

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

# Provincial Gazette Extraordinary

6587

Friday, 19 December 2008

# Buitengewone Provinsiale Koerant

6587

Vrydag, 19 Desember 2008

---

*Registered at the Post Office as a Newspaper*

## CONTENTS

*(\*Reprints are obtainable at Room 9-06, Provincial Building, 4 Dorp Street, Cape Town 8001.)*

| No.                                    | Page |
|--|------|
| <b>Provincial Notice</b>               |      |
| 472 Western Cape Liquor Act, 2008..... | 2    |



**PROVINCIAL NOTICES**

The following Provincial Notices are published for general information.

V. L. PETERSEN (Ms),  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street  
Cape Town.

---

P.N. 472/2008

19 December 2008

**WESTERN CAPE LIQUOR ACT, 2008****LIQUOR REGULATIONS IN TERMS OF SECTION 88**

The following draft regulations are hereby published for general information:  
Liquor Bill regulations in terms of section 88 of the Western Cape Liquor Act, 2008 (Act 4 of 2008)

P.N. 472/2008 19 November 2008

Any person or organization wishing to comment on the said regulations is requested to lodge such comment in writing before or on 30 January 2009:

(a) by delivery or post to:

The Director: Liquor Regulation  
Department of Economic Development and Tourism  
(Attention: Ms K Pillay)

(b) by post to:

P.O. Box 648  
Cape Town  
8000

(c) by e-mail to:

[kopillay@pgwc.gov.za](mailto:kopillay@pgwc.gov.za)

(d) by fax to:

K Pillay  
(021) 483-5066

V L Petersen  
Director-General

**WESTERN CAPE LIQUOR ACT, 2008**  
**DRAFT LIQUOR REGULATIONS**  
**IN TERMS OF SECTION 88**

as published in  
Provincial Gazette No. 6587 of 19 December 2008

**INDEX**

| <b>Regulation number</b> | <b>Subject</b>  | <b>Section</b>     |
|--------------------------|---|--------------------|
| 1.                       | Definitions   | 1                  |
| 2.                       | Appointment of Board members  | 3(1)(b)<br>and (2) |
| 3.                       | Re-appointment of Board members   | 6(2)               |
| 4.                       | Appeals against decisions taken in terms of a delegated power or function                     | 10(5)              |
| 5.                       | Appointment of members of the Liquor Licensing Tribunal                                       | 16(2)              |
| 6.                       | Re-appointment of members of the Liquor Licensing Tribunal                                    | 18(2)              |
| 7.                       | Application procedure: New licences   | 36                 |
| 8.                       | Notification of application   | 37                 |
| 9.                       | Application lying for inspection at Board   | 38                 |
| 10.                      | Administration of Board, Liquor Licensing Tribunal and Appeal Tribunal                        | 26(8)              |
| 11.                      | Representations   | 39                 |
| 12.                      | Applicant's response to representations and report by designated liquor officer               | 39 and 40          |
| 13.                      | Forwarding of documents   | 40                 |
| 14.                      | Notices and summonses   | 23                 |
| 15.                      | Conditional granting of licence   | 42                 |
| 16.                      | Issuing of licences   | 46                 |
| 17.                      | Applications for temporary liquor licences and special event liquor licences                  | 48                 |
| 18.                      | Deliveries  | 50                 |
| 19.                      | Application to procure certain financial interest in licensed premises                        | 51                 |
| 20.                      | Letting of premises   |                    |
| 21.                      | Nomination of manager   | 52                 |
| 22.                      | Application for consent to alter licensed premises or change nature of licences business      | 53                 |
| 23.                      | Access to licensed premises: Restricted areas   | 56                 |
| 24.                      | Application to store in other or additional place   | 57                 |
| 25.                      | Application for extended trading hours  | 59                 |
| 26.                      | Quantity of liquor and keeping of records   | 60                 |
| 27.                      | Powers of Liquor Licensing Tribunal   | 20(3) and<br>62(4) |
| 28.                      | Renewal of licences and application for condonation of failure to pay renewal fee by due date | 63                 |
| 29.                      | Application for renewal of licences   | 64                 |
| 30.                      | Notification of alienation of licensed business   | 65                 |
| 31.                      | Application for transfer of licence   | 65                 |
| 32.                      | Application for removal of licence  | 66                 |
| 33.                      | Appeals to and reviews by Appeal Tribunal   | 68                 |
| 34.                      | Compliance notices  | 69                 |
| 35.                      | Exemptions  | 84                 |
| 36.                      | Notices   | 86                 |
| 37.                      | Seizure, forfeiture and disposal of seized or forfeiture items                                | 87                 |

## 1. Definitions

In these Regulations, and in the Schedules and Forms annexed thereto, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act retains that meaning, and in addition—

“**Act**” means the Western Cape Liquor Act, 2008 (Act 4 of 2008);

“**applicant**” means a person applying for a licence, permit or any other dispensation in terms of this Act;

“**Head of Department**” means the Head of Department of the department responsible for economic affairs in the Province;

“**inspectorate**” means the unit within the Board consisting of inspectors appointed in terms of section 73(4) of this Act;

“**secretary**” means the secretary of the Liquor Licensing Tribunal appointed in terms of section 26(1)(b) of this Act;

“**section**” refers to a section of the Act.

## 2. Appointment of members of Board

- (1) For the purpose of the appointment of the first members of the Board, the Head of Department must cause a notice to be published in the 3 official languages of the Province, in the *Provincial Gazette* and in at least two newspapers circulating in the Province, inviting nominations for members of the Board.
- (2) The invitation for nominations must specify the—
  - (a) criteria referred to in section 3(1);
  - (b) nomination procedure;
  - (c) date by which nominations must be received by the Head of Department;  
and
  - (d) manner in which the nominations must be submitted.
- (3) Not later than 14 days after the date referred to in subregulation (2)(c), the Head of Department must cause an application form substantially in the form of

Form 1 to be placed at the disposal of each nominee whose nomination complied with the criteria referred to in subregulation (2)(a), for completion by that nominee.

- (4) A nominee referred to in subregulation (3) must submit the completed application form to the Head of Department within 28 days of the date referred to in subregulation (2)(c).
- (5) The Head of Department must, within 35 days of the date referred to in subregulation (2)(c), cause all nominations referred to in subregulation (3) and the completed application forms to be submitted to the standing committee together with all other nominations received, indicating in which respect the other nominations did not meet the criteria referred to in subregulation (2)(a).
- (6) The Minister must appoint the members of the Board, after considering the recommendations of the standing committee.
- (7) The process set out in subregulations (1) to (5) only applies with respect to the appointment of the first Board members.
- (8) The Chief Executive Officer is responsible for the administrative process for the appointment of subsequent Board members.

### **3. Re-appointment of members of Board**

- (1) The Chief Executive Officer must, at least six months before the expiry of the period of appointment of a Board member who is eligible for re-appointment—
  - (a) give notice in writing to the standing committee of the said expiry and that the member is eligible for re-appointment; and
  - (b) request the standing committee to make recommendations to the Minister on the re-appointment of that Board member.
- (2) Re-appointment of a Board member must be made at least 30 days before the expiry of the member's period of appointment.

#### **4. Appeals against decisions taken in terms of a delegated power or function**

- (1) An appeal referred to in subsection (5) of section 10 must be lodged with the Board in duplicate not later than 60 days after the decision concerned was taken.
- (2) An appeal must be fully motivated and must—
  - (a) clearly indicate the name, identity number, residential and postal address and telephone number, if any, and where applicable, the registration number and the address of the registered office, of the person making the appeal; and
  - (b) clearly identify the grievance and the decision concerned.

#### **5. Appointment of members of Liquor Licensing Tribunal**

- (1) The Chief Executive Officer must, by notice in the three official languages of the Province, in the *Provincial Gazette* and in at least two newspapers circulating in the Province, invite nominations for the members of the Liquor Licensing Tribunal referred to in section 16(1)(a), (b) and (e).
- (2) The invitation for nominations in terms of subsection (1) must specify the—
  - (a) relevant criteria in terms of section 16(1);
  - (b) nomination procedure;
  - (c) date by which nominations must be received by the Chief Executive Officer; and
  - (d) manner in which the nominations must be submitted.
- (3) Not later than 14 days after the date referred to in subregulation (2)(c), the Chief Executive Officer must place an application form substantially in the form of Form 2 at the disposal of each nominee whose nomination complied with the criteria referred to in subregulation (2)(a), for completion by that nominee.
- (4) A nominee referred to in subregulation (3) must submit the completed application form to the Chief Executive Officer within 28 days of the date referred to in subregulation (2)(c).
- (5) The Board must, within 28 days after the invitation for nominations referred to in subregulation (1), appoint an interviewing panel consisting of—

- (a) the member referred to in section 3(1)(b) and at least three other members of the Board; and
  - (b) the Head of the Department.
  
- (6) The interviewing panel must—
  - (a) consider and evaluate the nominations of nominees who submitted application forms in terms of subregulation (4); and
  - (b) make recommendations to the Board in respect of those nominees.
  
- (7) The Board must appoint the members of the Liquor Licensing Tribunal, after considering the recommendations of the interviewing panel.
  
- (8) When making the appointments, the Board must have regard to race and gender.

## **6. Re-appointment of members of Liquor Licensing Tribunal**

- (1) The Chief Executive Officer must, at least six months before the expiry of the period of appointment of a member of the Liquor Licensing Tribunal, who is eligible for re-appointment give notice in writing to the Board of the said expiry.
  
- (2) The Board must—
  - (a) decide on the re-appointment of a member of the Liquor Licensing Tribunal at least 3 months before the expiry of that member's period of appointment; and
  - (b) if it decides to re-appoint the member, make the re-appointment at least 30 days before the expiry of that period.

## **7. Application procedure: New licences**

- (1) An applicant is solely responsible for the correctness of any application or notice submitted by or on behalf of the applicant in compliance with these regulations.
  
- (2) The applicant must at least 7 days before the lodgement of an application give notice to the Board substantially in the form of Form 3, of the intention to lodge the application.

- (3) An application for a licence referred to in section 33(a), (b), (c) or (d) must be lodged with the Board and the designated liquor officer in whose area of jurisdiction the proposed premises are located, on the first Friday of any month or, if that day is a public holiday, on the first Friday which is not such a day, thereafter.
- (4) An application referred to in subregulation (3) must be made substantially in the form of Form 4 and—
  - (a) must be in typed script on A4 standard paper; and
  - (b) must contain the information as solicited in Form 4.
- (5) An application must be accompanied by—
  - (a) a comprehensive floor plan of the premises on A4 or A3 standard paper clearly showing –
    - (i) the proposed licensed premises in colour;
    - (ii) the dimensions of each room on the premises;
    - (iii) the uses of all the rooms on the premises;
    - (iv) all doors, windows and counters (where applicable) and means of internal and external communication;
    - (v) the streets and places to which such means of external communication lead; and
    - (vi) where liquor will be stored on the proposed licensed premises;
  - (b) a site plan, on A4 or A3 standard paper, showing –
    - (i) an outline of every building on the erf to which the application relates;
    - (ii) other licensed premises on the erf;
    - (iii) the uses of all the buildings on the erf; and
    - (iv) the date of preparation and the name and address of the person who prepared the plan;
  - (c) in a separate document, a description of the premises with reference to the construction, layout, furnishing, fixtures, fittings and floor covering;
  - (d) colour photographs showing the completed internal and external features of the premises or, where the application relates to incomplete premises referred to in section 44, the stage of completion of the premises;
  - (e) comprehensive written representations in support of the application;
  - (f) any determination, consent, approval or authority required by the Act;
  - (g) proof that the applicable application fee set out in Item 1 of Schedule 1 has been deposited into the bank account of the Board;

- (h) a copy of identity document of the applicant and, in the case of a juristic person, copies of the relevant registration documents, indicating the financial interest of all members, shareholders, partners or beneficiaries; and
- (i) such other documents as may be specified on the application form and in the Act, or as may be requested by the Board.

## 8. **Notification of application**

- (1) A notice referred to in section 37(2) –
  - (a) must clearly identify the proposed premises, name of the applicant and the business concerned; and
  - (b) must be –
    - (i) headed by the words  
**“NOTICE OF LODGEMENT OF APPLICATION FOR LIQUOR LICENCE”**,  
in bold-faced, upper case letters at least 2 cm in height;
    - (ii) in black lettering not less than 0.5 cm high on a white background;
    - (iii) at least A3 standard paper;
    - (iv) waterproofed; and
  - (c) must remain in place for not less than 28 days from the date of lodgement of the application.
- (2) The designated liquor officer concerned must serve a copy of the application on the municipal manager of the relevant municipality within seven days from date of lodgement of the application.
- (3) The designated liquor officer must serve the notice referred to in section 37(5) substantially in the form of Form 5 within 7 days from date of lodgement of the application and where the municipality concerned elects to give that notice, it must do so within 7 days from the date of being served with a copy of the application by the designated liquor officer.
- (4) The Board must publish notices referred to in section 37(1) within 7 days of lodgement of the application.
- (5) A notice referred to in section 37 must-

- (a) invite interested persons to lodge their objections at the municipality or the Board, as the case may be, within 28 days from the date of lodgement of the application; and
- (b) require that an objector state the physical address where summonses can be served on the objector.

