

## REGULATIONS IN TERMS OF SECTION 182

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## CHAPTER I DEFINITIONS

### 1

In these Regulations and in the forms contained in the Annexure thereto, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Liquor Act, 1989 (Act 27 of 1989), retains that meaning and in addition-

**'applicant'** means any person making an application in terms of these regulations;

**'financial interest'** includes-

- (a) any such interest acquired in a business and directly or indirectly related to the fortunes, including the turnover, of the business;
- (b) any interest arising from any advance of money by way of a loan to the applicant for a licence or to his principal or nominator for purposes directly connected with the business which is to be conducted under the licence concerned,

but does not include such interest which is not a controlling interest acquired in or by a public company, a co-operative society as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act 47 of 1970), or a financial institution registered under the law regarding financial institutions;

'**secretary**' means the secretary of the Board designated as such in terms of section 17(2) of the Act and with address Private Bag X84, Pretoria, 0001;

'**the Act**' means the Liquor Act, 1989 (Act 27 of 1989), and includes any regulation made thereunder.

## **CHAPTER II**

### **APPLICATION IN TERMS OF SECTION 19 FOR A LICENCE**

#### **2 Lodgement of application**

An application for a licence (excluding a temporary liquor licence and occasional licence) shall be lodged with the magistrate on the first Friday of any month or, if such day is a public holiday or closed day, on the first Friday, which is not such a day, thereafter.

#### **3 Form of application**

(1) The applicant shall make written application, in triplicate, for a licence, substantially in the form of Form 1 contained in the Annexure and shall-

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

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by-

- (a) a plan of the premises, clearly showing-
  - (i) the dimensions of each room;
  - (ii) all doors, windows and counters (where applicable) and means of internal and external communication; and
  - (iii) the streets and places to which such means of external communication lead;
- (b) a description of the premises with reference to the construction, layout, furnishing, fixtures, fittings and floor covering, which description shall be contained in a separate document or, if the business is already in operation, colour photos clearly depicting the above;
- (c) comprehensive written representations in support of the application and any determination, consent, approval or authority simultaneously applied for; and
- (d) such documents as Form 1 may require to be attached to the application.

(3) If application is simultaneously made for an approval in terms of section 60(1), 78(1)(a) , 82(1)(a) , 86(1)(a) , 94(1)(a) or 104(1)(a) , the applicant shall-

- (a) if the approval is to be exercised on the premises, include in the plan and description or photos of the premises referred to in subregulation (2)(a) and (b) , the relevant information and particulars relating to such place; or
- (b) if the approval is to be exercised on adjoining or neighbouring premises in the case of an approval contemplated in section 86(1)(a) , 94(1)(a) or 104(1)(a) , comply with the provisions of regulation 67(2)(a) , (b) and (c) .

#### **4 Notice of intention to apply**

(1) The applicant shall forward to the Government Printer a notice, substantially in the form of Form 2 contained in the Annexure, in each of the official languages, to reach him timeously for publication in the *Government Gazette* .

(2) The Government Printer shall publish the notice referred to in subregulation (1) substantially in the form of Form 3 contained in the Annexure, in the *Government Gazette* on the day contemplated in regulation 2.

#### **5 References by which any determination, consent, approval or authority shall be described**

(1) The following references shall be used in the notices referred to in regulation 4 to describe any determination, consent or approval simultaneously applied for:

- (A) Approval in terms of section 41(1)(a) to conduct other business upon the premises.
- (B) Approval in terms of section 60(1)(a) to sell liquor for consumption off the premises.
- (C) Determination in terms of section 63(2) to sell liquor between other times.
- (D) Approval in terms of section 78(1)(a) or 82(1)(a) to supply liquor free of charge, for consumption on the premises.
- (E) Approval in terms of section 86(1)(a) , 94(1)(a) or 104(1)(a) to supply liquor free of charge, solely for the purpose of tasting.

(2) If a determination, approval, consent or authority is applied for which is not contained in the references set out in subregulation (1), such determination, approval, consent or authority shall be fully described and reference shall be made to the section in terms of which it may be considered.

#### **6 Procedure upon receipt of application**

(1) The magistrate with whom an application has been lodged, shall forthwith forward a copy thereof to a designated police officer for his report in terms of section 140(a) .

(2) Such application and any document lodged in terms of regulation 7(1), 8 or 9(1) shall be open to inspection at the office of the magistrate, and he shall

at all reasonable times before it is forwarded to the secretary in terms of regulation 10, allow any person to inspect it and make a copy thereof.

## **7 Objections, petitions or representations**

(1) Not later than 28 days after the application was lodged with the magistrate, any person may lodge-

- (a) a written objection to or petition against; or
- (b) written representations or a petition in support of,

any such application with him and shall provide conclusive proof that a copy has been forwarded to-

- (i) the person who prepared the application; and
- (ii) the designated police officer.

(2) Such objection, petition or representations shall be lodged in duplicate, be fully motivated and shall-

- (a) clearly indicate the name, identity number, residential and postal address and telephone number, if any, and where applicable, its registration number and address of its registered office, of the objector, petitioner or person making the representations; and
- (b) clearly identify the application concerned.

