

No. 1

13 February 2014

[English text signed by the Premier]

KWAZULU-NATAL
LIQUOR LICENSING AMENDMENT ACT, 2013
(Act No. 03 of 2013)

Assented to on 31-10-2013

ACT

To amend the KwaZulu-Natal Liquor Licensing Act, 2010, so as to substitute the definition of "sports ground"; to provide for the micro-manufacturing and retail sale of methylated spirits; to further regulate the conversion of licences or approvals; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

Amendment of section 1 of Act 6 of 2010

1. Section 1 of the KwaZulu-Natal Liquor Licensing Act, 2010 (Act No. 6 of 2010), hereinafter referred to as the principal Act, is hereby amended by the substitution for the definition of "sports ground" of the following definition:

"sports ground" means a place where sports meetings, games or recreational activities are held: Provided that such place is not situated within the premises of any religious or learning institution;

Amendment of section 2 of Act 6 of 2010

2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) to provide for the regulation of the micro-manufacturing and the retail sale of liquor and methylated spirits;"

Insertion of section 60A in Act 6 of 2010

3. The following section is hereby inserted after section 60 of the principal Act:

"Methylated spirits"

60A. The provisions of Part 4 of this Chapter apply with the necessary changes to the micro-manufacturing of methylated spirits."

Amendment of section 76 of Act 6 of 2010

4. Section 76 of the principal Act is hereby amended by –

(a) the substitution for the section heading of the following section heading:

"Prohibition on sale [or] and supply of liquor or methylated spirits to certain persons"; and

(b) the addition after subsection (3) of the following subsection:

"(4) The provisions of this section apply with the necessary changes to the sale or supply of methylated spirits to certain persons."

Amendment of section 95 of Act 6 of 2010

5. Section 95 of the principal Act is hereby amended by the addition after subsection (1) of the following subsection:

“(1A) The provisions of subsection (1) do not apply to convenience stores licensed to sell liquor before the coming into operation of this Act.”.

Amendment of section 99 of Act 6 of 2010

6. Section 99 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The responsible Member of the Executive Council **[may]** must make regulations regarding –

- (a) the payment and amount of any fees payable in terms of this Act in respect of –
 - (i) any application made in terms of this Act;
 - (ii) the issue of a licence or permit; and
 - (iii) the annual fee payable by a licensed person in respect of each licence issued;
- (b) the form of licences, permits, consents, approvals, certificates, determinations, notices, including compliance notices and other documents referred to in this Act;
- (c) the manner and form in which, and the days on which, if applicable, any application in terms of this Act may or must be made and lodged;
- (d) the manner and form of service, delivery or despatch of any notice or other document required to be served, delivered or despatched in terms of this Act;
- (e) the manner and form of publication of any notice or other document required to be published in terms of this Act;
- (f) the form, content and size, where applicable, of any notice, communication or other document required to be issued, delivered, served, given or published in terms of this Act;
- (g) the content and form of an inspection report or other report or recommendation to be made or given in terms of this Act;
- (h) the manner and form in which an objection hearing or a hearing in respect of a compliance notice in terms of section 89 must be conducted;
- (i) time periods, or the **[extention]** extension of time periods, to be prescribed in terms of this Act;

- (j) the details of premises in respect of which licensing is sought that must be included in an application for a licence;
- (k) the manner and form in which an application for appeal or review to the responsible Member of the Executive Council must be made;
- (l) the manner in which proceedings and meetings must be conducted by the responsible Member of the Executive Council;
- (m) the tariff of witness fees payable on appeal or review proceedings;
- (n) the form of a certificate issued to an inspector;
- (o) the manner and form in which a complaint must be submitted to the Liquor Authority;
- (p) the procedure to be followed for the cancellation of a licence or permit on conviction of an offence in terms of section 98;
- (q) the manner and form in which an application for temporary amnesty must be made;
- (r) the manner and form in which an application for payment of annual fees as contemplated in section 64 must be made;
- (s) the retail, sale and micro-manufacturing of methylated spirits;
- (t) the quantities of methylated spirits which may be sold on any occasion to any person and the receptacles in which methylated spirits may be sold;
- (u) the prohibition or restriction of the purchase or possession of methylated spirits, including the granting of permits for the purchase or possession thereof;
- (v) the trading hours for outlets engaged in the retail and sale of methylated spirits;
- ~~[(s)]~~(w) any matter which must or may be prescribed in terms of this Act; and
- ~~[(t)]~~(x) in general, any matter in respect of which the responsible Member of the Executive Council deems it necessary or expedient to make regulations in order to achieve the objects of this Act, the generality of this paragraph not being limited by the preceding paragraphs.”.

Amendment of section 101 of Act 6 of 2010

7. Section 101 of the principal Act is hereby amended by the addition after subsection (5) of the following subsection:

“(6) Notwithstanding the provisions of section 39, the responsible Member of the Executive Council must –

- (a) in accordance with the transitional provisions of the Liquor Act; and

(b) by notice in the *Gazette*,
provide for the conversion of any licence or approval, not set out in the first column of
Schedule 2 to this Act, but in force on the day before the date of commencement of the
KwaZulu-Natal Liquor Licensing Amendment Act, 2013, to any licence or approval in the
category set out in the second column of Schedule 2 to this Act.”.

Short title

8. This Act is called the KwaZulu-Natal Liquor Licensing Amendment Act, 2013.