

DR JS MOROKA LOCAL MUNICIPALITY



LIQUOR LICENCE BY-LAW

INDEX

1 Definitions and interpretation.

In these regulations, unless the context otherwise indicates, a word or

expression to which a meaning has been assigned in the Act has that meaning.

"Agricultural area" means an area predominantly zoned for agriculture or any other equivalent zoning, with the purpose to promote and protect agricultural activity on a farm as an important economic, environmental and cultural resource, where limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource;

"Authorised official" means a delegated employee of the Municipality's; Safety and Security, Liquor Enforcement and Compliance Unit and includes any other authorised official delegated to enforce the provisions of this by-law;

"Business premises" means a property from which business is conducted and may include a restaurant, pub, bar or tavern or other building for similar uses, but excludes a place of entertainment, guest accommodation establishment, Nature Reserves, Recreational parks, dams, sports and community club;

"Municipality" means Dr JS Moroka Local Municipality, a municipality established In terms of the Local Government: Municipal Structures Act, 1998, or any structure.

"Compliance notice" means a written instruction of an authorised official as contemplated in Mpumalanga liquor Act 5 of 2006

“Council” means the Municipal Council of the Dr JS Moroka;

“general business area” means an area predominantly zoned general business or any other equivalent zoning, with the purpose to promote economic activity in a business district and development corridor, and includes a wide range of land uses such as business, residential and community uses;

“guest accommodation establishment” means premises used as temporary residential accommodation, and includes the provision of meals for transient guests for compensation and includes Lodges, a bed-and-breakfast establishment, guest house, as well as facilities for business meetings, conferences, events or training sessions of resident guests.

“industrial area” means an area predominantly zoned general industry or any other equivalent zoning, with the purpose to accommodate all forms of industry including manufacturing and related processing, but excludes noxious or hazardous risk activity;

“Licensee” means a person who is licensed to sell liquor in terms of the Act and includes the manager who is responsible for the management of the business and is subject to the same duties, obligations and liabilities as the licensee;

“Liquor” means liquor as defined in the Act;

“local business or neighbourhood business area” means an area predominantly zoned local business or mixed use or any other equivalent zoning with the purpose to

accommodate low intensity
commercial and mixed use
development serving local needs of a
convenience goods, personal service
or small scale business nature or
serve as an interface between
general business, industrial and
adjacent residential areas;

"off-consumption premises" means the place of business from which a licensee
sells liquor to be consumed at a location removed
from the place of business;

"on-consumption premises" means the place of business and location in which
liquor is sold and consumed;

"Organised function" means a celebration, party or similar festivity shared at a
licensed premises;

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

"place of entertainment" means a place used predominantly for commercial
entertainment which may attract relatively large numbers
of people, operate outside standard business hours or
generate noise from amplified or live music or revelry on
a regular basis, and includes a cinema, theatre,
amusement park, dance hall, gymnasium, or facility for
betting, gambling hall, karaoke bar and nightclub, but
excludes a casino;

"residential area" means an area predominantly zoned informal, single or general
residential or any other equivalent zoning, with the purpose to

accommodate predominantly single-family dwelling houses in low to medium density neighbourhoods, as well as higher density living accommodation and which includes controlled opportunities for home employment, additional dwellings and low intensity mixed use development;

"Sell" includes –

- (a) To supply, exchange, offer for sale, display for the purpose of sale; or
- (b) To authorise, direct or allow a sale, supply, exchange, and offer for sale or display for

Sale; for the exchange of money or any other type of consideration;

"sale" And **"sold"** have corresponding meanings;

"small holding or rural area" means an area predominantly zoned rural or any other equivalent zoning, with the purpose to accommodate smaller rural properties that may be used for agricultural purposes, but may also be used primarily as places of residence in a more country or rural setting;

"sports and community club" means premises or a facility used for the gathering of community or civic organisations or associations, sports clubs or other social or recreation clubs run mostly not for-profit and may include community service clubs and community centres or similar amenity facilities, but excludes a night club;

"standard trading" means trading days and trading hours as contemplated in sections 4 and 5 of this By-law, and excludes extended trading days and hours that may be approved by the Municipality in terms of section 6 of this By-law;

"suspension notice" means a written notice to suspend extended liquor trading days and hours as contemplated in section 8;

"Sub-council" means a political substructure of Council which has been delegated with certain powers and duties of Council;

"The Act" means the Mpumalanga Liquor Licensing Act, (Act No. 5 of 2006);

"Zoned" means zoned as the case may be in terms of the NDM Zoning Scheme Regulations; and "zoning" has a corresponding meaning.

1. PREAMBLE

WHEREAS

The Dr JS Moroka Local Municipality as the local authority regulates formal and informal trading;

Whereas Section 156 of the Constitution of the Republic of South Africa ,1996 (Act No. 108 of 1996) read in conjunction with section 12 and 13 of the Local Government: Municipal Systems Act,2000 (Act No. 32 of 2000) as amended;

Therefore be it enacted as follows:

2. APPLICATION OF THE ACT

2.(1) This By-law is applicable to licensees that sell liquor to the public within the jurisdiction of the Municipality.

3. EFFECT AND EREVIEW

3.1 The by-law will take effect on the date on which it is published on the Government Gazette and be reviewed upon the election of new Council or on the change in legislation.

4. General Prohibition

4.(1) No person may sell liquor to the public for on consumption or off consumption

(a) Outside of the days and hours that have been determined by the Municipality; and

(b) Without valid liquor licence that has been issued as contemplated in the Act.