**9. Application lying for inspection at Board**

- (1) For the purposes of section 38, the Board must enable the public to have access to, inspect or obtain a copy of an application and any document lodged in connection therewith for a period of 28 days after the application has been lodged.
- (2) The fee for such a copy is set out in Item 14 of Schedule 1.

**10. Administration of Board, Liquor Licensing Tribunal and Appeal Tribunal**

For the purposes of section 26(8), any person who wants to copy the minutes of the Board, Liquor Licensing Tribunal or Appeal Tribunal, must pay the fee set out in Item 15 of Schedule 1.

**11. Representations**

Written representations referred to in section 39(1) must be lodged within 28 days from the date of lodgement of the application.

**12. Applicant's response to representations against application**

If an applicant wishes to respond to representations in terms of section 39(3), the response must be lodged with the Board within 7 days of being served with a copy of the representations.

**13. Forwarding of documents**

- (1) If applicable, the municipality must forward the documents as required by section 40 within 35 days from the date of lodgement of the application.

- (2) The designated liquor officer must within 35 days from the date of lodgement of the application, serve a copy of his or her report referred to in section 73(7)(a) on the applicant and lodge the report with the Board, together with proof that the notices in terms of section 37(5) and the report referred to in section 73(7) were served.
- (3) The report by the designated liquor officer must
  - (a) state the following —
    - (i) the address of the proposed premises;
    - (ii) the location of the proposed premises in relation to educational institutions, religious institutions, institutions for the aged or frail, institutions for drug or alcohol dependencies, residential areas and other licensed premises;
    - (iii) the suitability of the proposed premises;
    - (iv) the suitability of the applicant with specific reference to the criminal record of the applicant and his or her spouse;
    - (v) the public interest;
    - (vi) crime statistics for the geographical area in which the proposed premises is located; and
  - (b) include a recommendation for the granting or rejection of the licence.
- (4) The applicant must lodge his, her or its response, if any, to the report by the designated liquor officer within 7 days of being served with a copy of the report by the designated liquor officer referred to in section 73(7) or a report by an inspector referred to in subregulations (6) and (7).
- (5) If designated liquor officer fails to lodge his or her report in terms of section 73(7), a person delegated by the Chief Executive Officer must within 42 days from date of lodgement of the application, notify the designated liquor officer concerned in writing to lodge, within 14 days, a report in terms of section 73(7).
- (6) If the designated liquor officer fails to lodge his or her report after having been notified to do so in terms of subregulation (5), the person delegated by the Chief Executive Officer must, within 7 days—
  - (a) notify the Chief Executive Officer of the failure by the designated liquor officer to lodge his or report; and

- (b) forward a copy of the application to an inspector with a written request to lodge a report containing the information referred to in subregulation (13)(a)(i) to (ii) and (v) and (3)(b), and where available (13)(a)(iv) and (vi), in respect of the application concerned.
- (7) An inspector must lodge his or her report within 14 days after being requested to do so.

#### **14. Notices and summonses**

- (1) A notice or summons to be present at a meeting in terms of section 23(2) or (5) must be substantially in the form of Form 6 and 7 respectively and must be issued by the secretary of the Liquor Licensing Tribunal.
- (2) A notice or summons must be served by a police officer or an inspector by delivering the original thereof to the person named therein or, if he or she cannot be found, by delivering it at his or her residence or place of business or employment to a person apparently over the age of 16 years and apparently residing or employed there.
- (3) The police officer or inspector, as the case may be, must note the return of service on the copy of the notice or summons, stating that service has or has not been effected in terms of subregulation (2) and must return that copy to the Board.
- (4) A notice or summons must be served on a person mentioned therein not less than 14 days before the date upon which he or she is required to appear.

#### **15. Conditional granting of licence**

- (1) The Board must, within 7 days after the Liquor Licensing Tribunal has in terms of section 42(1) conditionally granted an application made in terms of section 36, notify the persons referred to in section 46(1) of that decision in writing.
- (2) The notice to the applicant must be substantially in the form of Form 8.

**16. Issuing of licences**

- (1) The Board must within 7 days after the Liquor Licensing Tribunal has granted an application made in terms of section 36, notify the persons referred to in section 46(1) of that decision.
- (2) The notice to the applicant must be substantially in the form of Form 9.
- (3) The applicant must pay the applicable fee set out in Part A of Schedule 2.
- (4) The Board must issue the licence, substantially in the form of Form 10, within 14 days after receipt of proof the payment referred to in subregulation (3).
- (5) The Board must assign a unique number for each licence issued, to be reflected on the licence and all its attachments, and must forthwith cause the name of the licensee and the aforementioned number and such other details as may be necessary to be recorded in a register.
- (6) A licence issued by the Board must bear the insignia of the Board.
- (7) A person may obtain a copy of a licence and the conditions attached thereto from the Board upon the payment of the fee set out in Item 15 of Schedule 1.

**17. Applications for temporary or special events liquor licences**

- (1) The applicant for a temporary liquor licence or a special events liquor licence must make written application, in duplicate, substantially in the form of Form 11 or Form 12, as the case may be, accompanied by.
- (2) An application must be accompanied by—
  - (a) the application fee for a temporary liquor licence or a special events liquor licence set out in Items 2 and 3 respectively of Schedule 1; and
  - (b) comprehensive written representations in support of the application.

- (3) The Chief Executive Officer must, within 21 days from date of lodgement of the application, notify the designated liquor officer concerned in writing, to lodge, within 3 days, a report in terms of section 73(7), unless the designated liquor officer has already lodged a report with the Board.
- (4) The designated liquor officer must within 14 days after the application has been lodged, serve a copy of his or her report referred to in section 73(7)(a) on the applicant and lodge the report with the Board with proof that the report has been served on the applicant.
- (5) The applicant must lodge his or her response to a report referred to in subregulation (3) if any, within 7 days after having been served with a copy of the report or a report by an inspector referred to in subregulation (6) and (7).
- (6) If the designated liquor officer fails to lodge his or her report in terms of subregulation (4), the Chief Executive Officer must, immediately forward a copy of the application to an inspector with a written request to lodge a report containing the information referred to in regulation 13(3)(a)(i) and (ii) and (3)(b), and where available the information referred to in regulation 13(3)(a)(iv) and (vi), in respect of the application.
- (7) An inspector must lodge his or her report within 5 days after being requested to do so.
- (8) If an application is granted—
  - (a) the applicant must pay the fees set out in Part A of Item 5 or 6, as the case may be, of Schedule 2.
  - (b) the Board must issue a licence, substantially in the form of Form 13 or 14, as the case may be.
- (9) For the purpose of section 48(3), the condition attaching to a temporary liquor licence is the same as that referred to in section 49(1).

**18. Deliveries**

- (1) An invoice referred to in section 50(1)(a) must contain—
  - (a) the name and address of the licensed business;
  - (b) the licence number of the licensed business;
  - (c) the invoice number and date of issue;
  - (d) the full name and address of the person ordering the liquor and the address to which the delivery is to be made;
  - (e) the kind and quantity of the liquor to be delivered; and
  - (f) the purchase price to be paid.
  
- (2) The licensee must retain copies of invoices in terms of section 50(1)(a) at the licensed premises for a period of 12 months from the date of issue, notwithstanding any law to the contrary.
  
- (3) For the purposes of section 50(1)(d), the purchaser must furnish—
  - (a) proof of his or her residential address; and
  - (b) his or her home telephone number, cellular phone number, work address, and work telephone number, if any.

**19. Application to transfer financial interest in licensed premises**

- (1) A licensee who wishes to transfer a financial interest of more than 5% in the licensed business to another person and that person (in this regulation referred to as the joint applicants) must, jointly make written application, in duplicate, substantially in the form of Form 15, and both of them must—
  - (a) furnish in the application the information solicited in the Form, and
  - (b) declare under oath or truly affirm at the end of the Form that the information contained therein, is true.
  
- (2) The application must be lodged with the Board and must be accompanied by—
  - (a) proof of payment of the application fee set out in Item 5 of Schedule 1;
  - (b) documented proof of the change in financial interest; and
  - (c) comprehensive written representations in support of the application.

- (3) The Chief Executive Officer must, within 21 days from date of lodgement of the application, notify the designated liquor officer concerned in writing to lodge, within 3 days, a report in terms of section 73(7), unless the designated liquor officer has already lodged a report with the Board.
- (4) The designated liquor officer must within 14 days after the application has been lodged, serve a copy of his or her report referred to in section 73(7) on the joint applicants and lodge the report with the Board together with proof that the report has been served on the joint applicants.
- (5) If the designated liquor officer fails to lodge his or her report in terms of subregulation (4), the Chief Executive Officer must, immediately forward a copy of the application to an inspector with a written request lodge a report containing the information referred to in regulation 13(3)(a)(i) and (ii) and (3)(b), and where available the information referred to in regulation 13(3)(a)(iv) and (vi), in respect of the application.
- (6) An inspector must, within 5 days after being requested to do so, lodge his or her report with the Board and forward a copy to the joint applicants.
- (7) The joint applicants must lodge their response to a report by the designated liquor officer referred to in subregulation (4) or a report by an inspector referred to in subregulation (6) within 7 days after having been served with a copy of either report.
- (8) The Presiding Officer must within 30 days after receipt of all documents referred to in this regulation either grant or refuse the application.
- (9) If an application is granted, the Board must issue a written consent within 7 days after the consent was granted.

## **20. Letting of premises**

- (1) For the purpose of section 51(7), the licensee and the other person referred to in that section 51(7) (in this regulation referred to as the joint applicants) must, jointly make written application, in duplicate, substantially in the form of Form 16 and both of them must—
  - (a) furnish in the application the information solicited in that form; and

- (b) declare under oath or truly affirm at the end of the Form that the information contained therein, is true.
- (2) The application must be lodged with the Board and must be accompanied by—
- (a) proof of payment of the application fee set out in Item 5 of Schedule 1; and
- (b) comprehensive written representations in support of the application.
- (3) The Chief Executive Officer must, within 21 days from date of lodgement of the application, notify the designated liquor officer concerned in writing to lodge, within 3 days, a report in terms of section 73(7), unless the designated liquor officer has already lodged a report.
- (4) The designated liquor officer must within 14 days after the application has been lodged, serve a copy of his or her report referred to in section 73(7) on the joint applicants and lodge the report with the Board with proof that the report has been served on the joint applicants.
- (5) If the designated liquor officer fails to lodge his or her report in terms of subregulation (4), the Chief Executive Officer must forward a copy of the application to an inspector with a request to lodge a report containing the information referred to in regulation 13(3)(a)(i) and (ii) and (3)(b), and where available the information referred to in regulation 13(3)(a)(iv) and (vi), in respect of the application.
- (6) An inspector must, within 5 days after being requested to do so, lodge his or her report with the Board and forward a copy to the applicant.
- (7) The joint applicants must lodge their response, if any, to a report by the designated liquor officer referred to in subregulation (4) or a report by an inspector referred to in subregulations (6) within 7 days after having been served with a copy of either report.
- (8) The Presiding Officer must within 30 days after receipt of all documents referred to in this regulation either grant or refuse the application.
- (9) If an application is granted, the Board must issue a written consent within 7 days after the consent was granted.

## **21. Nomination of manager**

- (1) A licensee who nominates a person to act as manager in terms of section 52(2) must lodge a written nomination in the form of Form 17 with the Board and must -
  - (a) furnish the information solicited in the Form; and
  - (b) declare under oath or truly affirm at the end of the Form that the information contained therein is true.
- (2) The nomination must be accompanied by—
  - (a) a copy of the identity document of the nominated person; and
  - (b) comprehensive written representations in support of the nomination.
- (3) The Chief Executive Officer must, within 21 days from date of lodgement of the nomination, notify the designated liquor officer concerned in writing to lodge, within 3 days, a report in terms of section 73(7), unless the designated liquor officer has already lodged a report.
- (4) The designated liquor officer must within 14 days after the lodging of the nomination serve a copy of his or her report referred to in section 73(7) on the licensee and lodge the report with the Board together with proof that the report has been served on the licensee.
- (5) If the designated liquor officer fails to lodge his or her report in terms of subregulation (4), the Chief Executive Officer must forward a copy of the nomination to an inspector with a written request to lodge a report containing the information referred to in regulation 13(3)(a)(i) and (ii) and (3)(b), and where available the information referred to in regulation 13(3)(a)(iv) and (vi), in respect of the nomination.
- (6) The inspector must, within 5 days after being requested to do so, lodge his or her report with the Board and forward a copy to the licensee.
- (7) The licensee must lodge his or her response, if any, to a report by the designated liquor officer referred to in subregulation (4) or a report by an inspector referred to in subregulation (6) within 7 days after having been served with a copy of either report.

- (8) The Liquor Licensing Tribunal must within 30 days after receipt of all documents referred to in subregulations (1) to (7), either approve or refuse the appointment of the person concerned as manager.
- (9) If the appointment is approved, the Board must issue a written consent within 7 days after the consent was granted.

