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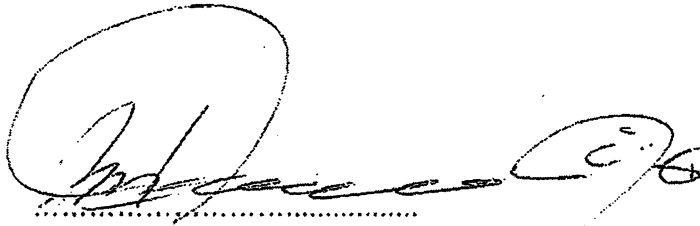
13 February 2014

DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM
REGULATION NOTICE

KWAZULU-NATAL LIQUOR LICENSING REGULATIONS, 2014

I hereby make the Regulations contained in the Schedule hereto under section 99 of the KwaZulu-Natal Liquor Licensing Act, 2010 (Act No. 6 of 2010), in order to regulate liquor licensing matters in the Province.

Given under my Hand at Pietermaritzburg on this ..28th.. day ofJanuary....., Two thousand and Fourteen.



MR M MABUYAKHULU, MPL
Member of the Executive Council of the Province of KwaZulu-Natal
responsible for Liquor Licensing

2

**SCHEDULE
ARRANGEMENT OF REGULATIONS***Regulation***PART I
INTRODUCTORY PROVISIONS**

1. Definitions

PART II**APPLICATION FOR LICENCE IN TERMS OF SECTION 41**

2. Lodging of application with Liquor Authority for liquor licence in respect of licence categories listed under sections 39 and 41 of Act
3. Form of application to Liquor Authority for liquor licence in respect of licence categories listed under sections 39 and 41 of Act
4. Procedure upon receipt of application to Liquor Authority for liquor licence in respect of licence categories listed under section 41 of Act
5. Procedure to be followed by applicant upon receipt of written notice from local committee in terms of section 42(1)(b) of Act
6. Procedure in relation to objections or representations in terms of section 43 of Act
7. Submission of inspection report in terms of sections 45(2) and 56(3) of Act
8. Procedure for applicant's response to objections or representations in terms of section 43(4) of Act
9. Objection hearings by local committee in terms of section 47(1) of Act
10. Procedure to be followed by Liquor Authority in terms of section 48 of Act
11. Licence certificate upon granting of licence
12. Inspections
13. Conditional approvals in terms of section 49 of Act
14. Special conditions for grocer's premises in terms of section 50(3) of Act
15. Communication of decision in terms of section 51(1) of Act

PART III**APPLICATIONS FOR SPECIAL EVENTS PERMITS
IN TERMS OF SECTION 52(1)(a) AND (b) OF ACT**

16. Procedure for lodging of application for special events permits in terms of section 52(1)(a) and (b) of Act
17. Application for special events permits in terms of section 52(3) of Act
18. Objections or representations in respect of application for special events permit in terms of section 53(1)(a) of Act

3

PART IV
APPLICATIONS TO ENGAGE IN MICRO-MANUFACTURING OF LIQUOR
IN TERMS OF SECTION 55(1) OF ACT

19. Application procedure for micro-manufacturing of liquor in terms of section 55(1) of Act
20. Inspections in respect of application to engage in micro-manufacturing of liquor in terms of section 56(3) of Act
21. Conditional approvals in respect of application to engage in micro-manufacturing of liquor in terms of section 58 of Act
22. Prohibition of micro-manufacturing of unhealthy concoctions (section 92 of Act)
23. Form of appeals against decisions of Liquor Authority in terms of section 61(1) of Act
24. Notice of licence certificate or permit in terms of section 62(1) of Act
25. Annual fees in terms of section 64 of Act
26. Cancellation of licence due to non-trading in terms of section 66(1) of Act
27. Death or incapacity of certain licensed persons or applicants who are holders of conditional grant or prospective holders or permit holders in terms of section 68 of Act
28. Acquisition of financial interest in terms of section 69(1) of Act
29. Alteration of licensed premises or nature of business (section 72 of Act)
30. Storage of liquor (section 73 of Act)

PART V
TRANSFER OF LICENCE TO PROSPECTIVE HOLDER
IN TERMS OF SECTION 74 OF ACT

31. Procedure for transfer of licence to prospective holder (section 74 of Act)
32. Procedure relating to incomplete application for transfer of liquor licence to prospective holder (section 74 of Act)
33. Procedure upon granting of application in respect of transfer of liquor licence to prospective holder (section 74 of Act)

PART VI
REMOVAL OF LICENCE FROM LICENSED PREMISES TO OTHER PREMISES
IN TERMS OF SECTION 75 OF ACT

34. Procedure for removal of licence from licensed premises to other premises (section 75 of Act)
35. Form of application to Liquor Authority for liquor licence in respect of removal of licence from licensed premises to other premises (section 75 of Act)
36. Procedure upon receipt of application to Liquor Authority for liquor licence in respect of removal of licence from licensed premises to other premises (section 75 of Act)
37. Notice of application to local committee for liquor licence in respect of removal of licence from licensed premises to other premises (section 75 of Act)

38. Objections or representations in respect of application for removal of licence from licensed premises to other premises (section 75 of Act)
39. Filing of inspection report in respect of application for removal of licence from licensed premises to other premises (section 75 of Act)
40. Applicant's reply in respect of application for transfer of licence from licensed premises to other premises (section 74 of Act)
41. Objection hearings in respect of application for removal of licence from licensed premises to other premises (section 75 of Act)
42. Forwarding of documents to Liquor Authority in respect of application for transfer of liquor licence to prospective holder (section 75 of Act)
43. Procedure upon granting of application for removal of liquor licence from licensed premises to other premises (section 75 of Act)
44. Appointment of manager of licensed premises (section 77 of Act)
45. Tariffs to be paid to witnesses by Liquor Authority on appeal- or review proceedings in terms of section 99 of Act
46. Procedure for submitting complaint with Liquor Authority (section 99(1)(o) of Act)
47. Application for Temporary Amnesty Registration (section 99 of Act)

