applicant\*:

.....

and

The NW Business Licensing Authority

and Premises (address): .....

Take notice that .....  
(hereinafter called the Appellant/Applicant\*) hereby applies to this Business Licensing  
Authority for an order in the following terms:

1. \*Leave to appeal against the judgment (state particulars): .....

.....

.....

.....

2. \*Condoning of the failure to (state particulars): .....

.....

.....

.....

3. \*Any other matter (state particulars): .....

.....

.....

.....

.....

.....

The accompanying documentation of .....  
.....is attached in support of the  
application.

If you intend to oppose this application, you are required to lodge your affidavit in support of your opposition, after prior service upon the Appellant/Applicant, with the responsible Member of the Executive Council or the Business Licensing Authority within one month after service of this application on you.

Dated at ..... on this ..... day of ..... 20.....

.....  
Applicant/Appellant/Agent

Address: .....  
.....  
.....

To: ..... (local committee)

Address: .....  
.....  
.....

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