**22. Application for consent to alter licensed premises or nature of licensed business**

- (1) A licensee who desires consent to perform any action referred to in section 53(1) must lodge a written application, substantially in the form of Form 18 with the Board and the designated liquor officer in whose area of jurisdiction the licensed premises are located.
- (2) An application for consent to carry out a structural alteration, addition, reconstruction or extension of or to the licensed premises must be accompanied by –
  - (a) a plan of the applicable portion of the premises, clearly showing –
    - (i) the licensed premises in colour;
    - (ii) the dimensions of each room;
    - (iii) the uses of each room;
    - (iv) all doors, windows and counters (if applicable) and means of internal and external communication;
    - (v) the streets and places to which such means of external communication lead; and
    - (vi) how the applicable portion links up with the existing premises;
  - (b) a description of the proposed alterations;
  - (c) in a separate document, a description of the applicable portion of the licensed premises with reference to the construction, lay-out, furnishing, fixtures, fittings and floor covering;
  - (d) proof that the applicant has the right to alter the premises for the purpose contemplated in the application;
  - (e) proof of payment of the application fee; and
  - (f) comprehensive written representations in support of the application.

- (3) An application for consent to materially change the nature of the business in respect of which the licence concerned was granted must be accompanied by –
  - (a) a description of the change in nature of the business;
  - (b) proof of payment of the application fee; and
  - (c) comprehensive written representations in support of the application.
- (4) The Chief Executive Officer must, within 21 days from date of lodgement of the application, notify the designated liquor officer concerned in writing to lodge, within 3 days, a report in terms of section 73(7), unless the designated liquor officer has already lodged a report.
- (5) The designated liquor officer must within 14 days after the application has been lodged, serve a copy of his or her report referred to in section 73(7)(a) on the applicant and lodge the report with the Board together with proof that the report has been served on the applicant.
- (6) If the designated liquor officer fails to lodge his or her report in terms of subregulation (5), the Chief Executive Officer must forward a copy of the application to an inspector with a written request to lodge a report containing the information referred to in regulation 13(3)(a)(i) and (ii) and (3)(b), and where available the information referred to in section 13(3)(a)(iv) and (vi), in respect of the application.
- (7) The inspector must, within 5 days after being requested to do so, lodge his or her report with the Board and forward a copy to the applicant.
- (8) The applicant must lodge his or her response, if any, to a report by the designated liquor officer referred to in subregulation (4) or a report by an inspector referred to in subregulation (7) within 7 days after having been served with a copy of either report.
- (9) The Liquor Licensing Tribunal must within 30 days after receipt of all documents referred to in this regulation, either grant or refuse the application.
- (10) If an application is granted, the Board must issue a written consent within 7 days after the consent was granted

**23. Access to licensed premises: Restricted areas**

A notice referred to in section 56(4) must be placed at the entrance of a restricted area and must contain the words “**RESTRICTED AREA – NO PERSONS UNDER 18 YEARS ALLOWED**”, in bold-faced, upper case letters at least 5 cm in height.

**24. Application to store liquor in other or additional place**

- (1) A licensee who desires the approval of the Presiding Officer to store liquor in another or additional place as envisaged in section 57(1) must lodge a written application, substantially in the form of Form 19 with the Board and the designated liquor officer in whose area of jurisdiction the proposed storage area is located.
- (2) The application must be accompanied by–
  - (a) a map showing the location of the place where the liquor is to be stored;
  - (b) a detailed plan of the applicable portion of the proposed storage facility on which the place where the liquor is to be stored is indicated in colour, clearly showing with reference thereto –
    - (i) the dimensions;
    - (ii) all doors, windows and counters (if applicable) and means of internal and external communication; and
    - (iii) the streets and places to which the means of external communications lead;
  - (c) a description of the shortest distance by road from the licensed premises to the proposed storage facility;
  - (d) a description of the situation of the proposed storage facility with reference to the geographical area in which it is situated;
  - (e) proof of payment of the application fee set out in Item 8 of Schedule 1; and
  - (f) comprehensive written representations in support of the application.
- (3) The Chief Executive Officer must, within 21 days from date of lodgement of the application, notify the designated liquor officer concerned in writing to lodge, within 3 days, a report in terms of section 73(7), unless the designated liquor officer has already lodged a report.

- (4) The designated liquor officer must within 14 days after the application has been lodged, serve a copy of his or her report referred to in section 73(7)(a) on the applicant and lodge the report with the Board together with proof that the report has been served on the applicant.
- (5) If the designated liquor officer fails to lodge his or her report in terms of subregulation (4), the Chief Executive Officer must forward a copy of the application to an inspector with a written request to lodge a report containing the information referred to in regulation 13(3)(a)(i) and (ii) and (3)(b), and where available the information referred to in regulation 13(3)(a)(iv) and (vi), in respect of the application.
- (6) An inspector must, within 5 days after being requested to do so, lodge his or her report with the Board and forward a copy to the applicant.
- (7) The applicant must lodge his or her response, if any, to a report by the designated liquor officer referred to in subregulation (4) or a report by an inspector referred to in subregulation (6) within 7 days after having been served with a copy of either report.
- (8) The Liquor Licensing Tribunal must within 30 days after receipt of all documents referred to in this regulation either grant or refuse the application.
- (9) If an application is granted, the Board must issue a written consent within 7 days after the consent was granted.

**25. Application for the extension of trading hours**

- (1) A licensee who wishes to have his, her or its trading hours extended, must lodge written application, substantially in the form of Form 20 with the Board and the designated liquor officer in whose area of jurisdiction the licensed premises are located.
- (2) The application must be accompanied by —
  - (a) proof of payment of the application fee set out in Item 9 of Schedule 1;  
and
  - (b) comprehensive written representations in support of the application.

- (3) The designated liquor officer must give notice in writing of the application to —
  - (a) the municipal manager of the municipality concerned;
  - (b) the neighbouring residents and persons who in his or her judgement may be affected by, or have an interest in the granting or refusal of the application; and
  - (c) the community policing forum, if any, of the area in which the premises are located.
  
- (4) A person who has an interest in the granting or refusal of an application may, within 7 days of the application having been lodged with the Board, make written representations for or against the granting or refusal of that application.
  
- (5) A person making representations must set out the following—
  - (a) his or her full name and address;
  - (b) his or her identity number or, if a company or close corporation, its registration number;
  - (c) if applicable, the name and address of his or her representative;
  - (d) the nature of his or her interest in the granting or refusal of the application; and
  - (e) comprehensive grounds for the objection or support.
  
- (6) The representations must be lodged with the Board and the designated liquor officer concerned.
  
- (7) The person making the representations must—
  - (a) serve a copy of the representations on the applicant or the applicant's representative; and
  - (b) provide proof of such service when lodging the representations with the Board.
  
- (8) The Chief Executive Officer must, within 21 days from date of lodgement of the application, notify the designated liquor officer concerned in writing to lodge, within 3 days, a report in terms of section 73(7), unless the designated liquor officer has already lodged a report.
  
- (9) The designated liquor officer must within 14 days after the application has been lodged, serve a copy of his or her report referred to in section 73(7)(a)

on the applicant and lodge the report with the Board together with proof that the report has been served on the applicant.

- (10) If the designated liquor officer fails to lodge his or her report in terms of subregulation (9), the Chief Executive Officer must forward a copy of the application to an inspector with a written request to lodge a report containing the information referred to in regulation 13(3)(a)(i) and (ii) and (3)(b), and where available the information referred to in regulation 13(3)(a)(iv) and (vi), in respect of the application.
- (11) An inspector must, within 5 days after being requested to do so, lodge his or her report with the Board and forward a copy to the applicant.
- (12) The applicant must lodge his or her response, if any, to the representations against the application and a report by the designated liquor officer referred to in subregulation (9) or a report by an inspector referred to in subregulations (10) within 7 days after having been served with a copy of either report.
- (13) The Liquor Licensing Tribunal must within 30 days after receipt of all documents referred to in this regulation, consider the application.
- (14) If the Liquor Licensing Tribunal grants the application, the Board must within seven days, notify the persons referred to in section 46(1) in writing of the decision of the Liquor Licensing Tribunal.
- (15) The applicant must pay the applicable fee set out in Part A of Schedule 2.
- (16) The Board must issue the new licence conditions, incorporating the extended trading hours, within 14 days after receipt of proof the payment referred to in subregulation (16).

## **26. Quantity of liquor sold and keeping of records**

- (1) The record referred to in section 60(1) of liquor sold for consumption off the licensed premises must—
  - (a) be in a written or electronic form; and

- (b) where the of quantity liquor purchased in a single day for consumption off the licensed premises exceeds the amount or amounts referred to in subregulation (2)(c), contain the following—
  - (i) the name and address of the licensed business;
  - (ii) the licence number of the licensed business;
  - (iii) invoice numbers and dates of issue;
  - (iv) the kind and quantity of the liquor sold; and
  - (v) the purchase prices paid.
  
- (2) The maximum quantity of liquor envisaged in section 60 which—
  - (a) a person, other than a licensee, may purchase in a single day for consumption off licensed premises;
  - (b) a licensee may sell to one person in a single day for consumption off the licensed premises; or
  - (c) a person other than a licensee may have in his or her possession or under his or her control,without the prior written consent of the Presiding Officer is —
  - (i) 100 litres of beer as defined in the Liquor Act, 2003 (Act 59 of 2003);
  - (ii) 30 litres of table wine; or
  - (iii) 10 litres of spirits as defined in the Liquor Products Act, 1989 (Act 60 of 1989).

## **27. Powers and functions of the Liquor Licensing Tribunal**

- (1) When the Liquor Licensing Tribunal suspends a licence in terms of section 20(3)(b)(iii), read with section 20(1)(d) or (e), the Board must within 7 days notify the licensee in writing of the suspension.
  
- (2) When the Presiding Officer suspends a licence in terms of section 62(4), he or she must notify the licensee in writing within 7 days of receiving the report referred to in that section.
  
- (3) A fine imposed by the Liquor Licensing Tribunal in terms of section 20(3)(b)(v) may not exceed the amount set out Item 16 in Schedule 1.

**28. Renewal of licences and application for condonation of failure to pay renewal fee by due date**

- (1) The annual renewal notice referred to in section 63 (1) must be substantially in the form of Form 21.
- (2) An application for condonation of the failure to pay the renewal fee on or before the last day of February referred to in section 63(4) must be substantially in the form of Form 22
- (3) The Board must within 7 days after the Liquor Licensing Tribunal has decided on an application in terms of section 64 notify the applicant in writing of that decision.
- (4) The applicant must pay the applicable fee set out in Part A of Schedule 2, together with the 150% penalty referred to in section 63(4).

**29. Application for renewal of licence**

- (1) An application referred to in section 64(1) for the renewal of a licence must be substantially in the form of Form 23.
- (2) The application must be lodged in duplicate with the Board and the designated liquor officer in whose area of jurisdiction the licensed premises are located.
- (3) The application must include—
  - (a) comprehensive written representations in support of the application;
  - (b) the full name, address and other contact details of the licensee; and
  - (c) the documents specified on the application form or requested by the Board.
- (4) The Board must notify the inspectorate in writing of the application within 7 days from the date of lodgement of the application
- (5) The inspectorate and the designated police officer must lodge reports on the application within 14 days from the date of lodgement of the application.

- (6) The applicant must lodge his or her response, if any, to a report by the designated liquor officer or an inspector within 7 days after having been served with a copy of either report.
- (7) The Liquor Licensing Tribunal must within 30 days after receipt of all documents referred to in subregulations (1) to (6), consider the application.
- (8) The Board must within 7 days after the Liquor Licensing Tribunal has decided on an application in terms of 64 notify the applicant in writing of that decision.
- (9) The applicant must pay the applicable fee set out in Part A of Schedule 2.

**30. Notification of alienation of licensed business**

- (1) A notice of the alienation of the licensed business referred to in section 65(1) must be substantially in the form of Form 24
- (2) An application referred to in section 65(3) for consent to operate and conduct licensed business pending transfer of the licence must be substantially in the form of Form 25
- (3) The Board must within 7 days after the Presiding Officer has decided on the application notify the applicant of that decision.

**31. Application for transfer of licence**

- (1) A licensee who wishes to transfer a licence to another person and that person (in this regulation referred to as the joint applicants) must, jointly make written application, in duplicate for the transfer of the licence substantially in the form of Form 26.
- (2) The application must be accompanied by —
  - (a) proof of payment of the application fee set out in Item 10 of Schedule 1;
  - (b) a copy of the identity document of the proposed licensee;
  - (c) comprehensive written representations in support of the application.