PART VII

CODE OF CONDUCT FOR MEMBERS OF LIQUOR AUTHORITY

48. General conduct of members of Liquor Authority in terms of section 99(1)(t) of Act
49. Rewards, gifts and favours
50. Unauthorised disclosure of information
51. Intervention in administration
52. Duty of Chairperson of Liquor Authority
53. Breach of Code of Conduct

PART VIII

GENERAL PROVISIONS

54. Appointment of inspectors in terms of section 81(1) of Act
55. Short title

PART IX ANNEXURES

- Annexure A: Application form
- Annexure B: Fees
- Annexure C: Notice of incomplete application
- Annexure D: Notice to display intention to apply for licence in terms of section 42(1)(b)(iii) of Act

- Annexure E: Notice of application in terms of section 42(1)(b) and regulation 5(2) of Act
- Annexure F1: Inspection Report in terms of section 45(2) and section 56(3) of Act
- Annexure F2: Inspection Report in terms of section 82(1)(a) of Act
- Annexure G: Inspector's Certificate of Appointment in terms of section 81(1)(b) of Act
- Annexure H1: Objection Hearing: Notice in terms of section 47(2) of Act, to be present and appear at hearing of district municipality local committee
- Annexure H2: Application in terms of regulation 44 for appointment of natural person to manage and be responsible for business to which licence relates
- Annexure I: Licence Certificate in terms of section 62(1) of Act
- Annexure J: Notice of intention to apply for Special Events Liquor Permit
- Annexure K: Notice in terms of section 52(3)(f) of Act
- Annexure L: Notice of intention to apply for Liquor Licence
- Annexure M: Special Events Liquor Permit in terms of section 53(7) of Act
- Annexure N: Notice of intention to appeal against decision of Liquor Authority: notice of intention to lodge appeal
- Annexure O: Application in terms of section 73(1) of Act for additional storage of liquor
- Annexure P: Application for alteration of business premises
- Annexure Q1: Application for transfer of liquor licence to prospective licence holder
- Annexure Q2: Transfer of Liquor Licence Certificate
- Annexure R: Application for removal of licence from one licensed premises to other premises in terms of section 75 of Act
- Annexure S: Application for renewal of licence in terms of section 64(2) of Act
- Annexure T: Security Plan
- Annexure U: Situational Report
- Annexure V: Complaint Form
- Annexure W1: Application for Temporary Amnesty Registration
- Annexure W2: Notice of Temporary Amnesty Registration

PART I INTRODUCTORY PROVISIONS

Definitions

1. In these Regulations, "the Act" means the KwaZulu-Natal Liquor Licensing Act, 2010 (Act No. 6 of 2010), and any word or expression to which a meaning is assigned in the Act bears the meaning so assigned to it and, unless the context otherwise indicates –

“**applicant**” means any person who applies in writing to the Liquor Authority in terms of the Act;

“**application**” means any application lodged with the Liquor Authority, which meets all the requirements as set out in the Act;

“**Code of Conduct**” means the Code of Conduct of members and staff of the Liquor Authority referred to in Part VII of these regulations;

“**guidelines**” means a policy- or procedural manual developed by the Liquor Authority subject to amendments from time to time when necessary to –

- (a) assist the Liquor Authority in carrying out its mandate;
- (b) guide an applicant in the application process in terms of these regulations;
- (c) guide the licensed traders in terms of compliance with the Act;
- (d) guide a local committee in its operation and functions to execute its mandate;
- (e) regulate the management of complaints by the Liquor Authority;
- (f) regulate any other matter, where necessary, for the implementation of the Act; and
- (g) guide any other party in terms of compliance with the Act;

“**member**” means a member of the Liquor Authority appointed in terms of section 8(1)(a) of the Act and a member of the local committee appointed in terms of section 32(1) of the Act;

“**person**” means a natural or juristic person;

“**public facilities**” means public buildings, structures or land developed for the use of the public within an urban or peri-urban area;

“**regulations**” includes all the annexures;

“**SAPS**” means the South African Police Service; and

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

PART II
APPLICATION FOR LIQUOR LICENCE IN TERMS OF
SECTION 41 OF ACT

Lodging of application with Liquor Authority for liquor licence in respect of licence categories listed under sections 39 and 41 of Act

2.(1) A person applying for a liquor licence in respect of the categories listed under section 39(a) or (b) of the Act, read with section 2 of the Act, must lodge such application with the Liquor Authority and must pay the application fee contemplated in Annexure B.

(2) The application contemplated in subregulation (1) must be lodged with the Liquor Authority only on a Friday, excluding declared public holidays, at an address provided for by the Liquor Authority in the application form.

(3) An application lodged with the Liquor Authority as contemplated in subregulation (1) is treated as duly lodged when all necessary documents and information contemplated in section 41(2) of the Act have been submitted to the Liquor Authority.