(c) The person who is doing business inspection must have identification.

5. OBJECTIVES

5.1 To control , regulate and co -ordinate the business trading licence by the Liquor licence board.

6.. Incentive scheme

6.(1) No liquor licence application fee as contemplated in section 35(9) of the Act, is payable by

an applicant who duly applies for the first time for a liquor licence in terms of this Act: Provided that, in the instance that an applicant simultaneously applies for the first time for more than one liquor licence,

such applicant is exempted from the payment of only the highest liquor licence application fee being applied for.

5.(2) No liquor licence renewal fee as contemplated in section 38(1)(c) of the Act is payable by an applicant as contemplated in sub regulation (1) in respect of the first subsequent renewal of such liquor licence issued in terms of the Act in respect of which an exemption as contemplated in sub regulation (1), has been granted.

5.(3) In respect of the second and all subsequent liquor licence renewals of a liquor licence in respect of which an exemption as contemplated in sub regulation (1) has been granted, an applicant contemplated in sub regulation (1) is responsible for the payment of the full applicable liquor licence renewal fee.

5.(4) The categories of applicants listed in Annexure 5 may, in terms of section 35(9) of the Act apply and motivate, in writing, to the Authority, for exemption from the payment of the costs or the payment of reduced costs, associated with applying for a liquor licence or a specified category of licence, in terms of the Act.

6. Form of application, certificates and other documents

6. (1) Every application required to be made, and every certificate or other document required to be issued in an approved form in terms of these regulations, must be issued in the form contained in these regulations and must be duly sworn or affirmed to before a duly appointed Commissioner of Oaths as contemplated in the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No.16 of 1963).

6. (2) The Authority must, at the request of a person who wishes to apply for a licence in terms of these regulations, furnish that person with the appropriate application form and applicable requirements of a licence and such other assistance as may be necessary to duly apply for a licence.

7. Application for a liquor licence.

7.(1) An application in terms of section 35 of the Act for the application of a liquor licence must be made in the form as set out in Annexure 1 to the Schedule and must be accompanied by all documents specified in such form, including the non -refundable application fee as set out in Annexure 4 to the Schedule.

7. (2) An application for a liquor licence must be accompanied by comments of the Municipality within which area of jurisdiction the premises of the business in respect of which the application is made, is situated, as set out in Annexure 3 to the Schedule.

7. (3) An application for a liquor licence must further be accompanied by the non - refundable fee as stated in Annexure 4 of the schedule, which may be changed from time to time by the Member of Executive Council by notice in the Provincial Gazette.

7. (4) The Authority may exempt an applicant from any costs related to the application of a licence upon the receipt of an application for exemption on the form set out in Annexure to 5 to the schedule.

7. (5) On approval of an application for a liquor licence, the Authority must duly register such a

licence and must subsequently issue to the applicant a licence certificate made in the form as set out in Annexure 6 to the Schedule.

8. Renewal of a Liquor licence.

8.(1) An application for the renewal of a licence shall be made to the Authority on the form set out in Annexure 7 to the Schedule.

- 8.(2) An application contemplated in subregulation (1) shall be made not less than 90 days before the date on which the licence concerned shall lapse, and be accompanied by the non- refundable renewal fee stated in Annexure 4 to the Schedule, which fee may be changed from time to time by the Member of Executive Council by notice in the Provincial Gazette.
8. (3) If an application for the renewal of a licence is made less than 90 days before the date on which the licence concerned shall lapse, the Authority may require the applicant to pay, in addition to the non -refundable fee stated in Annexure 4 to the Schedule, an additional fee stated in Annexure 4 to the Schedule, prior to considering such application.
8. (4) On approval of an application for a liquor licence, the Authority must duly register such a licence and must subsequently issue to the applicant a licence certificate made in the form as set out in Annexure 7 to the Schedule.

9. Keeping of records by a licenced person.

- 9.(1). As contemplated in section 39(4) of the Act, a licenced person must keep and maintain records of a licenced business pertaining to -
- (a) All licence certificates and conditions of each;
 - (b) Annual renewal forms;
 - (c) All managers certificates for managers appointed in terms of regulation 10(2);
 - (d) Records of each and every employee;
 - (e) Copy of approved sketch plan of business premises;
 - (f) Records of each and every single sale of R2 500,00 or more.

10. Voluntary cancellation of licence.

- 10.(1) A licenced person may, at any time, requests the Authority to cancel his, her or its licence with effect from a specified date by use of a request form as set out in Annexure B to the Schedule.

10. (2) The Authority shall upon receipt of such a request inform the person requesting voluntary cancellation of its decision and provide written reasons thereof on a form as set out in Annexure 9 to the Schedule.

11. Change of controlling interest.

11.(1) A licenced person shall not permit any other person to procure a controlling interest in the business to which the licence relates.

11. (2) A licenced person may, at any time, together with a person eligible for a liquor licence intending to procure interest in a licenced business, make an application as set out in Annexure 10 to the Schedule.

12. Transfer of licence.

12.(1) A licenced person may at any time transfer his, her or its licence to another undisqualified person by making an application together with such new prospective holder of the licence concerned as set out in Annexure 11 to the Schedule.

12. (2) an application in (1) shall be accompanied by -

(a) a copy of an advertisement inviting public comments in a local newspaper and the Provincial Gazette;

(b) comments from the local municipality;

(c) an application fee for the transfer of a licence, as set out in regulation 4.