## **8 Filing of police report**

Not later than 35 days after the application was lodged with the magistrate, the designated police officer shall lodge, in duplicate, his written report in terms of section 140(a) with him and shall, after completion thereof, provide a copy to the applicant upon request.

## **9 Applicant's reply**

(1) Not later than 42 days after the application was lodged with the magistrate, the applicant may lodge, in duplicate, his written reply to any objection, petition or representations in terms of regulation 7(1) or police report in terms of regulation 8, with him and shall certify thereon or in an annexure that a copy has been forwarded to the designated police officer.

(2) The reply referred to in subregulation (1) shall clearly identify the application concerned.

## **10 Forwarding of documents to secretary**

On the day following the day contemplated in regulation 9(1), the magistrate shall forward to the secretary the original and the copy of the application and any document lodged in terms of regulation 7(1), 8 or 9(1): Provided that he shall, on the day following the day contemplated in regulation 8, upon request of the applicant, forthwith forward to the secretary the original and the copy of the application and any document lodged in terms of regulation 7(1) or 8.

## **11 Procedure upon grant of application**

If an application is granted in respect of premises which are suitable for the purposes of the business to be conducted thereon, a licence, substantially in the form of Form 4 contained in the Annexure, shall be issued.

## **12**

If an application is granted in respect of premises contemplated in section 33(1), a written notice shall be issued.

### **CHAPTER III APPLICATION IN TERMS OF SECTION 19 FOR A TEMPORARY LIQUOR LICENCE**

## **13 Lodgement of application**

An application for a temporary liquor licence shall be lodged with the magistrate.

## **14 Form of application**

(1) The applicant who is a person referred to in section 27, shall make written application, in duplicate, for a temporary liquor licence, substantially in the form of Form 5 contained in the Annexure and shall-

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

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by comprehensive written representations in support of the application.

## **15 Procedure upon receipt of application**

The magistrate with whom an application has been lodged, shall forthwith forward the copy thereof to a designated police officer for his report in terms of section 140(a) .

## **16 Report by designated police officer**

Not later than 14 days after the application was lodged with the magistrate, the designated police officer shall report to him in terms of section 140(a) .

## **17 Procedure upon receipt of police report**

The magistrate receiving the report in terms of regulation 16 shall, except where the granting of the application is not opposed by the designated police officer, forthwith notify the applicant of the contents thereof.

## **18 Applicant's reply**

Not later than seven days after the applicant has been notified in terms of regulation 17, he may lodge his reply to the police report with the magistrate.

### **19 Procedure upon grant of application**

If an application is granted-

- (a) the applicant shall affix revenue stamps to the value of R100 in respect of each day (irrespective of the number of points of sale), on Form 5;
- (b) such stamps shall be cancelled by the magistrate; and
- (c) a licence, substantially in the form of Form 6 contained in the Annexure, shall be issued.

## **CHAPTER IV**

### **APPLICATION IN TERMS OF SECTION 19 FOR AN OCCASIONAL LICENCE**

### **20 Lodgement of application**

An application for an occasional licence shall be lodged with the magistrate.

### **21 Form of application**

(1) The applicant who is the holder of a licence referred to in section 28, shall make written application, in duplicate, for an occasional licence, substantially in the form of Form 7 contained in the Annexure and shall-

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

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by comprehensive written representations in support of the application.

### **22 Procedure upon receipt of application**

The magistrate with whom an application has been lodged, shall forthwith forward the copy thereof to a designated police officer for his report in terms of section 140(a) .

### **23 Report by designated police officer**

Not later than 14 days after the application was lodged with the magistrate, the designated police officer shall report to him in terms of section 140(a) .

### **24 Procedure upon receipt of police report**

The magistrate receiving the report in terms of regulation 23 shall, except

where the granting of the application is not opposed by the designated police officer, forthwith notify the applicant of the contents thereof.

## **25 Applicant's reply**

Not later than seven days after the applicant has been notified in terms of regulation 24, he may lodge his reply to the police report with the magistrate.

## **26 Procedure upon grant of application**

If an application is granted-

- (a) the applicant shall affix revenue stamps to the value of R100 in respect of each occasion, on Form 7;
- (b) such stamps shall be cancelled by the magistrate; and
- (c) a licence, substantially in the form of Form 8 contained in the Annexure, shall be issued.

### **CHAPTER V**

### **APPLICATION IN TERMS OF SECTION 38 TO PROCURE A CONTROLLING INTEREST IN THE BUSINESS TO WHICH THE LICENCE RELATES**

## **27 Lodgement of application**

An application to procure a controlling interest in the business to which the licence relates, shall be lodged with the magistrate.

## **28 Form of application**

(1) The applicant who is the holder of a licence, shall jointly with the applicant who desires consent to procure a controlling interest in the business to which the licence (excluding a club liquor licence) relates (hereinafter called the proposed person), make written application, in duplicate, for such consent, substantially in the form of Form 9 contained in the Annexure and shall-

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

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by comprehensive written representations in support of the application.

## **29 Procedure upon receipt of application**

The magistrate with whom an application has been lodged, shall forthwith forward the copy thereof to a designated police officer for his report in terms of section 140(a) .