Form of application to Liquor Authority for liquor licence in respect of licence categories listed under sections 39 and 41 of Act

3.(1) An applicant must submit a written application, in block letters and in triplicate, for a licence, using Form KZNLA 1 of Annexure A and must –

(a) furnish such information together with the relevant documents as required in the application form, including –

- (i) a duly signed and completed application form;
- (ii) proof of payment of the application fee in the form of a bank receipt or a receipt issued by the payments teller of the Liquor Authority;
- (iii) an original or certified copy of the Broad Based Black Economic Empowerment verification certificate, if the applicant is a legal business entity;
- (iv) an original or certified copy of the business or trading licence issued by the relevant organ of state in terms of any law or municipal by-law if the premises are already operational;

- (v) a certified copy of a title deed or lease agreement or permission to occupy issued by the relevant authority in favour of the applicant confirming lawful occupation of the premises;
 - (vi) an original or certified copy of written consent from the relevant authority for the owner and/ or occupier of the premises to trade in liquor;
 - (vii) a sketch plan of the proposed premises as well as colour photographs;
 - (viii) an original or certified copy of a certificate issued by the SAPS valid as at date of lodgement of application for a period in excess of three months from the date of issue by the SAPS;
 - (ix) a valid and active tax clearance certificate issued by the South African Revenue Services valid for one year from the date of lodgement of the application;
 - (x) a detailed security plan; and
 - (xi) for applications relating to methylated spirits, a relevant certificate issued by a relevant municipality or a government department in terms of any law or by-law allowing the applicant to trade in that particular product in a manner contemplated, where applicable; and
- (b) declare under oath or truly affirm at the end of the said form that the information contained therein, is true and correct.

(2) Every such application must, at the time lodged with the Liquor Authority, be accompanied by –

- (a) a plan of the premises clearly showing –
 - (i) the dimensions of each room;
 - (ii) all doors, windows and counters;
 - (iii) the entries and exits to the premises; and
 - (iv) the street and places to which such entries and exits lead; and
- (b) a description and size of the premises in square metres with reference to the rooms, including kitchens, ablution facilities, store rooms and the service area where liquor is to be served;
- (c) where the building is already in operation, colour photographs clearly depicting the requirements of paragraph (b) above;
- (d) an indication of the total occupation capacity of patrons, seated and standing, that can be accommodated within the outlet;
- (e) any other information required in terms of the Act; and
- (f) a comprehensive written representation or motivation in support of the application, which must include –

- (i) public interest requirements contemplated in section 48(6) of the Act, which must include –
- (aa) the need for a liquor outlet in the area;
 - (bb) the socio-economic impact of a liquor outlet in the area; and
 - (cc) the capability of the applicant to run the outlet; and
- (ii) the number of people to be employed;
- (iii) the social responsibility program proposal, containing an implementation plan with time lines, by the applicant;
- (iv) the proximity of other licensed outlets, learning institutions and religious institutions and other public recreational facilities to the proposed premises;
- (v) the security plan contemplated in Annexure T, including the impact assessment on the prevalence of crime as contemplated in section 48(6)(b)(i) of the Act;
- (vi) the criteria as contemplated in section 48(6)(b) of the Act;
- (vii) a valid and active tax clearance certificate valid for one year from the date of lodgement of the application; and
- (viii) an original or certified copy of a certificate issued by the SAPS valid as at the date of lodgement of the application for a period in excess of three months from the date of issue by the SAPS.

Procedure upon receipt of application to Liquor Authority in respect of licence categories listed under section 41 of Act

4. Where the application for a licence lodged in terms of regulation 2 is incomplete, the Chief Executive Officer must, within 14 days after receipt of such an application, issue a notice, in Form KZNLA 2 of Annexure C, to the applicant to complete the application.

Procedure to be followed by applicant upon receipt of written notice from local committee in terms of section 42(1)(b) of Act

- 5.(1) Upon receipt of a written notice from the local committee, the applicant must –
- (a) publish such notice in at least one newspaper circulating in the area in which the proposed premises (whether premises is complete or incomplete) will be located, using Form KZNLA 3 of Annexure D;
 - (b) display a 1 m x 1 m notice board in a prominent place at the proposed premises, visible to passers-by, clearly showing the same information contained in Form KZNLA 3 of Annexure D; and

(c) serve a notice in terms of section 42(1)(b)(iii) on a member of the household over the age of 16 years where such residents are within a radius of 100 metres from the proposed premises, complete or incomplete, using Form KZNLA 3 of Annexure D.

(2) The notice referred to in subregulation (5)(1)(a) must –

- (a) be published in a local newspaper;
- (b) contain the information requested in Form KZNLA 4 of Annexure E;
- (c) be 5 cm x 10 cm in size; and
- (d) lie for inspection at the relevant district local committee and the relevant SAPS station for a period of 21 days from the date of publication in the newspaper.

Procedure in relation to objections or representations in terms of section 43 of Act

6.(1) A person making representations or lodging objections to an application for a liquor licence lodged in terms of regulation 2 must comply with the requirements as set out in section 43(3) of the Act.

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

Submission of inspection report in terms of sections 45(2) and 56(3) of Act

7. An inspector, appointed in terms of section 81(1)(a) of the Act, must conduct an inspection and submit a report in terms of section 45(2) or 82(1) of the Act in Form KZNLA 5A or KZNLA 5B respectively of Annexure F1 and Annexure F2.

Procedure for applicant's response to objections or representations in terms of section 43(4) of Act

8. An applicant may, not later than seven days after receipt of an objection or representation in terms of section 43(4) of the Act, or an inspection report, submit, in triplicate, his or her written response to the local committee.

Objection hearings by local committee in terms of section 47(1) of Act

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

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

(b) is capable of being determined in terms of the papers before the committee,

the local committee may dispense with the holding of an objection hearing as contemplated in section 47(1) of the Act.

(2) Where the local committee holds an objection hearing in terms of section 47(1) of the Act, the order or procedure must be as prescribed in the guidelines.