13. Management of business.

13.(1) A person other than a natural person shall not conduct any business under a licence unless a natural person who is not disqualified from being a licenced person, is appointed by that person to manage and be responsible for the business to which such licence relates as set out in Annexure 12 to the Schedule.

13. (2) A natural person who is a licenced person may appoint another natural person who is not disqualified from being a licenced person, to manage and be

responsible for the business to which such licence relates as set out in Annexure 13 to the Schedule.

14. Trading hours.

14. (1) The Authority shall, when issuing a licence under this Act, restrict the days and hours during which a licenced person may sell liquor in terms of such a licence, in accordance with the recommendations made by the Municipality concerned subject to the requirements as set out in Annexure 14 to the Schedule.

15. Summons to appear

15.(1)The Authority may cause any person to personally appear before it for purposes of giving evidence or producing a document or a thing, by means of a summons in the form as set out in Annexure 15 to the Schedule.

16. Appeals and reviews.

16.(1) Any person whose rights or legitimate expectations have materially and adversely been affected by a decision of the Authority may, within 20 days of being informed of such decision, appeal to the Member of the Executive Council, in writing, as set out in Annexure 16 to the Schedule.

17.Offences

17.1 . Any person who –

- (a) contravenes or fails to comply with any provision of this By-law; ignores, disregards or disobeys any notice, sign or marking displayed or erected in terms of this By-law;
- (b) contravenes or fails to comply with any approval granted or condition imposed in terms of this By-law;
- (c) fails to comply with a lawful written instruction by the municipality to move or remove his or her property;
- (d) deliberately furnishes false or misleading information to an officer or an employee of the municipality; or
 - a. threatens, resists interferes with or obstructs an officer or employee of the Municipality in the performance of his or

her powers, duties or functions under this By-law, shall be guilty of an offence.

18. Penalties

- 18.1 Any person guilty of an offence in terms of this By-law shall on conviction be liable to a fine or to imprisonment for a period not exceeding two years.

19. Enforcement of By-Laws

This by law will enforced by the Member of the Executive Council from the Liquor Board.

ANNEXURE

(Form 1]

APPLICATION FORM

**APPLICATION FOR A LIQUOR LICENCE IN TERMS OF
SECTION 35 OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006**

A. PERSONAL DETAILS

ID Number:

an adult male / female' residing at address.

**being an address in the Republic of South Africa, hereby apply for a liquor
licence, to trade under the**

name , t make this application for myself / on behalf of the

juristic person: of which I have been

**duly appointed as the business manager as contemplated in section 45 of
the Act. 'Delete whichever**

is not applicable

B. LICENCE TYPE

(Mark one appropriate box with an "X")

**(a) the retail sale of liquor for consumption on the premises where the
liquor is sold;**

**(b) the retail sale of liquor for consumption off the premises where the
liquor is sold;**

**E (c) the retail sale of liquor for consumption on and off the premises where
the liquor is sold;**

**(d) the retail sale of liquor in terms of a special liquor licence for
consumption on and off the**

Commented [MM1]: All 16 annexures to be aligned to the business licencing regulations

premises where the liquor is sold;

f) (e) the retail sale of liquor in terms of a special liquor licence in respect of a specified event;

(f) the micro -manufacture and the retail sale of such micro -manufactured liquor for consumption

on and off the premises where such liquor is sold; and

E (g) the micro -manufacture and retail sale of traditional African beer for consumption on and off

the premises where such traditional African beer is sold.

C. BUSINESS PREMISES

Physical address: , situated within the

Municipality, being an address in the Republic of South Africa and within

the borders of Mpumalanga Province. Postal address:

Telephone Number Cellphone Number

D. DECLARATION

I declare that I -

(a) am not a minor;

(b) am not an unrehabilitated insolvent;

(c) am not the subject of a court order declaring me a person of unsound mind / mentally

disordered or mentally defective;

(d) have not been convicted of contravening the Liquor Licensing Act for the past three years;

(e) have not been convicted of an offence the elements of which are inconsistent with the object

of this Act for the past three years; and

(f) have, to the extent that this application is made on behalf of a juristic person, ensured that

such juristic person is not disqualified from being licenced due to the provisions of section

34(2) of the Act.

E. APPLICATION FEE

It is hereby confirmed that

**The non -refundable application fee of R is included herewith in the form of
(indicate whether cheque / cash/ etc,)**

Signature

Signed at on the day of

Supporting documents to be attached:

Comments by the Municipality Including applicable terms and conditions, if any.

Sketch plan of the premises to be licenced.

Copy of advertised invitation for comments.

Comments received.

Certified copy of applicant's 10

Proof of exemption from or payment of reduced application fees.

ANNEXURE 2

**INVITATION FOR PUBLIC COMMENTS IN APPLYING FOR A
LIQUOR LICENCE IN TERMS OF SECTION 35(2)(a) OF THE
MPUMALANGA LIQUOR LICENCING ACT, 2006**

A. PERSONAL DETAILS

ID Number:

[Form 2]

**an adult male / female* hereby invite written public comments concerning
my application for a liquor**

licence to the Mpumalanga Liquor Authority to trade under the name

. I make this application for myself / on behalf of the

juristic person: of which I have been duly appointed

**as the business manager as contemplated in section 45 of the Act. *Delete
whichever is not**

applicable

B. LICENCE TYPE

(Mark one appropriate box with an "X")

**geMpp..Neep. (a) the retail sale of liquor for consumption on the premises
where the liquor is sold;**

**(b) the retail sale of liquor for consumption off the premises where the
liquor is sold;**

**(c) the retail sale of liquor for consumption on and off the premises where
the liquor is sold;**

**(d) the retail sale of liquor in terms of a special liquor licence for
consumption on and off the**

premises where the liquor is sold;

(e) the retail sale of liquor in terms of a special liquor licence in respect of a specified event;

(f) the micro-manufacture and the retail sale of such micro-manufactured liquor for consumption

on and off the premises where such liquor is sold; and

(g) the micro-manufacture and retail sale of traditional African beer for consumption on and off

the premises where such traditional African beer is sold.