## **30 Filing of police report**



Not later than 14 days after the application was lodged with the magistrate, the designated police officer shall lodge his written report in terms of section 140(a) with him and shall, after completion thereof, provide a copy to the applicants upon request.

### **31 Applicant's reply**

(1) Not later than seven days after the police report was lodged with the magistrate in terms of regulation 30, the applicant who is the holder of the licence and the applicant who is the proposed person may lodge their written reply thereto with him and shall certify thereon or in an annexure that a copy has been forwarded to the designated police officer.

(2) The reply referred to in subregulation (1) shall clearly identify the application concerned.

### **32 Forwarding of documents to secretary**

On the day following the day contemplated in regulation 31(1), the magistrate shall forward to the secretary the original application and any document lodged in terms of regulation 30 or 31(1): Provided that, upon request of the applicants, he shall forthwith forward to the secretary the original application and the document lodged in terms of regulation 30.

### **33 Procedure upon grant of application**

If an application is granted, a written consent shall be issued.

## **CHAPTER VI APPLICATION IN TERMS OF SECTION 42 TO EFFECT ANY STRUCTURAL ALTERATION, ADDITION OR RECONSTRUCTION OF OR TO THE LICENSED PREMISES OR TO EXTEND THE LICENSED PREMISES**

### **34 Lodgement of application**

An application to effect any structural alteration, addition or reconstruction of or to the licensed premises or to extend the licensed premises, shall be lodged with the magistrate.

### **35 Form of application**

(1) The applicant who is the holder of a licence (excluding a temporary liquor licence), shall make written application, in duplicate, for consent to effect any structural alteration, addition or reconstruction of or to the licensed premises or to extend such premises.

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by-

- (a) a plan of the applicable portion of such premises on which any proposed structural alteration, addition, reconstruction or extension is indicated in red, clearly showing with reference thereto-
  - (i) the dimensions of each room;
  - (ii) all doors, windows and counters (where applicable) and means of internal and external communication;
  - (iii) the streets and places to which such means of external communication lead; and
  - (iv) how the applicable portion links up with the existing premises;
- (b) a description of the applicable portion of the licensed premises with reference to the construction, lay-out, furnishing, fixtures, fittings and floor covering, which description shall be contained in a separate document; and
- (c) comprehensive written representations in support of the application.

### **36 Procedure upon receipt of application**

The magistrate with whom an application has been lodged, shall forthwith forward the copy thereof to a designated police officer for his report in terms of section 140(a) .

### **37 Filing of police report**

Not later than 14 days after the application was lodged with the magistrate, the designated police officer shall lodge his written report in terms of section 140(a) with him and shall, after completion thereof, provide a copy to the applicant upon request.

### **38 Applicant's reply**

(1) Not later than seven days after the police report was lodged with the magistrate in terms of regulation 37, the applicant may lodge his written reply thereto with him and shall certify thereon or in an annexure that a copy has been forwarded to the designated police officer.

(2) The reply referred to in subregulation (1) shall clearly identify the application concerned.

### **39 Forwarding of documents to secretary**

On the day following the day contemplated in regulation 38(1), the magistrate shall forward to the secretary the original application and any document lodged in terms of regulation 37 or 38(1): Provided that, upon request of the applicant, he shall forthwith forward to the secretary the original application and the document lodged in terms of regulation 37.

### **40 Procedure upon grant of application**

If an application is granted, a written consent shall be issued.

**CHAPTER VII**  
**APPLICATION IN TERMS OF SECTION 51(1) TO STORE LIQUOR**  
**IN ANOTHER OR ADDITIONAL PLACE**

**41 Lodgement of application**

An application to store liquor in another or additional place shall be lodged with the magistrate.

**42 Form of application**

(1) The applicant who is the holder of a licence, shall make written application, in duplicate, for a determination to store his liquor in another or an additional place in the district in which the licensed premises are situated.

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by-

- (a) a plan of the applicable portion of such premises on which such place is indicated in red, clearly showing with reference thereto-
  - (i) the dimensions;
  - (ii) all doors, windows and counters (where applicable) and means of internal and external communication; and
  - (iii) the streets and places to which such means of external communication lead; and
- (b) a description of the situation of such premises with reference to the erf, street and farm number where and the district in which it is situated.

**43 Procedure upon receipt of application**

The magistrate with whom an application has been lodged, shall forthwith forward the copy thereof to a designated police officer for his report in terms of section 140(a) .

**44 Filing of police report**

Not later than 14 days after the application was lodged with the magistrate, the designated police officer shall lodge his written report in terms of section 140(a) with him and shall, after completion thereof, provide a copy to the applicant upon request.

**45 Applicant's reply**

(1) Not later than seven days after the police report was lodged with the magistrate in terms of regulation 44, the applicant may lodge his written reply thereto with him and shall certify thereon or in an annexure that a copy has been forwarded to the designated police officer.

(2) The reply referred to in subregulation (1) shall clearly identify the application concerned.

#### **46 Forwarding of documents to secretary**

On the day following the day contemplated in regulation 45(1), the magistrate shall forward to the secretary the original application and any document lodged in terms of regulation 44 or 45(1): Provided that, upon request of the applicant, he shall forthwith forward to the secretary the original application and the document lodged in terms of regulation 44.