(3) Where the local committee holds an objection hearing as per subregulation (2) above, it must do so in compliance with section 47(2) of the Act and must notify affected parties using Form KZNLA 7 of Annexure H1.

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

(5) The written notice delivered in terms of section 47(4)(a) of the Act may either be delivered by hand, registered post or by substituted service.

Procedure to be followed by Liquor Authority in terms of section 48 of Act

10.(1) Within 14 days after consideration of the application for a licence, a local committee must submit a report with recommendations to the Liquor Authority.

(2) All reports from the local committee to the Liquor Authority must be in writing and be accompanied by all supporting documents.

(3) Where the local committee fails to execute its function due to –

(a) non-functionality or poor functionality of the local committee as is required in terms of section 41(5) of the Act; or

(b) a failure to execute its functions in terms of sections 46(2) and 47(1) of the Act,

the Liquor Authority must consider and finalise the matter as the final authority on the application.

(4) Where the Liquor Authority acts under circumstances contemplated in subregulation (3), the Liquor Authority must inform the responsible Member of the Executive Council of such failure on the part of the local committee.

(5) The responsible Member of the Executive Council must take appropriate action against the members of the local committee as per the prescribed Code of Conduct applicable to the local committee as well as act in accordance with the provisions of section 37 of the Act.

Licence certificate upon granting of licence

11.(1) Where a licence is granted by the Liquor Authority, a licence certificate in Form KZNLA 9 of Annexure I must, in terms of section 23(2)(a) of the Act, be issued by the Chief Executive Officer.

(2) The Liquor Authority may issue a conditional approval notice contemplated in section 49(1) of the Act.

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

Inspections

12. Where the secretary of a local committee has, in terms of section 45(1) of the Act, directed an inspector, appointed in terms of section 81(1)(a) of the Act, to carry out an inspection, he or she must do so and submit a report to the local committee by completing Form KZNLA 5A of Annexure F1 within 14 days after conducting such an inspection.

Conditional approvals in terms of section 49 of Act

13.(1) If the applicant fails to comply with the conditions contemplated in section 49(1) of the Act within 18 months from the date of granting of the application, the granting of the conditional approval lapses and such approval is deemed not to have been granted: Provided that a written request for extension contemplated in subregulation (2) has not been made.

(2) The applicant contemplated in subregulation (1) may make a written request to the Liquor Authority for an extension of the period contemplated in subregulation (1) one month prior to

the expiry of such period referred to in subregulation (1).

(3) The onus rests with the applicant to ensure that the application for extension referred to in subregulation (2) is received by the Liquor Authority one month prior to the expiry of the conditional approval.

(4) Where the applicant fails to comply with the time frames contemplated in subregulations (1) and (3) the conditional approval is deemed to have lapsed.

(5) The applicant must ensure that the relevant business or trading licence, where applicable, is secured and submitted to the Liquor Authority within the period referred to in subregulations (1) and (3).

Special conditions for grocer's premises in terms of section 50(3) of Act

14.(1) A holder of an off-consumption licence in respect of a grocer's premises must ensure that a separate and demarcated area is set aside within the grocer's premises for the purposes of retail sale of liquor in terms of the Act.

(2) The area contemplated in subregulation (1) must be clearly marked in red on the floor plan of the store.

(3) The area contemplated in subregulation (1) must have –

- (a) a separate till point;
- (b) strictly controlled entry and exit points;
- (c) appropriate signage to be displayed at the entrance to the liquor section within the grocer's store prohibiting entry of minors; and
- (d) a separate and enclosed demarcated area for retail sale of liquor with a single entry and exit point for the enclosed area.

(4) Any structural alterations, additions, reconstruction or extension of, or to, the demarcated area on the floor plan must be approved by the Liquor Authority in terms of section 72(1) of the Act.

(5) A licence holder must ensure that the tellers and other staff members within the demarcated area are trained in the provisions of the Act, the liquor licensing conditions and not to sell liquor to minors.

(6) Where a licence holder or a staff member in the employ of a licence holder reasonably suspects a customer to be a minor, such licence holder or staff member in the employ of the licence holder must require the customer to provide positive identification or proof of age.

Communication of decision in terms of section 51(1) of Act

15.(1) Where the Liquor Authority has made a decision to grant a licence, the Chief Executive Officer must inform the applicant within 14 days that the licence will be issued upon payment of the application fee in Annexure B.

(2) When communicating the decision contemplated in subregulation (1) the Chief Executive Officer must also inform any person who objected or made representations, as contemplated in section 51(1)(b) of the Act, of the right to appeal the decision of the Liquor Authority by following the process contemplated in section 61 of the Act.

(3) Where an appeal is lodged in terms of section 61 of the Act, the Liquor Authority must inform the applicant that the licence certificate will not be issued until such appeal is finalised and an outcome is issued in terms of section 61(7) of the Act.

PART III
APPLICATIONS FOR SPECIAL EVENTS PERMITS IN TERMS OF
SECTION 52(1)(a) AND (b) OF ACT

Procedure for lodging of application for special events permits in terms of section 52(1)(a) and (b) of Act

16.(1) A person applying for a special events permit in terms of section 52(1)(a) and (b) of the Act must lodge such application with the Liquor Authority using Form KZNLA 1 of Annexure A and must pay the application fee for special events permits contemplated in Annexure B.

(2) The application for a special events permit contemplated in subregulation (1) must be lodged with the Liquor Authority on any business day and within 14 days prior to the date of the event.

(3) An application lodged with the Liquor Authority as contemplated in subregulation (1) is treated as duly lodged when all necessary documents and information required in the form have been submitted to the Liquor Authority.