C. BUSINESS PREMISES

Physical address: being an address in the Republic

of South Africa and situated within the boundaries of Mpumalanga Province. Postal address:

Telephone Number Cellphone Number

D. ADDRESSES TO WHICH COMMENTS MUST BE SUBMITTED

Comments should be made in writing and be addressed to the municipality concerned and a copy to

the applicant, to reach the said addresses within thirty (30) days of this publication.

Municipality's address:

Applicant's address:

ANNEXURE 3

[Form 3]

**MUNICIPALITY COMMENT FORM IN TERMS OF SECTION 35(2)(b)
OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006**

A. COMMENTS OF THE MUNICIPALITY

Name of the Municipality _____

The Municipality has considered the details of the duly lodged application
of Mr. / Ms. _____,
being the applicant as detailed below in paragraphs B, C and

D and comments as follows:

Y	N
---	---

 the proposed liquor business is within the jurisdiction of the municipality;

Y	N
---	---

 the proposed business premises is suitable for the licence type applied
for;

Y	N
---	---

 the proposed business premises is in close proximity to a public road;

Y	N
---	---

 the proposed business premises is in close proximity to a business /
undertaking which may have conflicting interests with a liquor business;

Y	N
---	---

 the proposed business premises is situated in close proximity to a
learning institution;

Y	N
---	---

 the proposed business premises is situated in close proximity to a
religious institution;

Y	N
---	---

 the proposed business premises is in the Public interest;

Y	N
---	---

the proposed business premises is currently under construction.

Y	N
---	---

The Municipality supports the application

Reasons for supporting / not supporting the application: **(Delete whichever is not applicable)**_____

Recommended business hours, if application is supported.

Business hours on Sunday: From _____ to _____

Business hours on Monday From _____ to _____

Business hours on Tuesday From _____ to _____

Business hours on Wednesday From _____ to _____

Business hours on Thursday From _____ to _____

Business hours on Friday From _____ to _____

Business hours on Saturday From _____ to _____

Business hours on public holidays From _____ to _____

Reasons for the recommended business hours:

B. PERSONAL PARTICULARS OF APPLICANT

Mr. / Ms. _____

ID

Number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

an adult male / female* who applied for a liquor licence, to trade under the name _____

on behalf of myself / on behalf of a juristic

person, being: _____ of which I have been duly appointed as the business manager as contemplated in section 45 of the Act. **Delete whichever is not applicable**

C. LICENCE TYPE APPLIED FOR

Category of licence applied for is _____

D. BUSINESS PREMISES

Physical address: , _____ being an address in the Republic of South Africa and situated within the boundaries of Mpumalanga Province. Postal address: _____

Signature: _____

Signed at _____ on the _____ day of _____

Authorized to sign for or on behalf of the Municipality:

Initials and Surname: _____

Resolution number, if applicable: _____

Signature: _____

Capacity: _____

ANNEXURE 4

PRESCRIBED FEES IN TERMS OF SECTION 35 OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

Licence type Fees

a The retail sale of liquor for consumption on the premises where the liquor is sold.

b The retail sale of liquor for consumption off the premises where the liquor is sold.

The retail sale of liquor for consumption on and off the premises where the liquor is sold.

The retail sale of liquor in terms of a special liquor licence for consumption on and off the premises

where the liquor is sold. e The retail sale of liquor in terms of a special liquor licence in respect of a specified event.

The micro -manufacture and the retail sale of such micro -manufactured liquor for consumption on and off the premises where such liquor is sold.

The micro -manufacture and retail sale of traditional African beer for consumption on and off the premises where such traditional African beer is sold.

Application New

Licence

Renewal Transfer

R700,00 R1500,00 R1000,00 R1000,00

R1000,00 R2000,00 R1500,00 R1000,00

R2000,00 R3000,00 R4000,00 R1000,00

R2000,00 R3000,00 R5000,00 R1000,00

R1000,00 R2000,00 R1500,00

R2000,00 R5000,00 R3000,00 R1000,00

R700,00 R2000,00 R1000,00 R700,00

ANNEXURE 5

CATEGORIES OF APPLICANTS WHO MAY QUALIFY FOR A REDUCED APPLICATION FEE AS CONTEMPLATED IN SECTION 35(9) OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

On good cause shown, the following applicants may upon application, qualify to pay a reduced

application fee as contemplated in section 35(9):

Charitable organizations; e Educational institutions.

BUITENGEWONE PROVINSIALE KOERANT, 2 JUNIE 2015 No. 2474 17

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ANNEXURE 6

(Form 4]

LIQUOR LICENCE CERTIFICATE ISSUED IN TERMS OF SECTION 37 OF THE
MPUMALANGA LIQUOR LICENCING ACT, 2006

LICENCE NO.