#### **47 Procedure upon grant of application**

If an application is granted, a written determination shall be issued.

### **CHAPTER VIII APPLICATION IN TERMS OF SECTION 51(2) TO STORE LIQUOR IN ANOTHER DISTRICT**

#### **48 Lodgement of application**

An application to store liquor in another district shall be lodged with the magistrate.

#### **49 Form of application**

(1) The applicant who is the holder of a wholesale liquor licence, brewer's licence, sorghum beer brewer's licence or producer's licence, shall make written application, in duplicate, for a determination to store his liquor in a place in a district other than the district in which the licensed premises are situated.

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by-

- (a) a plan of the applicable portion of such premises on which such place is indicated in red, clearly showing with reference thereto-
  - (i) the dimensions;
  - (ii) all doors, windows and counters (where applicable) and means of internal and external communication; and
  - (iii) the streets and places to which such means of external communication lead; and
- (b) a description of the situation of such premises with reference to the erf, street and farm number where and the district in which it is situated.

#### **50 Procedure upon receipt of application**

The magistrate with whom an application has been lodged, shall forthwith forward the copy thereof to a designated police officer for his report in terms of section 140(a) .

#### **51 Filing of police report**

Not later than 14 days after the application was lodged with the magistrate,

the designated police officer shall lodge his written report in terms of section 140(a) with him and shall, after completion thereof, provide a copy to the applicant upon request.

## **52 Applicant's reply**

(1) Not later than seven days after the police report was lodged with the magistrate in terms of regulation 51, the applicant may lodge his written reply thereto with him and shall certify thereon or in an annexure that a copy has been forwarded to the designated police officer.

(2) The reply referred to in subregulation (1) shall clearly identify the application concerned.

## **53 Forwarding of documents to secretary**

On the day following the day contemplated in regulation 52(1), the magistrate shall forward to the secretary the original application and any document lodged in terms of regulation 51 or 52(1): Provided that, upon request of the applicant, he shall forthwith forward to the secretary the original application and the document lodged in terms of regulation 51.

## **54 Procedure upon grant of application**

If an application is granted, a written determination shall be issued.

## **55 Qualification of words**

In the application of regulations 50 to 52, 'designated police officer' means a designated police officer appointed for the district in which the place where liquor will be stored, is situated.

# **CHAPTER IX**

## **APPLICATION IN TERMS OF SECTION 60(1)(b) TO SELL LIQUOR FOR CONSUMPTION OFF THE PREMISES**

### **56 Lodgement of application**

An application to sell liquor for consumption off the premises shall be lodged with the magistrate.

### **57 Form of application**

(1) The applicant who is the holder of a wine-house licence, shall make written application, in duplicate, for an approval to sell liquor in a place on the licensed premises for consumption off those premises.

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by-

- (a) a plan of the applicable portion of the licensed premises on which such place is indicated in red, clearly showing with reference thereto-
  - (i) the dimensions;
  - (ii) all doors, windows and counters (where applicable) and means of internal and external communication;
  - (iii) the streets and places to which such means of external communication lead; and
  - (iv) how it links up with the existing premises;
- (b) a description of the premises with reference to the construction, layout, furnishing, fixtures, fittings and floor covering, which description shall be contained in a separate document; and
- (c) comprehensive written representations in support of the application.

### **58 Procedure upon receipt of application**

The magistrate with whom an application has been lodged, shall forthwith forward the copy thereof to a designated police officer for his report in terms of section 140(a) .

### **59 Filing of police report**

Not later than 14 days after the application was lodged with the magistrate, the designated police officer shall lodge his written report in terms of section 140(a) with him and shall, after completion thereof, provide a copy to the applicant upon request.

### **60 Applicant's reply**

(1) Not later than seven days after the police report was lodged with the magistrate in terms of regulation 59, the applicant may lodge his written reply thereto with him and shall certify thereon or in an annexure that a copy has been forwarded to the designated police officer.

(2) The reply referred to in subregulation (1) shall clearly identify the application concerned.

### **61 Forwarding of documents to secretary**

On the day following the day contemplated in regulation 60(1), the magistrate shall forward to the secretary the original application and any document lodged in terms of regulation 59 or 60(1): Provided that, upon request of the applicant, he shall forthwith forward to the secretary the original application and the document lodged in terms of regulation 59.

### **62 Procedure upon grant of application**

If an application is granted, a written approval shall be issued.

**CHAPTER X**  
**APPLICATION IN TERMS OF SECTION 78(1)(b) OR 82(1)(b) TO**  
**SUPPLY LIQUOR FREE OF CHARGE**

**63 Lodgement of application**

An application to supply liquor free of charge shall be lodged with the secretary.

**64 Form of application**

The applicant who is the holder of a wholesale liquor licence or brewer's licence, shall make written application for an approval to supply his liquor free of charge.

**65 Procedure upon grant of application**

If an application is granted, a written approval shall be issued.

**CHAPTER XI**  
**APPLICATION IN TERMS OF SECTION 86(1)(b) , 94(1)(b) OR**  
**104(1)(b) TO SUPPLY LIQUOR FREE OF CHARGE FOR THE**  
**PURPOSE OF TASTING**

**66 Lodgement of application**

An application to supply liquor free of charge for the purpose of tasting shall be lodged with the magistrate.