Application for special events permit in terms of section 52(3) of Act

17.(1) Where an applicant applies for a special events permit, such application must be in writing, in block letters and in triplicate, using Form KZNLA 1 of Annexure A.

(2) Where an applicant applies for a special events permit contemplated in subregulation (1), such applicant must –

(a) furnish such information together with the relevant documents as required in the application form, including –

- (i) a duly signed and completed application form;
- (ii) proof of payment of the application fee in the form of a bank receipt or a receipt issued by the payment's teller of the Liquor Authority;
- (iii) an original or certified copy of a letter of consent from the local municipality for the special event;
- (iv) a certified copy or original letter of written consent from the organiser of the special event, consenting to the issue of the special events permit to the applicant for the event;
- (v) a detailed security plan;
- (vi) an original or certified copy of the situational report from the station commander at the local SAPS;
- (vii) where applicable, proof of publication in terms of section 52(3)(f) of the Act;
- (viii) proof of service in terms of section 52(3)(g) of the Act;
- (ix) for applications relating to methylated spirits a relevant certificate issued by a relevant municipality or a government department in terms of any law or by-law to enable the applicant to trade in that particular product in a manner contemplated where applicable; and
- (x) any other document required in terms of the Act; and

(b) furnish the name of the person who will manage the sale of liquor at the special event; and

(c) declare under oath or truly affirm at the end of the form that the information contained therein is true and correct.

(3) If the premises where the special event contemplated in subregulation (1) is in a residential area the applicant must give notice of the application to the public using the procedure contemplated in regulation 5.

(4) The applicant contemplated in subregulation (1) must submit a detailed security plan contemplated in section 52(3)(h) of the Act and in accordance with the provisions of regulation 3(2)(d)(v).

(5) Where the application form for a special events permit is incomplete, the Liquor Authority must forthwith issue a notice in Form KZNLA 2 of Annexure C to the applicant to complete an application.

(6) The onus rests with the applicant to ensure that –

- (a) the application for a special events permit is complete; and
- (b) the application for the special events permit is submitted to the Liquor Authority timeously for adjudication.

(7) The application for a special events permit must be accompanied by a duly completed situational report in Form KZNLA 21 of Annexure U.

(8) Where the application for a special events permit is complete, the Liquor Authority must, within five days of receipt thereof, consider the application in accordance with section 53 of the Act.

(9) Where the Liquor Authority grants a permit in terms of section 53(2)(a) of the Act it must do so using Form KZNLA 13 of Annexure M.

(10) Any approval issued in terms of this regulation is not transferable.

(11) The applicant is liable for a fee contemplated in Annexure B for each trading day for the duration of the special event.

(12) The fee contemplated in subregulation (11) is payable prior to the issue of the special events permit.

(13) Where the application contemplated in subregulation (1) is rejected, the Liquor Authority must notify the applicant of his or her right to appeal the decision of the Liquor Authority by following the process contemplated in section 61 of the Act.

Objections or representations in respect of application for special events permit in terms of section 53(1)(a) of Act

18.(1) In the interest of the public and read with the provisions of section 52(3)(f);(g) and (h) of the Act, the Liquor Authority must, in terms of section 53(1)(a) of the Act, consider all written representations received when considering a complete application for a special events permit.

(2) Representations contemplated in subregulation (1) must be received not later than five days from the date upon which such notice of the proposed special event was published in the newspaper.

(3) Representation referred to in subregulation (2) must be filed at the offices of the Liquor Authority.

(4) Any person making representations contemplated in subregulation (2) must –

- (a) set out his or her full names and address;
- (b) provide a certified copy of the identity document of a natural person;
- (c) state the nature of the person's interest in the application; and
- (d) provide comprehensive grounds for representation concerning the special events permit application.

(5) Upon receipt of written representations contemplated in subregulation (2), the Liquor Authority must cause a copy of such representations to be sent by registered post or substituted service to be delivered to the applicant, advising such applicant to respond in writing to the written representations or submissions within 48 hours of receipt of the notification.

(6) Where an appeal is lodged in terms of section 61 of the Act, the Liquor Authority must inform the applicant that the special events permit will not be issued before the appeal is finalised and an outcome is issued in terms of section 61(7) of the Act.

PART IV
APPLICATIONS TO ENGAGE IN MICRO-MANUFACTURING OF LIQUOR
IN TERMS OF SECTION 55(1) OF ACT

Application procedure for micro-manufacturing of liquor in terms of section 55(1) of Act

19.(1) A person who wishes to engage in the micro-manufacturing of liquor as contemplated in section 55(1) of the Act must –

- (a) lodge a signed and completed application, together with the relevant documents, where required, with the Liquor Authority in writing, using Form KZNLA 1 in Annexure A;
- (b) indicate the physical address of the facility where the business will be conducted or a description of the location of the premises in terms of identifiable landmarks;
- (c) provide the required particulars of the applicant; and
- (d) pay the application fee contemplated in Annexure B.

(2) The application contemplated in subregulation (1) must be lodged with the Liquor Authority only on a Friday, excluding declared public holidays at an address provided for by the Liquor Authority in the application form.

(3) The premises, in respect of which licensing to engage in micro-manufacturing of liquor is being sought, must meet the prescribed requirements of the standard building regulations of a municipality within which the business is situated.