- (3) The Chief Executive Officer must, within 21 days from date of lodgement of the application, notify the designated liquor officer concerned in writing to lodge, within 3 days, a report in terms of section 73(7), unless the designated liquor officer has already lodged a report with the Board.
- (4) The designated liquor officer must within 14 days after the application for the transfer of the licence has been lodged, serve a copy of his or her report referred to in section 73(7) on the applicant and lodge the report with the Board together with proof that the report has been served on the applicant.
- (5) If the report referred to in subregulation (4) contains any information or recommendation which is adverse to the interest of an applicant then the designated liquor officer must notify the applicant thereof and supply the applicant with a copy of the report and call upon the applicant to reply thereto within 7 days from the date of the notice.
- (6) If the designated liquor officer fails to lodge his or her report in terms of subregulation (4), the Chief Executive Officer must, immediately forward a copy of the application to an inspector with a written request to lodge a report containing the information referred to in regulation 13(3)(a)(i) and (ii) and (3)(b), and where available the information referred to in regulation 13(3)(a)(iv) and (vi), in respect of the application.
- (7) An inspector must, within 5 days after being requested to do so, lodge his or her report with the Board and forward a copy to the joint applicants.
- (8) The applicant must lodge his, her or its response to a report by the designated liquor officer referred to in subregulation (4) or a report by an inspector referred to in subregulation (7) within 7 days after having been served with a copy of either report.
- (9) The Liquor Licensing Tribunal or the Presiding Officer, as the case may be, must within 30 days after receipt of all documents referred to in subregulations (1) to (7), consider the application.
- (10) The Board must notify the proposed licensee within 7 days after the Liquor Licensing Tribunal has granted the application for a transfer of a licence.

- (10) If an application is granted in terms of section 65(12), the Board must issue a certificate of transfer to the proposed licensee in the form of Form 27 within 7 days after payment of the fee set out in Part B of Schedule 2.

### **32. Application for removal of licence**

- (1) An application in terms of section 66(2) for the removal of a licence must be made substantially in the form of Form 28 and must be in typed script on A4 standard paper.
- (2) The application must be lodged with the Board and must be accompanied by—
- (a) comprehensive floor plan of the premises on A4 or A3 standard paper clearly showing –
    - (j) the proposed licensed premises in colour;
    - (ii) the dimensions of each room on the premises;
    - (iii) the uses of all the rooms on the premises;
    - (iv) all doors, windows and counters (where applicable) and means of internal and external communication;
    - (v) the streets and places to which such means of external communication lead; and
    - (vi) where liquor will be stored on the proposed licensed premises;
  - (b) a site plan, on A4 or A3 standard paper, showing –
    - (j) an outline of every building on the erf to which the application relates;
    - (ii) other liquor licensed premises on the erf;
    - (iii) the uses of all the buildings on the erf to which the application relates;
  - (c) a description of the premises with reference to the construction, layout, furnishing, fixtures, fittings and floor covering, which description must be contained in a separate document;
  - (d) colour photographs of the completed internal and external features of the premises;
  - (e) any determination, consent, approval or authority required by the Act;
  - (f) proof of payment of the applicable application fee set out in Item 11 of Schedule 1;
  - (g) a copy of identity document of the applicant and in the case of a juristic person, copies of the relevant registration documents indicating the financial interest of all members, shareholders, partners or beneficiaries; and

- (h) such documents as may be specified on the application form and in the Act, or as may be requested by the Liquor Licensing Tribunal.
- (3) All plans attached to the application must show the date of preparation and the name and address of the person who prepared the plan.
- (4) The Chief Executive Officer must, within 7 days from date of lodgement of the application —
- (a) notify the designated liquor officer in whose area of jurisdiction the licensed premises are currently located in writing of the application for the removal of a licence; and
- (b) where the granting of the application will have the effect of removing the licensed premises to the area of jurisdiction of another designated liquor officer, also give written notification of the application to the designated liquor officer of that area,
- to lodge, within 14 days of being notified, a report in terms of section 73(7), unless the designated liquor officer has already lodged a report with the Board.
- (5) If either of the designated liquor offices referred to in subregulation (4) fails to lodge his or her report in terms of subregulation (4), the Chief Executive Officer must, immediately forward a copy of the application to an inspector with a written request to lodge a report containing the information referred to in regulation 13(3)(a)(i) and (ii) and (3)(b), and where available the information referred to in regulation 13(3)(a)(iv) and (vi), in respect of the application.
- (6) An inspector must, within 21 days after being requested to do so, lodge his or her report with the Board and forward a copy to the applicant.
- (7) The Board and the designated liquor officer concerned, must enable the public to have access to, and inspect the application and any document lodged in connection therewith for a period of 28 days after the application has been lodged.
- (8) The designated liquor officer must within 35 days from the date of lodgement of the application, lodge his or her report on the application to the Board.
- (9) The report by the designated liquor officer must include the following —
- (a) the address of the proposed premises;

- (b) the location of the proposed premises in relation to educational institutions, religious institutions, institutions for the aged or frail, institutions for drug or alcohol dependencies, residential areas and other licensed premises;
  - (c) the suitability of the proposed premises;
  - (d) the public interest;
  - (e) crime statistics for the geographical area in which the proposed premises will be located; and
  - (f) a recommendation for the granting or rejection of the licence;
- (10) If the report referred to in subregulation (7) or a report by an inspector referred to in subregulation (12) relating to the application contains any information or recommendation which adversely affects an application, the designated liquor officer or inspector, as the case may be, must immediately notify the applicant thereof and supply the applicant with a copy of the report and call upon the applicant to reply thereto within 7 days from the date of the notice.
- (11) The applicant must lodge his, her or its response to a report by the designated liquor officer referred to in subregulation (4) or a report by an inspector referred to in subregulation (7) within 7 days after having been served with a copy of either report.
- (12) The designated liquor officer must serve a copy of the application on the municipal manager of the municipality to whose area of jurisdiction the licensed premises will be removed to, within 14 days from date of lodgement of application.
- (13) If the municipality wishes to comment, it must forward its comments or recommendation within 35 days after being served with a copy of the application.
- (14) A removal certificate, substantially in the form of Form 29, in terms of section 66(6) must be issued by the Board within 7 days after the payment of the fee set out in Part B of Schedule 2.

**33. Appeals & reviews**

- (1) A person who has made —
  - (a) an application;
  - (b) an objection; or
  - (c) representations,in terms of the Act and who feels aggrieved by a decision made by the Liquor Licensing Tribunal or the Presiding Officer, in connection with that application or objection or those representations, may request the Presiding Officer of the Liquor Licensing Tribunal to furnish reasons for that decision, upon payment of the fee set out in Item 13 of Schedule 1.
- (2) The Presiding Officer or the Liquor Licensing Tribunal, as the case may be, must within 30 days after receipt of the request for reasons, furnish the reasons for the decision concerned.
- (3) A person who has made any application, objection or representations in terms of the Act and who feels aggrieved by a decision on a question of law made by the Liquor Licensing Tribunal or the Presiding Officer, as the case may be, in connection with the application, objection or representations, may appeal to the Appeal Tribunal against the decision.

**34. Compliance notices**

- (1) A compliance notice referred to in section 69 must be substantially in the form of Form 30.
- (2) For the purpose of section 69(6), the inspector or designated liquor officer must issue a certificate of compliance substantially in the form of Form 31.
- (3) For the purposes of section 69(3), the designated liquor officer must notify the Chief Executive Officer within 7 days of him or her issuing or serving a compliance notice.
- (4) For the purposes of section 69(7), a person who wishes to dispute a compliance notice must lodge a written statement in duplicate with the inspector or designated liquor officer, as the case may be.

- (5) For the purposes of section 69(8), the inspector or designated liquor officer, as the case may be, receiving a statement disputing a compliance notice must, within 7 days of receiving that statement, submit the compliance notice, the statement and any other document which he or she deems relevant, to the Chief Executive Officer.

### **35. Exemptions**

- (1) A written application for an exemption in terms of section 84 must be lodged with the Board and the designated liquor officer in whose area of jurisdiction the proposed exempted premises are located.
- (2) Every such application must, at the time it is lodged be accompanied by comprehensive written representations in support of the application.
- (3) The designated liquor officer must within 14 days after the application has been lodged, submit a report on the granting or refusal of the application.
- (4) If the report referred to in subregulation (3) or a report by an inspector relating to the application contains any information or recommendation which is adverse to the interest of an applicant, the designated liquor officer or inspector, as the case may be, must within 7 days from receipt of such a report notify the applicant thereof and supply the applicant with a copy of the report and call upon the applicant to reply thereto within 7 days from the date of the notice.
- (5) The applicant must lodge his or her response, if any, to a report by the designated liquor officer or an inspector within 7 days after having been served with a copy of either report.
- (6) If an application is granted-
  - (a) the applicant must pay the fee in respect of the exemption set out in Item 12 of Schedule 1;

- (b) a notice of exemption, must be issued by the Board in writing within 7 days after the payment of the fee referred to in paragraph (a).

### **36. Notices**

- (1) A licensee must ensure that the name of the premises, type of licence issued, trading hours and licence number are displayed, on the front door or window of the licensed premises in characters not less than five centimetres in height.
- (2) A licensee must display the licence and, if applicable, proof of payment of the annual renewal fee in respect of the relevant year at a conspicuous place on the licensed premises.

### **37. Seizure, forfeiture and disposal of seized or forfeited items**

- (1) If any item of a perishable nature is seized in terms of section 74, the Chief Executive Officer may —
  - (a) return the item to the person from whom it was seized on receiving adequate security equivalent to the value of the item; or
  - (b) cause the sale of the item at a price which is reasonable in the circumstances and, if court proceedings are instituted, pay the proceeds of the sale into a suspense account of the Board pending a court order in respect of the forfeiture of the proceeds or, if no proceedings are instituted, release the proceeds to the person from whom the item was seized: Provided that such a person can show that at the time of the seizure he or she was in lawful possession of such item; provided further that , if, after making all reasonable efforts, the Chief Executive Officer is unable to sell the item, or where such item is unfit for sale, he or she may dispose thereof in such other manner as he or she deems fit, including by destruction.

- (2) Any security or net proceeds of sale held in respect of any item referred to in subregulation (1) must be applied as follows and in this order –
  - (a) the discharge of any forfeiture ordered in terms of section 87;
  - (b) the payment of all fines or a contribution towards such a fine, for offences in terms of the Act or penalties imposed in terms of the Act, arising out of the use of or in connection with that item;
  - (c) the discharge of all orders for costs in proceedings in terms of the Act arising out of the use of or in connection with that item; or
  - (d) return as provided for in subregulation (1)(a).
- (3) The State is not liable to any person for any loss, damage to or deterioration in the condition of any item while in the custody of the State in terms of the Act.
- (4) The State must dispose of an item forfeited under section 87(4) by sale or any other means subject to the directions of the High Court and the proceeds of the sale of that item must be paid into the Provincial revenue Fund in terms of section 28(1)(c).
- (5) No person who has possession or was entitled to possession, of forfeited property immediately before the forfeiture order took effect, or any person acting in concert with or on behalf of that person is eligible to purchase forfeited property at any sale held in terms of subregulation (4).

**SCHEDULE 1**

## Fees payable in respect of certain applications

| <b>Item No.</b> | <b>Nature of application</b>   | <b>Fees payable (R)</b>  |
|-----------------|--|--|
| 1.              | Application for a licence in terms of Section 36(1)(e)   | 1 250  |
| 2.              | Application for a temporary licence in terms of Section 48(1)  | 250  |
| 3.              | Application for a special events licence in terms of Section 48(4)   | 250  |
| 4.              | Application to amend the conditions of a licence in terms of section 49(6)   | 500  |
| 5.              | Application to procure a financial interest in the business to which the licence relates in terms of section 51(2)         | 500  |
| 6.              | Application for consent to let the licensed premises or part thereof   | 500  |
| 7.              | Application for alterations of the licensed premises or the change of the nature of the business in terms of section 53(1) | 500  |
| 8.              | Application to store liquor in terms of section 57(1)  | 750  |
| 9.              | Application for the extension of trading hours in terms of section 59(4)   | 1 000  |
| 10.             | Application for the transfer of a licence in terms of section 65(3)  | 500  |
| 11.             | Application for the removal of a licence in terms of section 66(2)   | 500  |
| 12.             | Application for exemption in terms of section 84(2)  | 1 500  |
| 13.             | Requests for reasons for a decision by the Liquor Licensing Tribunal   | 200  |
| 14.             | Application for a copy of a licence and the conditions thereto or of any application                                       | 150  |
| 15.             | Copies of minutes of proceedings of Board, Liquor Licensing Tribunal or Appeal Tribunal                                    | Refer to<br><i>"Fees in respect of public bodies"</i><br>contained in<br>Part II of<br>Annexure A<br>of the<br>Regulations<br>regarding<br>access to |

|     |  |  |
|-----|--|--|
| 16. | Maximum amount of fine that the Liquor Licensing Tribunal may impose in terms of section 20(3)(b)(v) | information in terms of the Promotion of Access to Information Act, 2000 published in GN R 187 in GG 23119 of 15 February 2002<br>10 000 |
|-----|--|--|