**67 Form of application**

(1) The applicant who is the holder of a liquor store licence, wine farmer's licence or producer's licence, shall make written application, in duplicate, for an approval to supply his liquor free of charge, solely for the purpose of tasting.

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by-

- (a) a plan of the applicable portion of the premises on which such place is indicated in red, clearly showing with reference thereto-
  - (i) the dimensions;
  - (ii) all doors, windows and counters (where applicable) and means of internal and external communication;
  - (iii) the streets and places to which such means of external communication lead; and
  - (iv) in the case of a place on the licensed premises, how it links up with the existing premises;
- (b) a description of the premises with reference to the construction, layout, furnishing, fixtures, fittings and floor covering, which description shall be contained in a separate document; and
- (c) comprehensive written representations in support of the application.

## **68 Procedure upon receipt of application**

The magistrate with whom an application has been lodged, shall forthwith forward the copy thereof to a designated police officer for his report in terms of section 140(a) .

## **69 Filing of police report**

Not later than 14 days after the application was lodged with the magistrate, the designated police officer shall lodge his written report in terms of section 140(a) with him and shall, after completion thereof, provide a copy to the applicant upon request.

## **70 Applicant's reply**

(1) Not later than seven days after the police report was lodged with the magistrate in terms of regulation 69, the applicant may lodge his written reply thereto with him and shall certify thereon or in an annexure that a copy has been forwarded to the designated police officer.

(2) The reply referred to in subregulation (1) shall clearly identify the application concerned.

## **71 Forwarding of documents to secretary**

On the day following the day contemplated in regulation 70(1), the magistrate shall forward to the secretary the original application and any document lodged in terms of regulation 69 or 70(1): Provided that, upon request of the applicant, he shall forthwith forward to the secretary the original application and the document lodged in terms of regulation 69.

## **72 Procedure upon grant of application**

If an application is granted, a written approval shall be issued.

## **CHAPTER XII APPLICATION IN TERMS OF SECTION 113 FOR THE TRANSFER OF A LICENCE**

## **73 Lodgement of application**

An application for the transfer of a licence (excluding a temporary liquor licence and occasional licence) shall be lodged with the magistrate.

## **74 Form of application**

(1) The applicant who is the holder of a licence (excluding a temporary liquor licence and occasional licence), shall, jointly with the applicant who is the prospective holder, make written application, in duplicate, for the transfer thereof, substantially in the form of Form 10 contained in the Annexure and shall-



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

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by comprehensive written representations in support of the application.

#### **75 Procedure upon receipt of application**

The magistrate with whom an application has been lodged, shall forthwith forward the copy thereof to a designated police officer for his report in terms of section 140(a) .

#### **76 Filing of police report**

Not later than 14 days after the application was lodged with the magistrate, the designated police officer shall lodge his written report in terms of section 140(a) with him and shall, after completion thereof, provide a copy to the applicants upon request.

#### **77 Applicant's reply**

(1) Not later than seven days after the police report was lodged with the magistrate in terms of regulation 76, the applicant who is the holder of the licence and the applicant who is the prospective holder may lodge their written reply thereto with him and shall certify thereon or in an annexure that a copy has been forwarded to the designated police officer.

(2) The reply referred to in subregulation (1) shall clearly identify the application concerned.

#### **78 Forwarding of documents to secretary**

On the day following the day contemplated in regulation 77(1), the magistrate shall forward to the secretary the original application and any document lodged in terms of regulation 76 or 77(1): Provided that, upon request of the applicants, he shall forthwith forward to the secretary the original application and the document lodged in terms of regulation 76.

#### **79 Procedure upon grant of application**

If an application is granted, a certificate of transfer substantially in the form of Form 11 contained in the Annexure shall be issued.

### **CHAPTER XIII APPLICATION IN TERMS OF SECTION 120 FOR THE REMOVAL OF A LICENCE**

#### **80 Lodgement of application**

An application for the removal of a licence (excluding a temporary liquor licence and occasional licence) shall be lodged with the magistrate on the first Friday of any month or, if such day is a public holiday or closed day, on the first Friday, which is not such a day, thereafter.

## **81 Form of application**

(1) The applicant who is the holder of a licence (excluding a temporary liquor licence and occasional licence), shall make written application, in triplicate, for the removal thereof, substantially in the form of Form 12 contained in the Annexure and shall-

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

(2) Every such application shall, at the time it is lodged with the magistrate, be accompanied by-

- (a) a plan of the premises, clearly showing-
  - (i) the dimensions of each room;
  - (ii) all doors, windows and counters (where applicable) and means of internal and external communication; and
  - (iii) the streets and places to which such means of external communication lead;
- (b) a description of the premises with reference to the construction, layout, furnishing, fixtures, fittings and floor covering, which description shall be contained in a separate document; and
- (c) comprehensive written representations in support of the application and any determination, consent, approval or authority simultaneously applied for.