(4) Every such application must, at the time lodged with the Liquor Authority, be accompanied by –

- (a) a plan of the premises clearly showing –
 - (i) the dimensions of each room;
 - (ii) all counters, doors and windows which serve as a means of entry and exit to the premises; and
 - (iii) the street and places to which such entries and exits lead; and
- (b) a description and size of the premises, in square metres, with reference to the rooms, including kitchens, ablution facilities, store rooms, service areas of the premises and construction material;
- (c) in relation to premises not yet constructed or under construction –
 - (i) the details of such proposed premises, including a detailed sketch plan of the premises showing the rooms, buildings and construction material; and
 - (ii) other relevant information; and

- (d) where the premises contemplated in paragraphs (a) and (b) are already in operation, colour photographs clearly depicting the facilities outlined in paragraphs (a) and (b);
- (e) proof of lawful occupation of the premises in the form of an original or certified copy of a title deed, a lease agreement in the name of the applicant or permission to occupy the premises issued in favour of the applicant by the relevant authority;
- (f) an original or certified copy of written consent from the owner of the premises or the relevant authority for the applicant to conduct the intended business from the premises concerned;
- (g) a comprehensive written representation or motivation in support of the application;
- (h) public interest requirements contemplated in section 57(5) of the Act, which must include –
- (i) the need for a micro-manufacturing facility in the area;
 - (ii) the economic impact of a micro-manufacturing facility in the area;
 - (iii) the capability of the applicant to run the facility in terms of infrastructure and industry expertise;
 - (iv) the number of people to be employed;
 - (v) the social responsibility program proposal by the applicant;
 - (vi) the proximity of other licensed outlets and micro-manufacturing facilities, learning institutions and religious institutions and other public recreational facilities to the proposed premises;
 - (vii) a security plan contemplated in Annexure T, which includes the impact assessment on the prevalence of crime as contemplated in section 57(5)(b)(i) of the Act; and
 - (viii) the criteria contemplated in section 57(4) and (5) of the Act; and
- (i) a valid and active tax clearance certificate issued by the South African Revenue Services valid for one year from the date of lodgement of the application;
- (j) an original or certified copy of the Broad Based Black Economic Empowerment verification certificate, if the applicant is a legal business entity;
- (k) an original or certified copy of the business or trading licence issued by the relevant organ of state in terms of any law or municipal by-law if the premises is already operational;
- (l) an original or certified copy of a certificate issued by the SAPS valid as at the date of lodgement of application for a period in excess of three months from the date of issue by the SAPS;

(m) for applications relating to methylated spirits, a relevant certificate issued by a relevant municipality or a government department in terms of any law or by-law to enable the applicant to trade in that particular product in a manner contemplated where applicable; and

(n) any other document required in terms of the Act.

(5) The Chief Executive Officer must –

(a) receive all applications contemplated in subregulation (1);

(b) endorse on each application the date of receipt;

(c) compile a list of applicants and retain and maintain the list as part of the register contemplated in section 23(2)(b) of the Act; and

(d) upon receipt of an application, examine the application in order to determine whether it is complete.

(6) If the Chief Executive Officer determines that the application is incomplete, he or she must, within 14 days after receipt of an application, issue a notice calling on the applicant to supplement or remedy the incomplete application within 21 days.

(7) Where an appeal is lodged in terms of section 61 of the Act, the Liquor Authority must inform the applicant that the licence will not be issued before the appeal is finalised and an outcome certificate is issued in terms of section 61(7) of the Act.

Inspections in respect of application to engage in micro-manufacturing of liquor in terms of section 56(3) of Act

20. In terms of section 56(3) of the Act, the inspector must conduct the inspection and submit a report to the Liquor Authority using Form KZNLA 5A of Annexure F1.

Conditional approvals in respect of application to engage in micro-manufacturing of liquor in terms of section 58 of Act

21.(1) If the applicant fails to comply with the conditions contemplated in section 58 of the Act, within 18 months from the date of granting of the application, the conditional approval lapses and such approval is deemed not to have been granted: Provided that a written request for an extension contemplated in subregulation (2) has not been made.

(2) The applicant contemplated in subregulation (1) may make a written request to the Liquor

Authority for an extension of the period contemplated in subregulation (1) one month prior to the expiry of such period referred to in subregulation (1).

(3) The onus rests with the applicant to ensure that the application for extension referred to in subregulation (2) is received by the Liquor Authority one month prior to the expiry of the conditional approval.

(4) Where the applicant fails to comply with the time frames contemplated in subregulations (1) and (3), the conditional approval is deemed to have lapsed.

(5) The applicant must ensure that the relevant business or trading licence is secured and submitted to the Liquor Authority within the period referred to in subregulations (1) and (3).

Prohibition of micro-manufacturing of unhealthy concoctions in terms of section 92 of Act

22. A holder of a licence under the category micro-manufacturing of liquor may not manufacture liquor other than that approved by the relevant government department and in compliance with the Liquor Products Act, 1989 (Act No. 60 of 1989), as amended.

Form of appeals against decisions of Liquor Authority in terms of section 61(1) of Act

23. Where a person affected by a decision taken by the Liquor Authority wishes to appeal against the decision as contemplated in section 61(1) of the Act, such person must lodge a notice of intention to appeal, using Form KZNLA 14 of Annexure N.

Notice of licence certificate or permit in terms of section 62(1) of Act

24. Where a licence or permit has been granted by the Liquor Authority, the Chief Executive Officer must, after having received payment of the prescribed licence or permit fee contemplated in Annexure B, issue a licence certificate or permit in the applicant's name using Form KZNLA 9 of Annexure I.

Annual fees in terms of section 64 of Act

25.(1) A licence holder must, within six months prior to the expiry of the validity of the licence in terms of section 64(2)(b) of the Act –

- (a) apply for the renewal of its licence using form KZNLA 19 of Annexure S; and
- (b) pay the annual fee contemplated in Annexure B on or before the expiry date of the licence.

(2) The payment of the annual fee contemplated in subregulation (1) constitutes a renewal of a licence for a period of one year.