**SCHEDULE 2**

## Fees payable in respect of licences

| Item                              | Part A                                   | Part B  | Part C              |
|-----------------------------------|--|---|---------------------|
|                                   | Fees payable in respect of a new licence | Fees payable in respect of the transfer or removal of a licence | Annual licence fees |
| 1. On-consumption licence         |  |   |                     |
| (a) Hotel                         | 2 500                                    | 2 500   | 5 000               |
| (b) Restaurant                    | 750                                      | 750   | 1 500               |
| (c) Sport club                    | 750                                      | 750   | 1 500               |
| (d) Accommodation                 | 750                                      | 750   | 1 500               |
| (e) Sportsground                  | 2 500                                    | 2 500   | 5 000               |
| (f) Pub                           | 2 500                                    | 2 500   | 5 000               |
| (g) Nightclub                     | 3 250                                    | 3 250   | 6 500               |
| (h) Coffee shop                   | 750                                      | 750   | 1 500               |
| (i) Theatre                       | 750                                      | 750   | 1 500               |
| (j) Other                         | 2 500                                    | 2 500   | 5 000               |
| 2. Off-consumption licence        | 1 500                                    | 1 500   | 5 000               |
| 3. On and off-consumption licence | 3 250                                    | 3 250   | 6 500               |
| 4. Micro-manufacturing licence    |  |   |                     |
| (a) Up to – 250 000 ℓ             | 250                                      | 250   | 500                 |
| (b) 250 001 – 500 000 ℓ           | 500                                      | 500   | 1 000               |
| (c) 500 001 – 1 000 000 ℓ         | 1 250                                    | 1 250   | 2 500               |
| (d) 1 000 001 – 2 000 000 ℓ       | 2 500                                    | 2 500   | 5 000               |
| (e) 2 000 001 – 4 000 000 ℓ       | 3 750                                    | 3 750   | 7 500               |
| 5. Temporary liquor licence       | 350 / day                                | -   | -                   |
| 6. Special events liquor licence  | 500 / day                                |   |                     |
| 7. Extended trading hours         | 2 000                                    |   | 4 000               |

## WESTERN CAPE LIQUOR ACT 4 OF 2008

**ANNEXURE**  
**INDEX TO FORMS**

| <b>Form No.</b> | <b>Description</b>   | <b>Regulation No.</b> |
|-----------------|--|-----------------------|
| 1.              | Application form for nominees for Board  | 2(3)                  |
| 2.              | Application form for nominees for Liquor Licensing Tribunal                                  | 5(3)                  |
| 3.              | Notice by applicant of intention to lodge application for new licence                        | 7(2)                  |
| 4.              | Application in terms of section 36 for a licence   | 7(4)                  |
| 5.              | Notice of application in terms of section 37(5)  | 8(3)                  |
| 6.              | Notice to be present at meeting of the Liquor Licensing Tribunal                             | 14(1)                 |
| 7.              | Summons to be present at meeting of the Liquor Licensing Tribunal                            | 14(1)                 |
| 8.              | Notice of conditional granting of licence  | 15(2)                 |
| 9.              | Notice of granting of licence  | 16(2)                 |
| 10.             | Liquor licence   | 16(4)                 |
| 11.             | Application for temporary liquor licence   | 17(1)                 |
| 12.             | Application for special events liquor licence  | 17(1)                 |
| 13.             | Temporary liquor licence   | 17(8)                 |
| 14.             | Special events liquor licence  | 17(8)                 |
| 15.             | Application for transfer of financial interest in licensed premises                          | 19(1)                 |
| 16.             | *Application for letting of premises   | 20(1)                 |
| 17.             | Nomination of manager  | 21(1)                 |
| 18.             | *Application for consent to alter premises or change nature of licensed business             | 22(1)                 |
| 19.             | *Application to store liquor in other or additional place                                    | 24(1)                 |
| 20.             | *Application for extension of trading hours  | 25(1)                 |
| 21.             | *Annual renewal notice   | 28(1)                 |
| 22.             | *Application for condonation of failure to pay renewal fee on or before last day of February | 28(2)                 |
| 23.             | *Application for renewal of licence in terms of section 64(1)                                | 29(1)                 |
| 24.             | *Notification of alienation of licensed business   | 30(1)                 |
| 25.             | *Application by purchaser of licensed premises in terms of section 65(3)                     | 30(2)                 |
| 26.             | Application for transfer of licence  | 31(1)                 |
| 27.             | Certificate of transfer in terms of section 65(12)   | 31(10)                |
| 28.             | Application for removal of licence   | 32(1)                 |
| 29.             | *Certificate of removal  | 32(17)                |
| 30.             | *Compliance notice   | 34(1)                 |
| 31.             | *Certificate of compliance   | 34(2)                 |

\* Form not attached.

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 1**

**APPLICATION FORM FOR COMPLETION BY NOMINEE FOR BOARD**

**1. APPLICANT'S DETAILS**

- 1.1 Full name : .....
- 1.2 Identity number : .....
- Residential address : .....
- Postal code : .....
- 1.3 Postal address : .....
- Postal code : .....
- 1.4 Telephone numbers:
  - Office .....
  - Mobile .....
  - Home or other .....
- 1.5 Date of birth : ...../...../.....

**2. QUALIFICATION OF APPLICANT**

2.1 Is the applicant someone who –

- (a) is younger than twenty-five (25) years of age?
- (b) is a citizen of the Republic of South Africa and permanently resident in the Province?
- (c) has in the preceding ten (10) years been convicted of an offence in terms of this Act or any similar law?
- (d) in the preceding ten (10) years, whether in the Republic or elsewhere, has been convicted of theft, fraud, forgery, the uttering of a forged document, perjury or any offence under the Corruption Act, 1992 (Act 94 of 1992) or the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004) or any offence of which dishonesty is an element?

|                 |
|-----------------|
| <u>YES / NO</u> |

- (e) is an unrehabilitated insolvent or subject to any legal disability?
- (f) has in the preceding ten (10) years been removed from any office of trust on account of misconduct or dishonesty?
- (g) is a political office-bearer?
- (h) whether personally or through his or her spouse, family member, partner or associate—
  - (i) has or acquires a direct or an indirect financial interest in any liquor business or establishment; or
  - (ii) has any interest in any business or enterprise that may conflict or interfere with the proper performance of his or her duties as a member or an employee of the Board or in any licence issued under this Act?

|                 |
|-----------------|
| <u>YES / NO</u> |

*(For the purposes of this section, an indirect financial interest does not include an indirect interest held through any fund or investment if the person holding such interest has no control over the investment decisions made in respect of that fund or investment.)*

2.2 If any of the questions in subparagraphs (a) to (h) have been replied to in the affirmative, provide full details. (Use a separate annexure if necessary)

.....

.....

.....

2.3 Does the applicant have appropriate knowledge of or experience in systems and processes for ensuring proper accountability, probity and openness in the conduct of the business of the Liquor Board as an organisation? (members to be appointed in terms of section 3(1)(a))

2.4 Does the applicant have appropriate knowledge of or experience in dealing with the combating of the negative social consequences of the abuse of liquor? (member to be appointed in terms of section 3(1)(b)).

**3. ACADEMIC QUALIFICATIONS**

Please provide full details of all academic qualifications, including short courses, if any.

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 2**

**APPLICATION FORM FOR COMPLETION BY NOMINEE FOR LIQUOR LICENSING TRIBUNAL**

**1. APPLICANT'S DETAILS**

- 1.1 Full name : .....
- 1.2 Identity number : .....
- Residential address : .....
- Postal code : .....
- 1.3 Postal address : .....
- Postal code : .....
- 1.4 Telephone numbers:
  - Office .....
  - Mobile .....
  - Home or other .....
- 1.5 Date of birth : ...../...../.....

**2. QUALIFICATION OF APPLICANT**

2.1 Is the applicant someone who –

- (a) has in the preceding ten (10) years been convicted of an offence and sentenced to imprisonment without the option of a fine (unless the Board is of the opinion that the offence was of such a nature that it does not imply that the person is unsuitable to hold such office)?
- (b) in the preceding ten (10) years, been convicted of any offence in terms of this Act, the Liquor Act or the Liquor Act, 1989 (Act 27 of 1989) (unless the Board is of the opinion that the offence was of such a nature that it does not imply that the person is unsuitable to hold such office)?
- (c) is an unrehabilitated insolvent or subject to any legal disability?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |
| <u>YES / NO</u> |
|                 |
| <u>YES / NO</u> |
|                 |

- (d) is younger than twenty-five (25) years of age?
- (e) has a direct interest in the liquor trade?
- (f) is the family members, partner or business associate of a person with a direct interest in the liquor trade, unless the Board is of the opinion that the interest of the family member in the liquor trade does not imply that the person is unsuitable to hold office  
*(For the purposes of this section, an indirect financial interest does not include an indirect interest held through any fund or investment if the person holding such interest has no control over the investment decisions made in respect of that fund or investment.)*
- (g) is disqualified in terms of section 35 to hold a liquor licence?
- (h) is not resident in the Province?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |
|                 |

2.2 If any of the questions in subparagraphs (a) to (f) have been replied to in the affirmative, provide full details.

(Use a separate annexure if necessary)

.....

.....

.....

**3. ACADEMIC QUALIFICATIONS**

Please provide full details of all academic qualifications, including short courses.



WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 3**

**NOTICE OF INTENTION TO APPLY IN TERMS OF SECTION 36 FOR A LICENCE**

[Reg. 7(2)]

Notice is hereby given that it is the intention to lodge the above-mentioned application, particulars of which appear hereunder, with the Western Cape Liquor Board and the relevant designated liquor officer on .....

1. Local municipality:

.....

2. Full name, street and postal address of applicant:

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

3. Kind of licence applied for:

.....

4. Kind of liquor to be micro-manufactured and/or sold:

.....

5. Name under which business is to be conducted and full street address of business: .....

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

Place.....

*Signature of applicant or person  
authorised to sign application*

Date.....

Footnote:  
Complete as follows:

1.-State the municipality in whose area the premises will be situated.

- 2.-State surname of applicant followed by his full first names, residential, business and postal address. If the applicant is not a natural person, state the full name of such person, followed by the address of its registered office.
  - 3.-State the kind of licence applied for with due regard to section 33.
  - 4.-State kind of liquor to be micro-manufactured and/or sold.
  - 5.-State the name under which business is to be conducted and describe the situation of the premises where the business is to be conducted with reference to the erf, street and farm number, including such place on other premises upon which any approval is to be exercised.
  - 6.-State prescribed reference or if a determination, consent, approval or authority is applied for which has no such reference, describe it fully and state the relevant section.
-

## WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 4**  
**APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE**  
 [Reg. 7(4)]

|   |
|---|
| Date stamp of designated liquor officer receiving the application |
| Date stamp of Liquor Board  |

**For official use**

Application Fee: R.....

Receipt No: .....

Payment Date .....

**WESTERN CAPE LIQUOR ACT, 2008****INDEX**

| <i>Description of Document</i>  | <i>Annexure</i> |
|---|-----------------|
| Application   | Form 4          |
| Plan of the premises  | A               |
| Site plan   | B               |
| Description of the premises   | C               |
| Colour photographs  | D               |
| Representations in support of application   | E               |
| Proof of notices in terms of Section 37   | F               |
| Proof of right of occupation  | G               |
| Proof of identity documents or registration of applicants or members / shareholders of the legal entity | H               |



Postal code : .....

Telephone number:

Office .....

Mobile .....

Home or other .....

1.7 Date of birth : ...../...../.....

**2. QUALIFICATION OF APPLICANT**

2.1 Is the applicant someone who –

(a) has within sixty (60) months prior to the lodgement of the application, been sentenced to imprisonment without the option of paying a fine?

|                         |
|-------------------------|
| <u>YES / NO</u><br><br> |
|-------------------------|

(b) has within sixty (60) months prior to the lodgement of the application, been declared to be unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor board?

|                         |
|-------------------------|
| <u>YES / NO</u><br><br> |
|-------------------------|

(c) is an unrehabilitated insolvent?

|                 |
|-----------------|
| <u>YES / NO</u> |
|-----------------|

(d) is a minor ?

|                 |
|-----------------|
| <u>YES / NO</u> |
|-----------------|

(e) was the holder of a licence which was cancelled in terms of the provisions of this Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of the application?

|                         |
|-------------------------|
| <u>YES / NO</u><br><br> |
|-------------------------|

(f) is a spouse of a person described in (a), (b) or (e) above?

|                 |
|-----------------|
| <u>YES / NO</u> |
|-----------------|

(g) in the case of a juristic person, is one of the members, shareholders, trustees or beneficiaries a person described in (a), (b) or (e) above?

|                         |
|-------------------------|
| <u>YES / NO</u><br><br> |
|-------------------------|

2.2 If any of the questions in subparagraphs (a) to (g) have been replied to in the affirmative, provide full details.

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



**3. FINANCIAL INTEREST**

3.1 State the name, identity number and address of each person, including the applicant, who have any financial interest in the business and in each case the nature and extent of such interest.

(Use an annexure if necessary)

*[If the applicant is a public company, statutory institution or co-operative as contemplated in Act No. 91 of 1981 is must be sufficient if only the name and postal address thereof and the nature and extent of the financial interest of such company, statutory institution or co-operative are furnished an not also the interests of individual members of such company, statutory institution or co-operative.]*

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

3.2 If the applicant is a company, close corporation, partnership or trust, state whether a person contemplated in Question 1 above –

(a) has a controlling interest in such a company, close corporation or trust ?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |

(b) is a partner in such a partnership?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |

(c) is the main beneficiary under such a trust?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |

3.3 If any of the question in subparagraphs (a) to (c) above have been replied to in the affirmative provide full details (Use an annexure if necessary)

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

**4. APPLICATION DETAILS**

4.1 State the type of licence applied for .....

4.2 State the kind of liquor the applicant intends selling thereunder .....

.....