ID Number / Registration Number

is hereby certified as a licenced person

to conduct a liquor business under the trading name:

Licence category / type:

Licenced premises:

the building Plan of which has been approved by the Authority.

Licence valid from to

Subject to the payment of the New Licence Prescribed Fee

Business hours:

Business hours on Sunday From to

Business hours on Monday From to ; Business hours on Tuesday From to

Business hours on Wednesday : From to

Business hours on Thursday From to

Business hours on Friday From to

Business hours on Saturday From to

Business hours on public holidays : From to

Requirements, terms and conditions upon which this licence is granted:

pate of issue Prescribed fees paid

ANNEXURE 7

[Form 5]

APPLICATION FOR THE RENEWAL OF A LIQUOR LICENCE IN TERMS OF
SECTION 38(1)(a) OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

A. PERSONAL DETAILS

ID Number:

an adult male / female' residing at address'

being an address in the Republic of South Africa, hereby apply for the renewal of my
current liquor

which licence is valid from to

and which licence was most

* for the period ° to

, I make

licence, LICENCE NO.

and was duly issued on

recently renewed on

', to trade under the name

this application for myself / *on behalf of the juristic person:

of which I have been duly appointed as the business manager as contemplated in
section 45 of the

Act. *Delete whichever is not applicable

B. LICENCE TYPE

(Mark one appropriate box with an "X")

- (a) the retail sale of liquor for consumption on the premises where the liquor is sold;
- (b) the retail sale of liquor for consumption off the premises where the liquor is sold;
- (c) the retail sale of liquor for consumption on and off the premises where the liquor is sold;
- (d) the retail sale of liquor in terms of a special liquor licence for consumption on and off the premises where the liquor is sold;
- (e) the retail sale of liquor in terms of a special liquor licence in respect of a specified event;
- (f) the micro -manufacture and the retail sale of such micro -manufactured liquor for consumption on and off the premises where such liquor is sold; and
- (g) the micro -manufacture and retail sale of traditional African beer for consumption on and off the premises where such traditional African beer is sold.

C. BUSINESS PREMISES

Physical address: , being an address

in the Republic of South Africa and within the borders of Mpumalanga Province. Postal address:

Telephone Number Cellphone Number

D. DECLARATION

I declare that none of the material conditions applicable when the initial licence was granted or when

the most recent renewal was granted, have changed and that I -

- (a) am not a minor;

(b) am not an unrehabilitated insolvent;

(c) am not the subject of a court order declaring me a person of unsound mind / mentally

disordered / mentally defective;

(d) have not been convicted of contravening the Liquor Licencing Act for the past three years;

(e) have not been convicted of an offence the elements of which are inconsistent with the object

of this Act for the past three years; and

(f) have, to the extent that this application is made on behalf of a juristic person, ensured that

such juristic person is not disqualified from being licenced due to the provisions of section

34(2) of the Act.

I hereby confirm that the following material conditions applicable when the initial licence was granted

or when the most recent renewal was granted, have changed (To be completed only if applicable):

Signature

Signed at _____ on the day of _____ 20 .

ANNEXURE 8

[Form 6]

LIQUOR LICENCE RENEWAL CERTIFICATE ISSUED IN TERMS OF SECTION 38(4) OF
THE MPUMALANGA LIQUOR LICENCING ACT, 2006

LICENCE NO.

Whereas is a duly licenced person in terms of the
Mpumalanga Liquor Licence Act, 2006, to conduct a liquor business under the name:

Licence category / type:

Licenced premises:

and has fully complied with the provisions of the Mpumalanga Liquor Licencing Act,
2006, the

Mpumalanga Liquor Authority hereby renews such licence to be valid from:

to

Business hours:

Business hours on Sunday From to ; Business hours on Monday From to

Business hours on Tuesday From

Business hours on Wednesday From to

Business hours on Thursday From to

Business hours on Friday From to

Business hours on Saturday From

Business hours on public holidays : From

Requirements, terms and conditions upon which this licence renewal is granted:

Date of issue ,Prescribed fees paid

Signature and designation of authorized person

Date:

Official stamp of the

Mpumalanga Liquor Authority

ANNEXURE 9

[Form 7]

VOLUNTARY CANCELLATION OF A LIQUOR LICENCE IN TERMS OF
SECTION 41(1) OF THE MPUMALANGA LIQUOR LICENCING AC., 2006

A. PERSONAL PARTICULARS

ID Number:

*being a holder of liquor licence no. , trading under the name

*a manager of a liquor business trading under liquor licence no. , held by a

juristic person:

hereby apply for the voluntary cancellation of the said licence with effect from: (date).

*Delete whichever is not applicable

B. LICENCE TYPE

(Mark one appropriate box with an "X ")

7 (a) the retail sale of liquor for consumption on the premises where the liquor is sold;

(b) the retail sale of liquor for consumption off the premises where the liquor is sold;

(c) the retail sale of liquor for consumption on and off the premises where the liquor is sold;

ri (d) the retail sale of liquor in terms of a special liquor licence for consumption on and off the

premises where the liquor is sold;

(e) the retail sale of liquor in terms of a special liquor licence in respect of a specified event;

(f) the micro- manufacture and the retail sale of such micro-manufactured liquor for consumption

on and off the premises where such liquor is sold; and

fjJ (g) the micro -manufacture and retail sale of traditional African beer for consumption on and off

the premises where such traditional African beer is sold.