(3) Upon payment of the annual fee contemplated in subregulation (1) the licence holder must provide the Liquor Authority with –

- (a) a certified copy of the liquor licence;
- (b) a certified copy of the identity document of the licence holder;
- (c) an original or certified copy of a valid and active tax clearance certificate, valid for one year from the date of lodgement of the application; and
- (d) an original or certified copy of a certificate issued by the SAPS valid as at the date of lodgement of the application for a period in excess of three months from the date of issue by the SAPS.

(4) The application for renewal contemplated in subregulation (3) is deemed to be complete when all the documents contemplated in subregulation (3) are submitted.

(5) The responsible Member of the Executive Council may, by notice in the *Gazette* and after consultation with the Member of the Executive Council responsible for Finance, annually review the prescribed fees contemplated in Annexure B.

Cancellation of licence due to non-trading in terms of section 66(1) of Act

26.(1) Before the Liquor Authority decides to, upon application by an interested person, cancel a licence in terms of section 66(1) of the Act, the Liquor Authority must notify the licence holder of the intended decision.

(2) The notice contemplated in subregulation (1) must clearly state the licence holder's right to make representations as to why the licence should not be cancelled.

(3) The notice contemplated in subregulation (1) must clearly state the time frame within which and to whom such representations must be made.

(4) Once the Liquor Authority has received the representations contemplated in subregulation (3) it may decide to either hold an enquiry or decide on the matter on the basis of the information received from or representations made by the licence holder.

(5) Once a decision has been reached by the Liquor Authority it must be communicated to the licence holder within 14 days after taking such a decision.

(6) The licence holder has the right to appeal the decision of the Liquor Authority by following the process contemplated in section 61 of the Act.

Death or incapacity of certain licensed persons or applicants who are holders of conditional grant or prospective holders or permit holders in terms of section 68 of Act

27.(1) In circumstances where the interest held in a licensed business by a person who is under curatorship or is deceased passes, by operation of law or otherwise, to his or her estate or to any person who applies in terms of section 68(2)(a)(i) of the Act must, within 30 days after the date of such death or curatorship applies, in writing, apply to the Liquor Authority for a licence.

(2) The applicant contemplated in subregulation (1) must submit a written application, in triplicate and in block letters, for a licence using Form KZNLA 17A of Annexure Q1 and must

–

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

(3) The application contemplated in subregulation (1) must include –

- (a) a copy of the liquor licence;
- (b) a copy of the identity document of the applicant contemplated in subregulation (1);
- (c) a copy of the identity document of a licensed person, or an applicant who is a holder of a conditional grant, or a prospective holder or permit holder, who is sequestered, placed in liquidation or under judicial management or is deceased;
- (d) a certified copy of the licence holder's death certificate;
- (e) a certified copy of proof that the licence holder is incapacitated, liquidated or under judicial management;

(f) an original or certified copy of a valid and active tax clearance certificate valid for one year from the date of lodgement of the application; and

(g) an original or certified copy of a certificate issued by the SAPS valid as at the date of lodgement of the application for a period in excess of three months from the date of issue by the SAPS.

(4) The application contemplated in subregulation (1) is deemed to be complete when all the documents contemplated in subregulation (3) are submitted.

(5) The provisions of section 74 of the Act apply with the necessary changes in so far as the application contemplated in subregulation (1) is concerned.

Acquisition of financial interest in terms of section 69(1) of Act

28.(1) A licensed person must not allow any other person to acquire a financial interest in the business to which the licence relates, unless the Liquor Authority has, in terms of section 69(1) of the Act, upon written application by the licensed person made by using Form KZNLA 17A of Annexure Q1, granted consent that the other person may acquire that interest in that business.

(2) The application contemplated in subregulation (1) must be accompanied by –

(a) a valid and active tax clearance certificate of the person who is acquiring a financial interest; and

(b) an original or certified copy of a certificate issued by the SAPS valid as at the date of lodgement of the application for a period in excess of three months from the date of issue by the SAPS, indicating whether or not the person who is acquiring the financial interest has been convicted of any criminal offences.

(3) Where the Liquor Authority decides to approve the acquisition of a financial interest contemplated in subregulation (1), such interest or acquisition may not exceed the percentage of interest that the licence holder has in the business.

(4) Before the Liquor Authority decides to approve the transfer contemplated in subregulation (2), the Liquor Authority may investigate the status of the proposed person who is the subject of the application to ensure that such person is not disqualified in terms of section 40 of the Act.

(5) In investigating the person contemplated in subregulation (4) the Liquor Authority may, on good cause shown, invite the public to make representations as to why the acquisition contemplated in subregulation (1) may not be approved.

(6) Where the Liquor Authority rejects the application contemplated in subregulation (2), the applicant or the person who is acquiring a financial interest may appeal against the decision of the Liquor Authority by following the process contemplated in section 61 of the Act.

Alteration of licensed premises or nature of business in terms of section 72 of Act

29.(1) A licence holder wishing to –

- (a) effect structural alterations to the licensed premises;
- (b) change the nature of the business; or
- (c) change the floor plan,

must apply in writing, using Form KZNLA 16 of Annexure P, to the Liquor Authority for approval.

(2) An application contemplated in subregulation (1) must be accompanied by –

- (a) a revised plan with the alterations of the premises marked in red together with the relevant approval by the relevant authority;
- (b) a written representation;
- (c) a description of the licensed premises;
- (d) a certified copy of the identity document of the licence holder or memorandum of incorporation, if it is a juristic person;
- (e) proof of payment of the prescribed fee, as contemplated in Annexure B of the Schedule to these regulations; and
- (f) where applicable, consent from the owner of the premises.