(3) If application is simultaneously made for a determination in terms of section 51(1), the applicant shall-

- (a) comply with the provisions of regulation 42(2)(a) ; and
- (b) by way of an annexure, furnish the information solicited in regulation 42(2)(b) .

(4) If application is simultaneously made for a determination in terms of section 51(2), the applicant shall-

- (a) comply with the provisions of regulation 49(2)(a) ; and
- (b) by way of an annexure, furnish the information solicited in regulation 49(2)(b) .

(5) If application is simultaneously made for an approval in terms of section 60(1), the applicant shall include in the plan and description of the premises referred to in subregulation (2)(a) and (b) , the relevant information and particulars relating to such place.

(6) If application is simultaneously made for an approval in terms of section 86(1)(b) , 94(1)(b) or 104(1)(b) , the applicant shall-

- (a) if the approval is to be exercised on the premises, include in the plan and description of the premises referred to in subregulation (2)(a) and (b) , the relevant information and particulars relating to such place; or
- (b) if the approval is to be exercised on adjoining or neighbouring premises, comply with the provisions of regulation 67(2)(a) , (b) and (c) .

## **82 Notice of intention to apply**

(1) The applicant shall forward to the Government Printer a notice, substantially in the form of Form 13 contained in the Annexure, in each of the official languages, to reach him timeously for publication in the *Government Gazette* .

(2) The Government Printer shall publish the notice referred to in subregulation (1) substantially in the form of Form 14 contained in the Annexure, in the *Government Gazette* on the day contemplated in regulation 80.

## **83 References by which any determination, consent, approval or authority shall be described**

(1) The following references shall be used in the notices referred to in regulation 82 to describe any determination, consent or approval simultaneously applied for:

- (A) Approval in terms of section 41(1)(a) to conduct other business upon the premises.
- (B) Determination in terms of section 51(1) to store liquor in a place other than on the premises.
- (C) Determination in terms of section 51(2) to store liquor in another district.
- (D) Consent in terms of section 54(2) to sell liquor between other times or under other circumstances.
- (E) Determination in terms of section 56(1) in respect of the kind of liquor which may be sold.
- (F) Approval in terms of section 60(1)(b) to sell liquor for consumption off the premises.
- (G) Determination in terms of section 63(2) or 72(2) to sell liquor between other times.
- (H) Approval in terms of section 78(1)(b) or 82(1)(b) to supply liquor free of charge, for consumption on the premises.
- (I) Approval in terms of section 86(1)(b) , 94(1)(b) or 104(1)(b) to supply liquor free of charge, solely for the purpose of tasting.

(2) If a determination, approval, consent or authority is applied for which is

not contained in the references set out in subregulation (1), such determination, approval, consent or authority shall be fully described and reference shall be made to the section in terms of which it may be considered.

#### **84 Procedure upon receipt of application**

(1) The magistrate with whom an application has been lodged, shall forthwith forward a copy thereof to a designated police officer for his report in terms of section 140(a) .

(2) Such application and any document lodged in terms of regulation 85(1), 86 or 87(1) shall be open to inspection at the office of the magistrate, and he shall at all reasonable times before it is forwarded to the secretary in terms of regulation 88, allow any person to inspect it and make a copy thereof.

#### **85 Objections, petitions or representations**

(1) Not later than 28 days after the application was lodged with the magistrate, any person may lodge-

- (a) a written objection to or petition against; or
- (b) written representations or a petition in support of,

any such application with him and shall provide conclusive proof that a copy has been forwarded to-

- (i) the person who prepared the application; and
- (ii) the designated police officer.

(2) Such objection, petition or representations shall be lodged in duplicate, be fully motivated and shall-

- (a) clearly indicate the name, identity number, residential and postal address and telephone number, if any, and where applicable, its registration number and address of its registered office, of the objector, petitioner or person making the representations; and
- (b) clearly identify the application concerned.

#### **86 Filing of police report**

Not later than 35 days after the application was lodged with the magistrate, the designated police officer shall lodge, in duplicate, his written report in terms of section 140(a) with him and shall, after completion thereof, provide a copy to the applicant upon request.

#### **87 Applicant's reply**

(1) Not later than 42 days after the application was lodged with the magistrate, the applicant may lodge, in duplicate, his written reply to any objection, petition or representations in terms of regulation 85(1) or police report in terms of regulation 86, with him and shall certify thereon or in an annexure that a copy has been forwarded to the designated police officer.

(2) The reply referred to in subregulation (1) shall clearly identify the application concerned.

### **88 Forwarding of documents to secretary**

On the day following the day contemplated in regulation 87(1), the magistrate shall forward to the secretary the original and the copy of the application and any document lodged in terms of regulation 85(1), 86 or 87(1): Provided that he shall, on the day following the day contemplated in regulation 86, upon request of the applicant, forthwith forward to the secretary the original and the copy of the application and any document lodged in terms of regulation 85(1) or 86.

### **89 Procedure upon grant of application**

If an application is granted in respect of premises which are suitable for the purposes of the business to be conducted thereon, a certificate of removal, substantially in the form of Form 15 contained in the Annexure, shall be issued.

### **90**

If an application is granted in respect of premises contemplated in section 123(1), a written notice shall be issued.