.....

4.3 Under what name is the business to be conducted .....

4.4 Address of the premises to be licensed .....

.....

.

4.5 Does the applicant own the premises? (State yes or no) .....

If no give details of the owner and the applicant's right of occupation –

Owner's name : .....

Owner's address : .....

Applicant's right of occupation: .....

Duration of right of occupation: .....

4.6 In the case of an application for a licence which permits consumption of liquor on the premises, state in which portion of the premises liquor will be served and consumed.

.....

4.7 Is the application made in respect of a premises which –

(a) have not yet been erected?

YES / NO

(b) are already erected but require additions or alterations to make it suitable for the purpose of business?

YES / NO

(c) are already erected and, do not require additions or alterations in order to make it suitable for the purpose of business?

YES / NO

4.8 If the answer to Questions 12 (a) or (b) was "yes", please state –

(a) The date on which such erections, additions or alterations will be commenced with ..... and

(b) The period which will be required for the erection, additions or alterations.

.....

4.9 Trading hours sought during which liquor may be sold or consumed on the licensed premises

.....

**5. DETAILS OF JURISTIC PERSON**

(To be filled in if applicant is a company, close corporation, trust or partnership)

5.1 Registered Name .....

5.2 Registration Number .....

5.3 Date of registration .....

*(Proof of registration to be attached as Annexure)*

5.4 Details of shareholders, members, trustees or partners (use annexure if necessary)

Full name .....

Physical address .....

Postal address .....

Identity number .....

Full name .....

Physical address .....

Postal address .....

Identity number .....

Full name .....

Physical address .....

Postal address .....

Identity number .....

**6. OTHER LICENCES**

6.1 Give full details of any existing liquor licence on the proposed premises :

Licensee: .....

Type of licence: .....

Liquor Board Reference number: .....

*(Location of such other licences in relation to proposed premises to be indicated on site plan)*

6.2 Give full details of all liquor licences held by the applicant in the Western Cape Province as well as full details of any National Registration in terms of the Liquor Act 59 of 2003

.....  
.....

*(Use separate annexure if necessary)*

---

I declare / truly affirm that the information furnished in this application and in the documents attached to it, is true.

.....

.....

Date

Signature of applicant or if applicant is a juristic person, the person authorised to sign application

*(Written authorisation to be attached if not signed by applicant)*

---

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

at ..... this .....day of 200....

by the applicant who acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection in taking the prescribed oath / affirmation; and
- (c) he/she considers the prescribed oath / affirmation 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”*

or

*“I truly affirm that the contents of this declaration are true”.*

.....

Commissioner of oaths

Full name .....

Business address .....

Designation .....

Area for which appointment is held .....

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



WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 5**

**NOTICE IN TERMS OF SECTION 37(5) OF LODGEMENT OF AN APPLICATION IN TERMS OF SECTION 36 FOR A LICENCE**

(TO NEIGHBOURING RESIDENTS OR PERSONS WHO IN THE JUDGEMENT OF THE DESIGNATED LIQUOR OFFICER MAY BE AFFECTED BY, OR HAVE AN INTEREST IN, THE GRANTING OF REFUSAL OF THE APPLICATION, AND TO THE RELEVANT COMMUNITY POLICING FORUM)

[Reg. 8(3)]

Notice is hereby given in terms of section 37(5) that the application for a liquor licence, particulars of which appears hereunder has been lodged at the Western Cape Liquor Board (the Liquor Board) and the office of the designated liquor officer at the SAPS .....

The application concerned may, up to and including the twenty eighth (28th) day from date of this notice, upon request and free of charge, be inspected by any person at the offices of the Liquor Board and the designated liquor officer.

In terms of section 39(2) of the Liquor Act, you may lodge representations for or against the said application. Should you wish to do so, the representations must be lodged, in writing, with the Liquor Board and the office of the designated liquor officer.

Place of Lodgement .....

Date of Lodgement .....

Full Name of applicant .....

Identity number or registration number of applicant .....

Street and Postal address of applicant .....

.....

Kind of licence applied for .....

Kind of liquor to be micro-manufactured and/or sold .....

Name under which business will be conducted .....

Address of the proposed premises .....

.....

Application Prepared by : .....

Postal Address : .....

Physical Address : .....

Telephone numbers:

Office .....

Mobile .....

Home or other .....

Fax number : .....

Email : .....

---

Details of Designated Liquor Officer

Name : .....

SAPS Office : .....

Date .....

---

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 6**

**NOTICE INTERMS OF SECTION 23(2) TO BE PRESENT AT A MEETING OF THE LIQUOR LICENSING TRIBUNAL**

**TO:**

Name .....

Address: .....

By virtue of the powers vested in the Presiding Officer by section 23(2) of the Act, you are hereby directed to be present at a meeting of the Liquor Licensing Tribunal which relates to a matter with particulars that follow hereunder:

Name and address of Premises .....

Name of applicant/licensee .....

Liquor Board reference number .....

The meeting will be held on the date, time and at the place as indicated below:

Date .....

Time .....

Place .....

Your attention is invited to the following:

- (i) It is important for you to appear in person. If you are unable to appear in person you may appoint an advocate, attorney or any other person to appear on your behalf.
- (ii) It is an offence not to be present and to remain in attendance, without you having appointed somebody to appear on your behalf.
- (iii) The Presiding Officer may require from you to give evidence or to produce any document or any other thin which is in your possession or custody or under your control.

Issued in .....on the .....day of .....

.....  
Secretary

FOR OFFICIAL USE ONLY

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

\* (a) delivering a true copy to .....PERSONALLY

OR

\* (b) delivering 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 ..... as  
he/she\* could not be found

at .....

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

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

.....  
*Signature of Police Officer or Inspector*

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 7**  
**SUMMONS IN TERMS OF SECTION 23(5)**

**TO:**

Name .....

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

By virtue of the powers vested in the Presiding Officer by section 23(5) of the Act, you are hereby directed to be present and give evidence/produce relevant documents or any other thing indicated in Annexure ..... hereto at a meeting of the Liquor Licensing Tribunal which relates to a matter with particulars that follows hereunder:

Name of Premises : .....

Address of Premises : .....  
.....

Name of applicant/licensee : .....

Liquor Board reference : .....

The meeting will be held on the date, time and at the place as indicated below:

Date .....

Time .....

Place .....

- (i) Your attention is invited to the fact that it is an offence not to appear or not to remain in attendance without the consent of the Presiding Officer first having been obtained.
- (ii) The Presiding Officer may require from you to give evidence or to produce any document or any other thing, which is in your possession or custody or under your control.

Issued in ..... on the ..... day of ..... 200....

.....  
Secretary

---

FOR OFFICIAL USE ONLY

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

\* (a) delivering a true copy to .....PERSONALLY  
OR

\* (b) delivering 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 ..... as  
he/she\* could not be found

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

Time ..... Day ..... Month .....200...

.....  
*Signature of Police Officer or Inspector*

---

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 8**

**NOTICE OF CONDITIONAL GRANTING OF LIQUOR LICENCE**

**NAME AND ADDRESS OF PREMISES:** .....

**LIQUOR BOARD REFERENCE NUMBER:** .....

The abovementioned application refers.

The .....(type of licence) granted in terms of Section 31(1) may only be issued upon receipt of the following documentation, within ..... months from date hereof-

.....  
.....

Kindly note the following:

- (a) Application may be made to the Presiding Officer the Liquor Licensing Tribunal to extend the period of the conditional granting.
- (b) If the applicant fails to comply with the aforesaid conditions within the period as determined at the time of the conditional granting or extended in terms of (a) above, the granting of the licence will lapse and the licence will be deemed not to have been granted.

.....  
*Person acting under power delegated by CEO*

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 9  
NOTICE IN TERMS OF SECTION 46(1) OF GRANTING OF LICENCE**

Name of licensed premises : .....  
Reference Number : .....  
Premises Address : .....  
Name of applicant : .....

**THE LICENCE WILL ONLY BE ISSUED UPON PAYMENT OF THE PRESCRIBED FEE WITHIN 60 (SIXTY) DAYS AFTER THE UNDERMENTIONED DATE OF ISSUE OF THIS NOTICE.**

| Date of issue | Prescribed licence fee | Payable on or before |
|---------------|------------------------|----------------------|
|               |                        |                      |

.....  
*Chief Executive Officer or  
person acting under power delegated by the CEO*

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 10  
LIQUOR LICENCE**

**LIQUOR BOARD REFERENCE NUMBER .....**

..... (hereafter referred to as the Licensee) is hereby licensed to sell ..... (kind of liquor) and to conduct his or her business under the name of ..... upon the licensed premises, situated at (physical address of licensed premises)

.....  
.....

The licensee is licensed to conduct his or her business in accordance with the provisions of this Act and the following conditions:

**LICENCE CONDITIONS**

.....  
.....

.....  
*Presiding Officer of the Liquor Licensing Tribunal*

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 11**  
**APPLICATION IN TERMS OF SECTION 48(1) FOR A TEMPORARY LICENCE**  
 [Reg. 7(4)]

**LIQUOR BOARD REFERENCE:** .....

**INDEX**

| <i>Description of Document</i>            | <i>Annexure</i> |
|---|-----------------|
| Application                               | Form 11         |
| Plan of the premises                      | A               |
| Site plan                                 | B               |
| Description of the premises               | C               |
| Colour photographs                        | D               |
| Representations in support of application | E               |
| Proof of right of occupation              | F               |
| Proof of valid liquor licence             | G               |

Application prepared by :  
 .....

Postal Address :  
 .....

Physical Address :  
 .....

Telephone number:  
     Office .....  
     Mobile .....  
     Home/other .....

Fax number : .....

Email : .....

**1. APPLICANT'S DETAILS**

1.1 Full name : .....

1.3 Address : .....

.....

Postal code .....

1.4 Address for service of documents .....

.....

Postal code .....

1.5 Contact details of licensee or if applicant is a juristic person, full details of contact person.....

.....

.....

1.6 Telephone no :

Office .....

Mobile .....

Home or other .....

1.7 Date of birth (if applicant is an individual) ...../...../.....

**2. DETAILS OF LICENSED BUSINESS**

2.1 Kind of liquor licence:

YES NO

Liquor Licence in terms of Section 33(b)

Liquor Licence in terms of Section 33(d)

(Mark the applicable square)

Kind of liquor that may be sold under liquor licence: .....

Under what name is the licensed business conducted: .....

The erf number and address of licensed premises: .....

Municipal area of the licensed premises: .....

**3. DETAILS OF OCCASION AND PROPOSED PREMISES**

3.1 State the nature of the occasion in respect of which a temporary liquor licence is required:

.....

.....

3.2 Erf number and address of the premises where the business is to be conducted:

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

3.3 Municipal area where the business is to be conducted:

.....

3.4 Name under which the business is to be conducted:

.....

3.5 Describe the place or places on the premises in which the sale of liquor is to take place:

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

3.6 State the dates upon and the hours during which such sale will take place.....

.....  
.....

|  |                          |                          |
|--|--------------------------|--------------------------|
|  | YES                      | NO                       |
| 3.7 Will the applicant have the right to occupy the proposed premises? | <input type="checkbox"/> | <input type="checkbox"/> |

If yes, give details of the owner and the applicant's right of occupation –

(a) Owner's name :  
.....

(b) Owner's address :  
.....

(c) Description of applicant's right of occupation:  
.....

(d) Duration of right of occupation:  
.....

|   |                          |                          |
|---|--------------------------|--------------------------|
|   | YES                      | NO                       |
| 3.8 Has a temporary liquor licence previously been granted to the applicant in the current calendar year? | <input type="checkbox"/> | <input type="checkbox"/> |

(Mark the applicable square)

If yes, state:

(a) Number of temporary licences granted since January past:

.....

(b) Number of days granted since January past:

.....

3.9 Trading hours sought during which liquor may be sold or consumed on the licensed premises:

.....

.....

**4. OTHER LICENCES**

Give full details of any existing liquor licences on the proposed premises:

Licensee:

.....

....

Type of licence:

.....

Liquor Board Reference number:

.....

*(Location of such other licences in relation to proposed premises to be indicated on site plan)*

**5. FINANCIAL INTEREST**

State the name, identity number and address of each person, including the applicant, who has any financial interest in the business and in each case the nature and extent of such interest.

(Use an annexure if necessary)

I declare / truly affirm that the information furnished in this application and in the documents attached to it, is true.

.....

.....

Date

Signature of applicant or if applicant is a juristic person, the person authorised to sign application

(Written authorisation to be attached if not signed by applicant)

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

at ..... this ..... day of ..... 200.....

by the applicant who acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection in taking the prescribed oath / affirmation; and
- (c) he/she considers the prescribed oath / affirmation 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”*

or

*“I truly affirm that the contents of this declaration are true”.*

.....

Commissioner of oaths

Full name .....

Business address .....