C. REASONS FOR CANCELLATION OF LICENCE

Signature of licence holder / Manager

Date:

ANNEXURE 10

[Form 8]

APPLICATION FOR PROCUREMENT OF CONTROLLING INTERESTS IN TERMS
OF SECTION 42(1) OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

A. PERSONAL PARTICULARS

ID Number:

*being a holder of liquor licence number:

'a manager of a liquor business trading under liquor licence no.

juristic person:

name

another person / entity, being

(full names or particulars of registration) in the business to which the above -
mentioned licence relates.

The further particulars of the person who intends procuring the controlling interest,
are as follows:

, held by a

trading under the

, hereby apply for the procurement of the controlling interest by

Sex: F

ID Number:

"Delete whichever is not applicable

B. DECLARATION

, being the person who intends procuring the controlling

interest above, hereby declare that I am not disqualified to be a licenced person as contemplated in

the Mpumalanga Liquor Licencing Act, 2006, and that I --

(a) am not a minor;

(b) am not an unrehabilitated insolvent;

(c) am not the subject of a court order declaring me a person of unsound mind / mentally

disordered / mentally defective;

(d) have not been convicted of contravening the Mpumalanga Liquor Licencing Act, 2006 for the

past three years;

(e) have not been convicted of an offence the elements of which are inconsistent with the object

of this Act for the past three years; and

(f) have, to the extent that this application is made on behalf of a juristic person, ensured that

such juristic person is not disqualified from being licenced due to the provisions of section

34(2) of the Act.

C. NATURE OF CONTROLLING INTEREST

Signature of person procuring controlling interest

Date:

Signature of licence holder / Manager

Date:

ANNEXURE 11

(As section 43(2) of the Act requires that the procedure as contemplated in section 35 of the Act be complied with

mutatis mutandis in respect of the transfer of a liquor licence, applicants are required to complete all four Parts of

this Annexure and to ensure that all requirements of section 35 are complied with. Compare also regulation 9.)

[Form 9]

APPLICATION FOR THE TRANSFER OF A LICENCE IN TERMS OF SECTION 43
OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

PART A

INFORMATION RELATING TO THE APPLICANT WHO IS THE HOLDER OF THE LICENCE

1. (a) Full names of applicant:

(b) Liquor Licence Number:

(c) Identity No. / Registration No.

(d) Residential Address or address of registered office:

(e)

(f)

(g)

Business Address:

Postal Address:

Contact / Business telephone number:

2. If applicant is not a natural person state name, identity number and address of each

shareholder / member / partner or beneficiary:

Name under which the licenced business is being conducted

4. (a) Description of the premises where the licenced business is being conducted with reference to the erf, street or farm number:

(b) Municipality in which the premises referred to in subparagraph (a) is situated:

Signature of current licence holder

Date:

PART B

INFORMATION RELATING TO THE APPLICANT WHO IS THE PROSPECTIVE LICENCE HOLDER

1. (a) Full names of applicant:

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(b) Liquor Licence Number of the current licence holder:

(c) Identity No. / Registration No.

(d) Residential Address or address of registered office:

(e) Business Address:

(f) Postal Address:

(g) Business telephone number:

2. If applicant is not a natural person state name, identity number and address of each

shareholder / member / partner or beneficiary:

3. I, , being the person applying for the transfer of the

above -mentioned liquor licence, hereby declare that I am not disqualified to be a licenced

person as contemplated in the Mpumalanga Liquor Licencing Act, 2006, and that I -

(a) am not a minor;

(b) am not an unrehabilitated insolvent;

(c) am not the subject of a court order declaring me a person of unsound mind / mentally

disordered / mentally defective;

(d) have not been convicted of contravening the Mpumalanga Liquor Licencing Act, 2006

for the past three years;

(e) have not been convicted of an offence the elements of which are inconsistent with the

object of this Act for the past three years; and

have, to the extent that this application is made on behalf of a juristic person, ensured that such juristic person is not disqualified from being licenced due to the provisions of

section 34(2) of the Act.

4. Trading name under which the business is to be conducted:

5. Will the applicant, upon approval of this application, have the right to occupy the premises

referred to in paragraph 4(a) of Part A of the application? (Y / N).

6. It is hereby confirmed that the non -refundable transfer fee of R

in the form of (indicate whether cheque; cash etc.)

is included herewith

Signature of prospective licence holder

Date:

Supporting documents to be attached:

Comments by the Municipality including applicable terms and conditions, if any

Sketch plan of the premises in respect of which licence is to be transferred.

Copy of advertised invitation for comments.

Comments received

Certified copy of applicant's ID.

Proof of exemption from or payment of reduced fees.

PART C

[Form 10]

INVITATION FOR PUBLIC COMMENTS IN RESPECT OF THE TRANSFER OF A
LIQUOR LICENCE IN TERMS OF SECTION 43 OF THE
MPUMALANGA LIQUOR LICENCING ACT, 2006

A. PERSONAL DETAILS

ID Number:

an adult male / female* hereby invite written public comments concerning my
application to the

Mpumalanga Liquor Authority for the transfer of liquor licence number: trading
under the name , on the business

premises indicated below, to myself. I make this application for myself /ion behalf of
the juristic

person: of which I have been duly appointed as the

business manager as contemplated in section 45 of the Act. 'Delete whichever is not
applicable

B. LICENCE TYPE

(Mark one appropriate box with an "X ")

(a) the retail sale of liquor for consumption on the premises where the liquor is sold;

(b) the retail sale of liquor for consumption off the premises where the liquor is sold;

ri (c) the retail sale of liquor for consumption on and off the premises where the liquor
is sold;

(d) the retail sale of liquor in terms of a special liquor licence for consumption on and
off the

premises where the liquor is sold;

(e) the retail sale of liquor in terms of a special liquor licence in respect of a specified event;

(f) the micro -manufacture and the retail sale of such micro -manufactured liquor for consumption

on and off the premises where such liquor is sold; and

(g) the micro -manufacture and retail sale of traditional African beer for consumption on and off

the premises where such traditional African beer is sold.