## **CHAPTER XIV**

### **APPLICATION IN TERMS OF SECTION 130 FOR REASONS**

#### **91 Form of application**

The person referred to in section 130(1) who feels aggrieved by a decision made by the competent authority, shall make written application for reasons to it, as if it were a request for reasons in respect of a judgment in a magistrate's court in civil proceedings.

#### **92 Furnishing of reasons**

The competent authority shall furnish its reasons for the decision as if it were reasons in respect of a judgment in a magistrate's court in civil proceedings.

## **CHAPTER XV**

### **APPEALS TO MINISTER**

#### **93 Form of appeal**

(1) The holder of a licence referred to in section 133(1) who feels aggrieved by a decision of the Board, shall appeal in writing to the Minister, through the agency of the secretary, against the decision not later than 30 days from the date upon which he was advised thereof.

- (2) A appeal referred to in subregulation (1) shall-
- (a) indicate the ground or grounds of appeal and whether the appeal is noted against the whole or a part of the Board's decision and in the case of an appeal against a part of the Board's decision, the part against which the appeal is noted; and
  - (b) be accompanied by comprehensive written representations in support of the appeal.

#### **94 Forwarding of documents to Minister**

Not later than 30 days after the appeal was lodged with the secretary, he shall forward to the Minister-

- (a) the appeal;
- (b) a copy of the record of the Board's proceedings; and
- (c) the Board's reasons for its decision.

### **CHAPTER XVI APPOINTMENT IN TERMS OF SECTION 39(1) OR (2) OF A NATURAL PERSON TO MANAGE AND BE RESPONSIBLE FOR THE BUSINESS TO WHICH THE LICENCE RELATES**

#### **95 Form of appointment**

(1) A person other than a natural person who is the holder of a licence, shall, in terms of section 39(1), and a natural person who is the holder of a licence shall, in terms of section 39(2), appoint a natural person to manage and be responsible for the business, substantially in the form of Form 16, which shall be completed in triplicate, contained in the Annexure and shall-

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

(2) The holder of the licence shall forthwith forward a copy of such Form by registered post to-

- (a) the secretary; and
- (b) a designated police officer.

### **CHAPTER XVII NOTICES AND SUMMONSES IN TERMS OF SECTION 12**

#### **96 Form of notice or summons**

(1) A notice referred to in section 12(1) shall be substantially in the form of Form 17 contained in the Annexure.

(2) A summons referred to in section 12(4) shall be substantially in the form of Form 18 contained in the Annexure.

#### **97 Issue of notice or summons**

Every such notice or summons shall be issued by the secretary who shall forward the original and one copy thereof to a designated police officer.

## **98 Service of notice or summons**

(1) Every such notice or summons shall be served by a police officer by delivering the original thereof to the person named therein or, if he cannot be found, by delivering it at his residence or place of employment or business to a person apparently over the age of 16 years and apparently residing or employed there.

(2) A return by a police officer who served the notice or summons on the copy thereof, that the service thereof has been effected in terms of subregulation (1), shall, after service thereof, be forthwith forwarded to the secretary.

(3) The notice or summons shall be served on the person mentioned therein so that he is in possession thereof at least 14 days (Saturdays, Sundays and public holidays excluded) before the date upon which the meeting will take place.

## **CHAPTER XVIII PERMIT REFERRED TO IN SECTION 129(1)**

### **99**

A permit referred to in section 129(1) shall be substantially in the form of Form 19 contained in the Annexure.

## **CHAPTER XIX RECORDS AND INVOICES**

### **100 General**

(1) All records or invoices required to be kept by virtue of the Act, shall be in writing and shall, notwithstanding any law to the contrary, be retained for a period of three years from the date of the last entry therein.

(2) Alterations in the records or invoices referred to in this chapter, shall be effected in such a manner that the original entry remains clearly legible.

### **101 Records to be kept by the holders of club liquor licences**

The holder of a club liquor licence shall keep the records referred to in section 66 substantially in the form of Form 20 contained in the Annexure: Provided that if a loose leaf or card register is used, the pages or cards shall be numbered and bound consecutively and provided further that if more than five guests of the same member visit the club at one and the same time, it shall be sufficient to affix in the records a list signed on each page by such member, reflecting the required particulars of each such guest.

## **102 Records to be kept by certain holders of licences referred to in section 20(b)**

(1) The holder of a liquor store licence or special licence shall keep records, substantially in the form of Form 21 contained in the Annexure, indicating in respect of every sale of liquor by him to any one customer at any one time in a quantity of 150 litres or more-

- (a) the date of sale;
- (b) the name, identity number and address of the purchaser; and
- (c) the quantity of each kind of liquor sold.

(2) Entry of the particulars referred to in subregulation (1), shall be made in such records immediately upon completion of any sale.

## **103 Invoices**

An invoice referred to in section 74(1) shall be made out in triplicate and the original and every copy thereof shall contain at least the following particulars-

- (a) the name under which the licensed business is conducted and the address where it is so conducted;
- (b) the number allotted to each original invoice and the copies thereof which shall bear the same number;
- (c) the date upon which the invoice is completed;
- (d) the first names or initials and the surname of the person to whom the liquor is to be delivered and the address in full at which it is to be delivered; and
- (e) the quantity and a description of the liquor and the price thereof or instead of a description, the kind of liquor which is to be delivered.