Designation .....

Area for which appointment is held .....

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

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 12**  
**APPLICATION IN TERMS OF SECTION 48(3) FOR A SPECIAL EVENTS LIQUOR**  
**LICENCE**  
[Reg. 7(4)]

**LIQUOR BOARD REFERENCE** .....

**INDEX**

| <i>Description of Document</i>            | <i>Annexure</i> |
|---|-----------------|
| Application                               | Form 8          |
| Plan of the premises                      | A               |
| Site plan                                 | B               |
| Description of the premises               | C               |
| Representations in support of application | D               |
| Proof of right of occupation              | E               |

Application Prepared by:.....  
 Postal Address: .....  
 Physical Address: .....  
 Telephone number: .....  
 Fax number: .....  
 Email: .....

**1. APPLICANT'S DETAILS**

1.1 Full name :  
.....

1.2 Address :  
.....

.....  
Postal code .....

1.3 Address for service of documents  
.....

.....  
Postal code .....

1.4 Contact details of licence holder or if applicant is a juristic person full details of contact person.....  
.....

Telephone numbers

Office: .....

Mobile: .....

Home or other: .....

1.5 Date of birth (if applicant is an individual): ...../...../.....

1.6 Is the applicant:

|   | YES                      | NO                       |
|---|--------------------------|--------------------------|
| (a) an educational institution  | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) a welfare or cultural organisation  | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) the organiser of an exhibition  | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) the secretary, manager or chief steward of a <i>bona fide</i> race or sports meeting or similar event | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) the organiser of an artistic performance  | <input type="checkbox"/> | <input type="checkbox"/> |
|   | <input type="checkbox"/> | <input type="checkbox"/> |

(Mark the applicable square)

1.7 Is the applicant a person who:

|   | YES                      | NO                       |
|---|--------------------------|--------------------------|
| (a) within five (5) years prior to the lodgement of the application, been sentenced to imprisonment without the option of paying a fine   | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) within five (5) years prior to the lodgement of the application, been declared to be unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor board or authority | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) is an unrehabilitated insolvent   | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) is a minor upon the date of consideration of the application  | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) was the holder of a licence which was cancelled in terms of the provisions of this Act, or an Act regulating liquor licences in   | <input type="checkbox"/> | <input type="checkbox"/> |

any other province, within a period of twelve (12) months prior to the lodgement of the application

(f) is the spouse or life partner of a person described in (a), (b) or (e) above

(g) anyone who is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |

(Mark the applicable square)

1.8 If any of the questions in subparagraph (b) have been replied to in the affirmative, provide full details .....

(Use a separate annexure if necessary)

**2. DETAILS OF OCCASION AND PROPOSED PREMISES**

2.1 State the nature of the occasion in respect of which a temporary liquor licence is required .....

2.2 Erf number and address of the premises where the business is to be conducted .....

2.3 Municipal area where the business is to be conducted .....

2.4 Under what name the business is to be conducted .....

2.5 Describe the place or places on the premises in which the sale of liquor is to take place ....

2.6 Will liquor be sold for consumption on or off the licensed premises? .....

2.7 State the dates upon and the hours during which such sale will take place.....

|   |                          |                          |
|---|--------------------------|--------------------------|
|   | YES                      | NO                       |
| 2.8 Will the applicant have the right to occupy the proposed premises | <input type="checkbox"/> | <input type="checkbox"/> |

2.9 If yes, give details of the owner and the applicant's right of occupation –

(a) Owner's name .....

(b) Owner's address .....

(c) Description of applicant's right of occupation .....

(d) Duration of right of occupation .....

2.10 Has a special events liquor licence previously been granted to the applicant in the current calendar year? YES NO

(Mark the applicable square)

2.11 If yes, state:

- (a) Number of special events licences granted since January past .....
- (b) Number of days granted since January past .....

2.12 Trading hours sought during which liquor may be sold or consumed on the licensed premises .....

**3. OTHER LICENCES**

Give full details of any existing liquor licences on the proposed premises:

Licensee: .....

Type of licence: .....

Liquor Board Reference number: .....

*(Location of such other licences in relation to proposed premises to be indicated on site plan)*

**4. FINANCIAL INTEREST**

4.1 Who will have a financial interest in the business that will be conducted on the proposed premises? .....

4.2 Describe the nature and extent of such interest.....

(Use an annexure if necessary)

I declare / truly affirm that the information furnished in this application and in the documents attached to it, is true.

.....

.....

Date

Signature of applicant or if applicant is a juristic person, the person authorised to sign application

*(Written authorisation to be attached if not signed by applicant)*

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

at ..... this ..... day of .....200....

by the applicant who acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection in taking the prescribed oath / affirmation; and
- (c) he/she considers the prescribed oath / affirmation 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”*

or

*“I truly affirm that the contents of this declaration are true”.*

.....

Commissioner of oaths

Full name .....

Business address .....

Designation .....

Area for which appointment is held .....

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

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 13**  
**TEMPORARY LIQUOR LICENCE IN TERMS OF 48(1)**  
[Reg. 17(8)]

**LIQUOR BOARD REFERENCE** .....

..... who is the holder of a valid liquor licence (the licensee) in terms of Section 33 (.....) is hereby licensed to sell  
..... (kind of liquor) and to conduct his or her business under the name of ..... upon the licensed premises, situated at (physical address of licensed premises)  
..... on the following days and hours:

.....

The licensee is licensed to conduct his or her business in accordance with the provisions of this Act and the following conditions :

**LICENCE CONDITIONS**

.....  
.....

.....  
*Presiding Officer of the Liquor Licensing Tribunal*

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 14**

**SPECIAL EVENTS LIQUOR LICENCE IN TERMS OF SECTION 48(5)**

[Reg. 17(8)]

..... (the licensee) is hereby licensed to sell  
..... (kind of liquor) and to conduct business under the name of  
..... upon the licensed premises, situated at (physical  
address of licensed premises) ..... on the  
following days and hours:

.....

The licensee is licensed to conduct his or her business in accordance with the provisions  
of this Act and the conditions as set out in the attached Annexure.

.....

*Presiding Officer of the Liquor Licensing Tribunal*

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 15**  
**APPLICATION IN TERMS OF SECTION 51 TO TRANSFER A FINANCIAL**  
**INTEREST IN THE LICENSED BUSINESS**

[Reg. 19(1)]

**Liquor Board Reference:** .....

**INDEX**

| <i>Description of Document</i>   | <i>Annexure</i> |
|--|-----------------|
| Application  | Form 15         |
| Representations in support of application  | A               |
| Proof of identity documents or registration of applicants and interest of members / shareholders of the legal entity | B               |

Application Prepared by:.....

Postal Address: .....

Physical Address: .....

Telephone number: .....

Fax number: .....

Email: .....

**PART A**

DETAILS OF LICENSEE

1. Licence number .....
2. Full name of licensee .....
3. If the Licensee is not a natural person, state the name, identity number and address and extent of financial interest of each shareholder, member, partner or beneficiary  
.....  
..... (Use an annexure if necessary)
- 4 (a) Name and address of the licensed premises .....

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

(b) In which municipal district is the premises referred to in subparagraph (a), situated? .....

5. Daytime contact name and telephone number .....

I declare / truly affirm that the information furnished in Part A and B of this application in so far as it relates to me is true.

.....

Date

.....

Signature of licensee or person authorised to sign on behalf of licensee

(Written authorisation to be attached if not signed by applicant)

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

at ..... this ..... day of .....200.....

by the applicant who acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
(b) he/she has no objection in taking the prescribed oath / affirmation; and
(c) he/she considers the prescribed oath / affirmation 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”

or

“I truly affirm that the contents of this declaration are true”.

.....

Commissioner of oaths

Full name .....

Business address .....

Designation .....

Area for which appointment is held .....

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

**PART B**

DETAILS OF THE PERSON(S) TO BE APPROVED

1. Full name .....
2. Identity number or in the case of a company or close corporation, its registration number  
.....(copy to be attached)
3. Residential address or address of registered office .....
4. Business address .....
5. Postal address .....
6. Telephone number .....
7. Is applicant a person who –

YES / NO

|  |          |
|--|----------|
| (a) has within sixty (60) months prior to the lodgement of the application, been sentenced to imprisonment without the option of paying a fine?  | YES / NO |
| (b) has within sixty (60) months prior to the lodgement of the application, been declared to be unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor board or authority?                | YES / NO |
| (c) is an unrehabilitated insolvent?   | YES / NO |
| (d) is a minor ?   | YES / NO |
| (e) was the holder of a licence which was cancelled in terms of the provisions of this Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of the application? | YES / NO |
| (f) is a spouse of a person described in (a), (b) or (e) above?  | YES / NO |
| (g) is a person who is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)  | YES / NO |
| (h) in the case of a juristic person, is one of the members, shareholders, trustees or beneficiaries a person described in (a), (b), (d), (e) of (g) above?  | YES / NO |

8. If any of the questions in subparagraphs 7 (a) to (h) have been replied to in the affirmative, provide full details.

(Use an annexure if necessary)

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

9. If the applicant is a company, close corporation, partnership or trust, state whether a person contemplated in Question 7 above –

(a) has a controlling interest in such a company, close corporation or trust ?

|                 |
|-----------------|
| <u>YES / NO</u> |
|-----------------|

(b) is a partner in such a partnership?

|                 |
|-----------------|
| <u>YES / NO</u> |
|-----------------|

(c) is the main beneficiary under such a trust?

|                 |
|-----------------|
| <u>YES / NO</u> |
|-----------------|

If any of the question in subparagraphs 9 (a) to (c) above have been replied to in the affirmative provide full details (Use an annexure if necessary)

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

10. State the name, identity number and address of each person –

(a) who, including the holder of the licence, has any financial interest in the business to which the licence relates; and

(b) who including the applicant, will have such interest if the application is granted, and in each case , the nature and extent of such financial interest.

(Use an annexure if necessary) .....

.....

11. State the financial interest in the liquor trade in the Republic of the applicant and if the applicant is a private company, close corparation, partnership or trust, also of every shareholder, member or partner thereof or beneficiary tereunder. (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)

12. If the application relates to an off consumption licence, is the applicant –

- (a) a micro-manufacturer of liquor or a person who has a financial interest in the business of a micro-manufacturer of liquor?
- (b) a macro-manufacturer of liquor in terms of the Liquor Act 59 of 2003 or a person who has a financial interest in the business of a macro-manufacturer of liquor?
- (c) a distributor of liquor in terms of the Liquor Act 59 of 2003?
- (d) a person who has a financial interest in the business of a manufacturer of liquor?

|                 |
|-----------------|
| <u>YES / NO</u> |

If any of the question in subparagraphs 12 (a) to (d) above have been replied to in the affirmative provide full details (Use an annexure if necessary)

.....

.....

.....

I declare / truly affirm that the information furnished in Part B of this application in so far as it relates to me is true.

.....

Date

.....

Signature

*(Written authorisation to be attached if not signed by applicant)*

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

at ..... this ..... day of  
.....2008.....

by the applicant who acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection in taking the prescribed oath / affirmation; and
- (c) he/she considers the prescribed oath / affirmation 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”*

or

*"I truly affirm that the contents of this declaration are true".*

.....

Commissioner of oaths

Full name .....

Business address .....

Designation .....

Area for which appointment is held .....

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

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 17**  
**APPLICATION IN TERMS OF SECTION 52 FOR THE APPOINTMENT OF A MANAGER**  
[Reg. 21(1)]

**INDEX**

| <i>Description of Document</i>   | <i>Annexure</i> |
|--|-----------------|
| Application  | Form 17         |
| Representations in support of application  | A               |
| Proof of identity documents or registration of applicants and interest of members / shareholders of the legal entity | B               |

Application Prepared by:.....  
 Postal Address: .....  
 Physical Address: .....  
 Telephone number: .....  
 Fax number: .....  
 Email: .....

**PART A – NOMINATION OF MANAGER**

1. Liquor Board’s Reference number .....
2. Name of Licensed Business .....
3. State full details of person whose appointment has been terminated:
  - (a) Full name .....
  - (b) Identity number  
.....
  - (c) Date of termination .....
4. State full details of person now nominated:
  - (a) Full name .....
  - (b) Identity number .....(copy of identity document to be attached)
  - (c) Relationship between nominated manager and the person who is the holder of the liquor licence .....
  - (d) Is the nominated manager a person who – (state yes or no)
    - (c) has within sixty (60) months prior to the lodgement of the application, been sentenced to imprisonment without the option of paying a fine? .....

- (ii) has within sixty (60) months prior to the lodgement of the application, been declared to be unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor board or authority?.....
  - (iii) is an unrehabilitated insolvent?.....
  - (iv) is a minor ?.....
  - (v) was the holder of a licence which was cancelled in terms of the provisions of this Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of the application?.....
  - (vi) is a spouse of a person described in (i), (ii) or (v) above?.....
  - (vii) is a person who is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)?.....
  - (e) If any of the questions in subparagraph (d) have been replied to in the affirmative, provide full details. ....(use annexure if necessary)
  - (f) Date of appointment .....
5. If nominated manager have any financial interest in the licensed business, give full details .....