C. BUSINESS PREMISES

Physical address: , being an address in the Republic

of South Africa and situated within the boundaries of Mpumalanga Province. Postal address:

D. ADDRESSES TO WHICH COMMENTS MUST BE SUBMITTED

Comments should be made in writing and be addressed to the municipality concerned and a copy to

the applicant, to reach the said addresses within thirty (30) days of this publication.

Municipality's address:

Applicant's address:

PART D

[Form 11]

MUNICIPALITY COMMENT FORM IN TERMS OF SECTION 43(2)

OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

A. COMMENTS OF THE MUNICIPALITY

Name of the Municipality:

The Municipality has considered the details of the duly lodged application of Mr. / Ms. , being the applicant as detailed below in paragraphs B, C and

D and comments as follows:

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Y N

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the proposed liquor business is within the jurisdiction of the municipality;

the proposed business premises is suitable for the licence type applied for;

the proposed business premises is in close proximity to a public road;

the proposed business premises is in close proximity to a business / undertaking which may

have conflicting interests with a liquor business;

the proposed business premises is situated in close proximity to a learning institution;

the proposed business premises is situated in close proximity to a religious institution;

the proposed business premises is in the Public interest;

the proposed business premises is currently under construction.

The Municipality supports the application for the transfer concerned.

Reasons for supporting / not supporting the application: (Delete whichever is not applicable)

Recommended business hours, if application is supported.

Business hours on Sunday From to

Business hours on Monday From to

Business hours on Tuesday : From to

Business hours on Wednesday : From to

Business hours on Thursday : From to

Business hours on Friday . From to

Business hours on Saturday : From to

Business hours on public holidays : From to

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—; —;

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:

Reasons for the recommended business hours:

B. PERSONAL PARTICULARS OF APPLICANT

Mr. / Ms.

ID Number: f

an adult male / female* who applied for the transfer of liquor licence number:

trading under the name , on behalf of myself / *on

behalf of a juristic person, being: of which I have been

duly appointed as the business manager as contemplated in section 45 of the Act.

*Delete whichever

is not applicable

C. LICENCE TYPE APPLIED FOR

Category of licence applied for is:

D. BUSINESS PREMISES

Physical address: being an address in the Republic of

South Africa and situated within the boundaries of Mpumalanga Province. Postal address:

Signature:

Signed at on the day of

Authorized to sign for or on behalf of the Municipality:

Initials and Surname:

Resolution number, if applicable:

Signature: date:

Capacity:

Official stamp of Municipality

ANNEXURE 12

[Form 12]

APPOINTMENT OF A LICENCED LIQUOR BUSINESS MANAGER IN TERMS OF
SECTION 45(1) OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

A. PERSONAL PARTICULARS

,

ID Number:

Being a person duly authorized by the juristic person holding liquor licence number:
hereby appoint, with effect from _..... the following person as manager in terms
of section 45(1) of the Mpumalanga Liquor Licencing Act, to manage the liquor
business trading as

Appointed manager (full names):

Sex:

ID Number:

B. DECLARATION

I, , being the appointed manager referred to above, hereby declare
that I am not aware of any facts which preclude me from being appointed as a
manager of a duly
licenced liquor business as contemplated in section 45 of the Act, and further declare
that I --

- (a) am not a minor;
- (b) am not an unrehabilitated insolvent;
- (c) am not the subject of a court order declaring me a person of unsound mind /
mentally

disordered / mentally defective;

(d) have not been convicted of contravening the Liquor Licensing Act for the past three years;

(e) have not been convicted of an offence the elements of which are inconsistent with the object

of this Act for the past three years; and

(f) have, to the extent that this application is made on behalf of a juristic person, ensured that

such juristic person is not disqualified from being licenced due to the provisions of section

34(2) of the Act.

Signature of the appointed manager

Date:

Signature of the person appointing

Capacity:

Date:

ANNEXURE 13

[Form 13]

APPOINTMENT OF A LICENCED LIQUOR BUSINESS MANAGER IN TERMS OF
SECTION 45(2) OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

A. PERSONAL PARTICULARS

ID Number:

Being a natural person holding liquor licence number: hereby appoint, with effect from
, the following person as manager in terms of section 45(2) of the
Mpumalanga Liquor Licensing Act, to manage the liquor business trading as

Appointed manager (full names):

Sex:

ID Number:

B. DECLARATION

I, , being the appointed manager referred to above, hereby declare

that I am not aware of any facts which preclude me from being appointed as a
manager of a duly

licensed liquor business as contemplated in section 45 of the Act, and further declare
that 1-

(a) am not a minor,

(b) am not an unrehabilitated insolvent;

(c) am not the subject of a court order declaring me a person of unsound mind /
mentally

disordered / mentally defective;

(d) have not been convicted of contravening the Liquor Licensing Act for the past
three years;

and

(e) have not been convicted of an offence the elements of which are inconsistent with the object

of this Act for the past three years.