## **CHAPTER XX GENERAL PROVISIONS**

### **104 Form of application**

Any written application, any document accompanying such application and any document lodged in terms of the Act or regulations (excluding plans which shall be clear and legible), shall be in typescript on A4 standard paper.

### **105 Responsibility for correctness of notice**

The applicant shall be solely responsible for the correctness of any notice submitted by him or his representative for publication in accordance with the provisions of these regulations.

### **106 Publications, advertisements and notices**

The notice referred to in regulation 4(1) and 82(1) shall be deemed to be properly published in the *Government Gazette* if the Government Printer prints a notice in summary form, substantially in the form of Form 3 or 14, as the case may be, contained in the Annexure.



## **107**

(1) Not more than 14 days and not less than seven days before the applicant referred to in section 77(3), 81(3), 85(2), 90(2), 93(2) or 100(2) will apply to the local authority in writing for its concurrence, he shall affix a copy of such application to the inside or the outside of the licensed premises in a conspicuous place where it will be clearly visible and legible to passersby.

(2) Every such application shall, at the time it is lodged with the local authority, be accompanied by conclusive proof that the provisions of subregulation (1) have been complied with.

## **108**

The notice contemplated in section 127(1)(b) shall be in writing.

## **109 Availability of licences on licensed premises**

Every licence and any annexure thereto, every declaration, consent, determination, approval or authority issued in terms of the Act and any appointment made in terms of section 39, shall be filed on the premises to which the licence relates and shall be available for inspection at all reasonable times.

## **CHAPTER XXI FEES**

## **110 Copies**

(1) Copies of the minutes referred to in section 16(1)(b) may be obtained against payment of the fees levied by the contractor responsible for the transcription thereof.

(2) Copies of any application or document open to inspection at the office of the magistrate may be obtained on the same conditions and on payment of the same fees applicable in respect of a record of proceedings in a civil case in a magistrate's court.

## **111 Allowances for witnesses**

The allowances referred to in section 178 shall be the allowances determined by the Minister of Justice in terms of section 191(3) of the Criminal Procedure Act, 1977 (Act 51 of 1977) in respect of witnesses in criminal proceedings.

## **112 Application fees**

(1) No application referred to in Part A of Schedule 1 shall be lodged with the magistrate or recorder, as the case may be, or considered by the competent authority unless the fees set out in Part B of the said Schedule have been paid to the receiver of revenue.

(2) No amount paid in terms of subregulation (1), or any part thereof, shall be refunded to an applicant.

### **113 Amount payable on appeal to Minister**

No appeal referred to in section 133(1) shall be lodged with the secretary unless there has been paid to the receiver of revenue the amount of R200 in respect of such appeal.

### **114 Fees payable in respect of the issue of a licence**

(1) Within 60 days of the issue of a licence (excluding a temporary liquor licence and occasional licence) there shall be paid to the receiver of revenue the fees set out in Part A of Schedule 2.

(2) Whenever a licence (excluding a temporary liquor licence and occasional licence) is issued after 31 January of any year, the fees payable in respect of the issue of such a licence shall be reduced by one twelfth in respect of each completed calendar month which has passed since the preceding 31 December until the date of issue thereof, and if such licence is issued after 30 June of any year, the annual fees in respect of such licence for the whole of the next succeeding year shall be paid together with the fees so reduced.

### **115 Fees payable in respect of the transfer or removal of a licence**

Within 60 days of the issue of a certificate of transfer or removal, there shall be paid to the receiver of revenue the fees set out in Part B of Schedule 2.

### **116 Fees payable annually in respect of a licence**

(1) There shall, subject to regulation 114(2), for the year following the year during which the Liquor Act, 1989 (Act 27 of 1989) comes into operation and for every calendar year thereafter, be paid to the receiver of revenue, in respect of each licence (excluding a temporary liquor licence and occasional licence), the annual fees set out in Part C of Schedule 2.

(2) The recorder shall before 31 October of the year during which the Liquor Act, 1989 (Act 27 of 1989) comes into operation and thereafter before 31 October of each succeeding year, issue to each holder of a licence (excluding a temporary liquor licence and occasional licence) an advice substantially in the form of Form 22 contained in the Annexure.

(3) The holder of a licence shall not be absolved from the obligation to pay the annual fees referred to in subregulation (1) timeously if the advice was not received by him.

(4) Whenever the holder of a wine-house licence has been granted approval to sell liquor for consumption off the premises, the annual fees shall be increased by one-half.

## **117 General**

The receiver of revenue shall not accept any fees unless the relevant application, licence, certificate or advice is produced to him.

### **CHAPTER XXII DETERMINATION OF AREAS**

## **118**

The Minister shall determine the areas referred to in section 7(1)(c) by notice in the *Government Gazette* .

### **CHAPTER XXIII REPEAL AND COMMENCEMENT OF REGULATIONS**

## **119**

Government Notices R709 of 2 April 1990 and R857 of 26 April 1991 are hereby repealed.

## **120**

These regulations and the Schedules and Annexure thereto shall come into operation on 8 June 1992.