I declare / truly affirm that the information furnished in Part B of this application in so far as it relates to me is true.

.....

Date

.....

Signature

*(Written authorisation sign on behalf of licensee to be attached)*

---

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

at ..... this ..... day of  
.....200.....

by the applicant who acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection in taking the prescribed oath / affirmation; and

(c) he/she considers the prescribed oath / affirmation 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”*

or

*“I truly affirm that the contents of this declaration are true”.*

.....

Commissioner of oaths

Full name .....

Business address .....

Designation .....

Area for which appointment is held .....

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



**PART B – ACCEPTANCE BY NOMINATED MANAGER**

I, ..... the undersigned hereby accept above nomination and accept responsibility for the management of the business and understand that I am subject to the same duties, obligations and liabilities as the licensee.

.....

Signature of nominated manager

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 26**  
**APPLICATION IN TERMS OF SECTION 65 FOR THE TRANSFER OF LIQUOR**  
**LICENCE**  
[Reg. 31(1)]

**Liquor Board Reference** .....

**INDEX**

| <i>Description of Document</i>   | <i>Annexure</i> |
|--|-----------------|
| Application  | Form 26         |
| Representations in support of application  | A               |
| Proof of identity documents or registration of applicants and interest of members / shareholders of the legal entity | B               |

Application Prepared by:.....  
 Postal Address: .....  
 Physical Address: .....  
 Telephone number: .....  
 Fax number: .....  
 Email: .....

**PART A**

**DETAILS OF LINCENSEE**

- Licence number .....
- Full name of licensee .....
- If the Licensee is not a natural person, state the name, identity number and address and extent of financial interest of each shareholder, member, partner or beneficiary  
 .....  
 .....  
 (Use an annexure if necessary)
- (a) Name and address of the licensed premises .....

(b) Describe the situation of the premises where the licensed business is conducted with reference to the erf, street(s) and farm number

.....  
.....

(c) In which municipal district is the premises referred to in subparagraph (a), situated?

.....

5. Daytime contact name and telephone number .....

I declare / truly affirm that the information furnished in Part A and B of this application in so far as it relates to me is true.

.....

Date

.....

Signature of Licensee or person authorised to sign on behalf of Licensee

*(Written authorisation to be attached if not signed by applicant)*

---

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

at .....this .....day of .....200.....

by the applicant who acknowledged that –

(a) he/she knows and understands the contents of this declaration;

(b) he/she has no objection in taking the prescribed oath / affirmation; and

(c) he/she considers the prescribed oath / affirmation 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”*

or

*“I truly affirm that the contents of this declaration are true”.*

.....

Commissioner of oaths

Full name .....

Business address .....

Designation .....

Area for which appointment is held .....

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

**PART B**

**DETAILS OF THE PERSON WHO IS THE PROSPECTIVE LICENSEE**

- 1. Full name .....
- 2. Identity number or in the case of a company or close corporation, its registration number .....

*(Copy to be attached)*

- 3. Residential address or address of registered office .....
- 4. Business address .....
- 5. Postal address .....
- 6. Telephone number .....
- 7. Is applicant a person who –

(a) has within sixty (60) months prior to the lodgement of the application, been sentenced to imprisonment without the option of paying a fine?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |

(b) has within sixty (60) months prior to the lodgement of the application, been declared to be unfit to hold a registration by the National Liquor Authority or a licence by any provincial liquor board or authority?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |

(c) is an unrehabilitated insolvent?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |

(d) is a minor ?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |

(e) was the holder of a licence which was cancelled in terms of the provisions of this Act or an Act regulating liquor licences in any other province within a period of twelve (12) months prior to the lodgement of the application?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |

(f) is a spouse of a person described in (a), (b) or (e) above?

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |

(g) is a person who is mentally ill as defined in the Mental Health Care Act, 2002 (Act 17 of 2002)

|                 |
|-----------------|
| <u>YES / NO</u> |
|                 |

(h) in the case of a juristic person, is one of the members, shareholders, trustees or beneficiaries a person described in (a), (b), (d), (e) of (g) above?

8. If any of the questions in subparagraphs 7 (a) to (h) have been replied to in the affirmative, provide full details. (Use an annexure if necessary)

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

9. If the applicant is a company, close corporation, partnership or trust, state whether a person contemplated in Question 7 above –

(a) has a controlling interest in such a company, close corporation or trust ?

|                 |
|-----------------|
| <u>YES / NO</u> |
| <u>YES / NO</u> |
| <u>YES / NO</u> |

(b) is a partner in such a partnership?

(c) is the main beneficiary under such a trust?

If any of the question in subparagraphs 9 (a) to (c) above have been replied to in the affirmative provide full details (Use an annexure if necessary)

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

10. State the name, identity number and address of each person –

(c) who, including the holder of the licence, has any financial interest in the business to which the licence relates; and

(d) who including the applicant, will have such interest if the application is granted, and in each case , the nature and extent of such financial interest.

( Use an annexure if necessary) .....

11. State the financial interest in the liquor trade in the Republic of the applicant 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)

12. If the application relates to an off consumption licence, is the applicant –

- (a) a micro-manufacturer of liquor or a person who has a financial interest in the business of a micro-manufacturer of liquor?
- (b) a macro-manufacturer of liquor in terms of the Liquor Act, 2003 (Act 59 of 2003) or a person who has a financial interest in the business of a macro-manufacturer of liquor?
- (c) a distributor of liquor in terms of the Liquor Act, 2003 (Act 59 of 2003)?
- (d) a person who has a financial interest in the business of a manufacturer of liquor?

|                 |
|-----------------|
| <u>YES / NO</u> |

If any of the question in subparagraphs 12 (a) to (d) above have been replied to in the affirmative provide full details (Use an annexure if necessary)

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

13. Is the premises owned by the applicant? (state yes or no) .....

14. If NO give details of the owner and the prospective licensee’s right of occupation –

Owner’s name .....

Owner’s address .....

Applicant’s right of occupation .....

Duration of right of occupation .....

I declare / truly affirm that the information furnished in Part B of this application in so far as it relates to me is true.

.....  
Date

.....  
Signature

(Written authorisation to be attached if not signed by applicant)

I certify that this declaration has been signed and sworn to / affirmed before me  
at .....this .....day of .....200.....

by the applicant who acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection in taking the prescribed oath / affirmation; and
- (c) he/she considers the prescribed oath / affirmation 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”*

or

*“I truly affirm that the contents of this declaration are true”.*

.....

Commissioner of oaths

Full name .....

Business address .....

Designation .....

Area for which appointment is held .....

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

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 27**  
**CERTIFICATE OF TRANSFER OF A LIQUOR LICENCE IN TERMS OF SECTION**  
**65(17)**  
 [Reg. 31(10)]

Liquor Board Reference .....

The ..... licence, held by  
 ..... in respect of premises  
 situate at ..... in the municipality of  
 ..... under which business is conducted under the name of  
 ..... is hereby transferred to  
 ..... The business will in future be  
 conducted under the name of .....

This certificate must at all times during the currency thereof be attached to the licence concerned.

WESTERN CAPE LIQUOR ACT 4 OF 2008

**FORM 28**  
**APPLICATION IN TERMS OF SECTION 66(2) FOR REMOVAL OF LICENCE**  
 [Reg. 32(1)]

Liquor Board Reference: .....

|                            |
|----------------------------|
| Date-stamp of Liquor Board |
|----------------------------|

**INDEX**

| <i>Description of Document</i>  | <i>Annexure</i> |
|---|-----------------|
| Application   | Form 28         |
| Plan of the premises  | A               |
| Site plan   | B               |
| Description of the premises   | C               |
| Colour photographs  | D               |
| Representations in support of application   | E               |
| Proof of notices in terms of Section 37   | F               |
| Proof of right of occupation  | G               |
| Proof of identity documents or registration of applicants or members / shareholders of the legal entity | H               |

**APPLICANT'S DETAILS**

Full name : .....

Address : .....

Postal code : .....

Address for service of documents:.....

Postal code : .....

Address for service of documents  
 after application is determined:.....

Postal code : .....

If applicant is a juristic person, full

details of contact person :.....  
.....

Telephone numbers:

Office :.....

Mobile :.....

Home or other :.....

Date of birth (if applicant is an individual) ...../...../.....

Nominated Manager (if applicant is a juristic person)

Full name : .....

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

Postal code : .....

Telephone number:

Office .....

Mobile .....

Home or office.....

Date of birth :...../...../.....

**DETAILS OF THE REMOVAL**

1. Under what name is the licensed business conducted? .....  
.....

2. Will the name change as a result of the removal? YES / NO

3. If so, state new name: .....

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

5. Describe the situation of the premises where the business is to be conducted with reference to the erf, street and farm number.....  
.....

6. Are the premises referred to in number 4 and 5 in the same police district? YES / NO

7. Are the premises referred to in number 4 and 5 in the municipal area? YES / NO

8. State the shortest distance by road from the premises referred to in number 4 to the premises referred to in number 5.

9. In the case of a licence which includes the right to micro-manufacture, describe the situation of the premises where the liquor concerned is manufactured with reference to the erf, street and farm number: .....

.....

10. Does applicant own the premises to which the licence is to be removed? YES / NO

11. If no, provide details of the owner and applicant's right of occupation.

Owner's name .....

Owner's address .....

Applicant's right of occupation .....

Duration of right of occupation .....

2. In the case of an application for a licence which permits consumption of liquor on the premises, state in which portion of the premises liquor will be served and consumed?

.....

3. Is the application made in respect of a premises which –

(a) have not yet been erected?

YES / NO

(b) are already erected but require additions or alterations to make it suitable for the purpose of business?

YES / NO

(c) are already erected and, do not require additions or alterations in order to make it suitable for the purpose of business?

YES / NO

4. If the answer to Questions 15 (a) or (b) was "yes", please state –

(a) The date on which such erections, additions or alterations will be commenced with .....and

(b) The period which will be required for the erection, additions or alterations .....

.....

...

5. Trading hours sought during which liquor may be sold or consumed on the licensed premises .....

6. In the case of an application for the temporary removal of a licence, state for what period such removal is desired:

.....

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

at .....this .....day of .....200.....

by the applicant who acknowledged that –

- (a) he/she knows and understands the contents of this declaration;
- (b) he/she has no objection in taking the prescribed oath / affirmation; and
- (c) he/she considers the prescribed oath / affirmation 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”*

or

*“I truly affirm that the contents of this declaration are true”.*

.....

Commissioner of oaths

Full name .....

Business address .....

Designation .....

Area for which appointment is held .....

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

## The “Provincial Gazette” of the Western Cape

appears every Friday, or if that day is a public holiday, on the last preceding working day.

### **Subscription Rates**

R140,30 per annum, throughout the Republic of South Africa.

R140,30 + postage per annum, Foreign Countries.

Subscriptions are payable in advance.

*Single copies* are obtainable at Room 9-06, Provincial Building, 4 Dorp Street, Cape Town 8001, at R3,00 per copy.

### **Advertisement Tariff**

First insertion, R19,80 per cm, double column.

Fractions of cm are reckoned as a cm.

Notices must reach the Director-General not later than 10:00 on the last working day but one before the issue of the *Gazette*.

Whilst every effort will be made to ensure that notices are published as submitted and on the date desired, the Administration does not accept responsibility for errors, omissions, late publications or failure to publish.

All correspondence must be addressed to the Director-General, P.O. Box 659, Cape Town 8000, and cheques, bank drafts, postal orders and money orders must be made payable to the Provincial Administration Western Cape.

## Die “Provinsiale Koerant” van die Wes-Kaap

verskyn elke Vrydag of, as die dag ’n openbare vakansiedag is, op die laaste vorige werkdag.

### **Tarief van Intekengelde**

R140,30 per jaar, in die Republiek van Suid-Afrika.

R140,30 + posgeld per jaar, Buiteland.

Intekengeld moet vooruitbetaal word.

*Los eksemplare* is verkrygbaar by Kamer 9-06, Provinsiale-gebou, Dorpstraat 4, Kaapstad 8001, teen R3,00 per eksemplaar.

### **Advertensietarief**

Eerste plasing, R19,80 per cm, dubbelkolom.

Gedeeltes van ’n cm word as een cm beskou.

Kennisgewings moet die Direkteur-generaal uiterlik om 10:00 op die voorlaaste werkdag voor die uitgawe van die *Koerant* bereik.

Hoewel alle pogings aangewend sal word om te sorg dat kennisgewings soos ingedien en op die verlangde datum gepubliseer word, aanvaar die Administrasie nie verantwoordelikheid vir foute, weglatings, laat publikasies of versuim om dit te publiseer nie.

Alle briefwisseling moet aan die Direkteur-generaal, Posbus 659, Kaapstad 8000, gerig word en tjeks, bankwissels, posorders en poswissels moet aan die Provinsiale Administrasie Wes-Kaap betaalbaar gemaak word.

*SOUTH AFRICA FIRST –*  
BUY SOUTH AFRICAN  
MANUFACTURED GOODS

*SUID-AFRIKA EERSTE –*  
KOOP SUID-AFRIKAANS  
VERVAARDIGDE GOEDERE