Signature of the appointed manager

Date:

Signature of the person appointing

Capacity:

Date:

ANNEXURE 14

TRADING HOURS IN TERMS OF SECTION 46 OF THE MPUMALANGA LIQUOR
LICENCING ACT, 2006

(A) The retail sale of liquor for consumption on the premises where the liquor is sold.

WEEK DAY TRADING HOURS

Sunday 10:00 am to 24:00 pm

Monday 10:00 am to 24:00 pm

Tuesday 10:00 am to 24:00 pm

Wednesday 10:00 am to 24:00 pm

Thursday 10:00 am to 24:00 pm

Friday

Saturday

Public holidays

10:00 am to 24:00 pm

10:00 am to 24:00 pm

10:00 am to 24:00 pm

(B) The retail sale of liquor for consumption off the premises where the liquor is sold.

WEEK DAY TRADING HOURS

Sunday and Public holidays 10:00 am to 17:00 pm

Monday

Tuesday

Wednesday

08:00 am to 20:00 pm

08:00 am to 20:00 pm

08:00 am to 20:00 pm

Thursday 08:00 am to 20:00 pm

Friday 08:00 am to 20:00 pm

Saturday 08:00 am to 20:00 pm

(C) The retail sale of liquor for consumption on and off the premises where the liquor is sold.

WEEK DAY TRADING HOURS

Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Public holidays

10:00 am to 24:00 pm

10:00 am to 24:00 En

10:00 am to 24:00

10:00 am to 24:00

pm

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10:00 am to 24:00 pm

10:00 am to 24:00 pm

10:00 am to 24:00 pm

10:00 am to 24:00 pm

(D) The retail sale of liquor in terms of a special liquor licence for consumption on and off the

premises where the liquor is sold.

WEEK DAY TRADING HOURS

Sunday and Public holidays

'Monday

uesday

Wednesday

Thursday

Friday

Saturday

10:00 am to 02:00 am

10:00 am to 02:00 am

10:00 am to 02:00 am

10:00 am to 02:00 am

10:00 am to 02:00 am

10:00 am to 02:00 am

10:00 am to 02:00 am

(E) The retail sale of liquor in terms of a special liquor licence in respect of a specified event.

WEEK DAY TRADING HOURS

Sunday and Public holidays 10:00 am to 04:00 am

Monday

Tuesday

10:00 am to 04:00 am

10:00 am to 04:00 am

Wednesday 10:00 am to 04:00 am

Thursday 10:00 am to 04:00 am

Friday 10:00 am to 04:00 am

Saturday 10:00 am to 04:00 am

(F) The micro -manufacture and the retail sale of such micro -manufactured liquor for consumption on and off the premises where such liquor is sold.

WEEK DAY

Sunday and Public holidays

Monday

TRADING HOURS

10:00 am to 24:00 pm

10:00 am to 24:00 pm

Tuesday 10:00 am to 24:00 pm

Wednesday 10:00 am to 24:00 pm

Thursday

Friday Saturday

10:00 am to 24:00 m

10:00 am to 24:00 pm

10:00 am to 24:00 pm

(G) The micro -manufacture and retail sale of traditional African beer for consumption on and off the premises where such traditional African beer is sold.

WEEK DAY TRADING HOURS

Sunday and Public holidays 10:00 am to 24:00 pm

Monday 10:00 am 10 24:00 am

Tuesday 10:00 am to 24:00 pm

10:00 am 10 24:00 sm

Thursday 10:00 am to 24:00 em

Friday 10:00 am to 24:00 sm

ANNEXURE 15

[Form 14]

SUMMONS IN TERMS OF SECTION 51(1)

OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

TO: Mr. / Ms.

Full Names:

Address:

Sex: ID No:

By virtue of the powers vested in the Chairman of the Mpumalanga Liquor Authority in terms of

section 51(1) of the Mpumalanga Liquor Licencing Act, 2006, you are hereby directed to be

present and personally give evidence / produce the documents or any other thing indicated in the

annexure hereto at the meeting of the Authority which relates to the following matter /s: And which meeting will be held at the date, time and place indicated below:

Date Time Place

Your attention is drawn to the fact that it is an offence not to appear or not to remain in attendance without the consent of the chairman first having been obtained.

Place of issue:

Chairperson of Authority:

Date:

[For official use only]

hereby certify that I have served this summons upon the

above -mentioned person by:

'(a) delivering a true copy to Mr./Ms. personally; or

'(b) delivering, as he / she could not be found, a true copy to Mr./Ms.

apparently over the age of 16 and apparently residing or employed at the place of residence /employment / business* of the above- mentioned person at:

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

Time: ____ Day: _____ Month: _____ 20 .

'Delete whichever is not applicable

ANNEXURE 16

[Form 15]

APPEAL TO THE MEMBER OF EXECUTIVE COUNCIL IN TERMS OF
SECTION 58 OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006

Appellant's full names and ID Number:

Mpumalanga Liquor Authority's reference number (if any):

Mpumalanga Liquor Authority's decision appealed against:

Decision date:

Date on which the appellant was informed of the decision:

Nature of right or legitimate expectation adversely affected by the decision:

Merits of the appeal

(attach extra page/s if the space provided is not sufficient)

(Please attach records of the decision appealed against and any additional supporting documents)

Signature of the appellant:

Date:

(the outcome of the appeal will be made known to the appellant within 30 days of receipt of this appeal)