(3) An application contemplated in subregulation (1) is treated as duly lodged when all necessary documents have been submitted to the Liquor Authority.

(4) Upon receipt of the application contemplated in subregulation (2), the Liquor Authority must, within 14 days, dispatch a designated inspector to conduct an inspection of the licensed premises and to submit a written report of the inspection within 21 days.

(5) The Liquor Authority must consider and finalise the application lodged in terms of subregulation (1) within 90 days of receipt of such application.

Storage of liquor in terms of section 73 of Act

30.(1) A licence holder or permit holder wishing to store liquor on premises other than the licensed premises must submit a written request to the Liquor Authority for consideration using Form KZNLA 15 of Annexure O.

- (2) The written request contemplated in subregulation (1) must be accompanied by –
- (a) a floor plan of the premises, having been approved by the relevant authority for storage purposes;
 - (b) the physical address and description of the proposed storage premises;
 - (c) written representation or motivation for additional storage space;
 - (d) a certified copy of the identity document of the licence holder or permit holder, if a natural person, or memorandum of incorporation, if it is a juristic person applying;
 - (e) proof of payment of the prescribed fee as contemplated in Annexure B of the Schedule to these regulations;
 - (f) a certified copy of the valid licence or permit; and
 - (g) where applicable, written consent from the owner of the premises where the liquor will be stored.

(3) A request contemplated in subregulation (1) is treated as duly lodged when all necessary documents have been submitted and the fees paid to the Liquor Authority.

(4) Upon receipt of the request contemplated in subregulation (1), the Liquor Authority must, within 14 days, dispatch a designated inspector to –

- (a) conduct an inspection of the licensed premises; and
- (b) submit a written report to the Liquor Authority –
 - (i) within 21 days in the case of licence holders; or
 - (ii) within five days in the case of permit holders.

(5) The Liquor Authority must consider and finalise the request lodged in terms of subregulation (1) within a reasonable time.

PART V
TRANSFER OF LICENCE TO PROSPECTIVE HOLDER
IN TERMS OF SECTION 74 OF ACT

Procedure for transfer of licence to prospective holder in terms of section 74 of Act

31.(1) A licence holder applying for a transfer of a liquor licence to another person in terms of section 74 of the Act must lodge such application with the Liquor Authority using Form KZNLA 17A of Annexure Q1 and must pay the application fee for transfer of a licence as contemplated in Annexure B.

(2) The application for a transfer of a licence contemplated in subregulation (1) must be lodged with the Liquor Authority only on a Friday, excluding declared public holidays, at an address provided for by the Liquor Authority in the application form.

(3) An application lodged with the Liquor Authority, as contemplated in subregulation (1), is treated as duly lodged when all necessary documents and information contemplated in section 41(2)(b)(ii)(iii)(iv) and section 74(2) of the Act have been submitted to the Liquor Authority.

Procedure relating to incomplete application for transfer of liquor licence to prospective holder in terms of section 74 of Act

32.(1) Where an application for a transfer of a liquor licence is incomplete, the Chief Executive Officer must forthwith issue a notice, in Form KZNLA 2 of Annexure C, to the applicant, requesting such applicant to complete the application within 14 days.

(2) Where the applicant fails to comply with the notice contemplated in subregulation (1) the Liquor Authority must –

- (a) reject the application for a transfer of a liquor licence; and
- (b) notify the applicant, in writing, of its decision within 14 days after reaching such decision.

Procedure upon granting of application in respect of transfer of liquor licence to prospective holder in terms of section 74 of Act

33.(1) The Liquor Authority must consider an application for transfer of a liquor licence and make a finding no more than 90 days after receipt of the applicant's response to any representations or submissions received.

(2) Where a licence has been granted by the Liquor Authority the Chief Executive Officer must, after having received payment of the prescribed licence fee contemplated in Annexure B, issue a licence certificate in the applicant's name using Form KZNLA 9 of Annexure I.

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

PART VI
REMOVAL OF LICENCE FROM LICENSED PREMISES TO OTHER PREMISES
IN TERMS OF SECTION 75 OF ACT

Procedure for removal of licence from licensed premises to other premises in terms of section 75 of Act

34.(1) A person applying for removal of a licence from licensed premises to other premises in terms of section 75 of the Act must –

- (a) lodge such application with the Liquor Authority; and
- (b) pay the application fee contemplated in Annexure B.

(2) The application contemplated in subregulation (1) must be lodged with the Liquor Authority only on a Friday, excluding declared public holidays, at an address provided for by the Liquor Authority in the application form.

(3) An application lodged with the Liquor Authority as contemplated in subregulation (1) is treated as duly lodged when all necessary documents and information contemplated in sections 41 – 51 or sections 55 – 60 of the Act have been submitted to the Liquor Authority.

Form of application to Liquor Authority for liquor licence in respect of removal of licence from licensed premises to other premises in terms of section 75 of Act

35.(1) An applicant must make a written application, in triplicate, for removal of a licence from licensed premises to other premises as contemplated in section 75 of the Act, using Form KZNLA 18 of Annexure R and must –

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

(2) In addition to the requirements contemplated in section 41(2) of the Act, every application must, at the time of being lodged with the Liquor Authority, be accompanied by –

- (a) a plan of the premises clearly showing –
 - (i) the dimensions of each room;
 - (ii) all doors, windows and counters;
 - (iii) all internal and external information- or notice boards; and
 - (iv) the street and places to which such entries and exits lead; and
- (b) a comprehensive written representation or motivation in support of the application.

Procedure upon receipt of application to Liquor Authority for liquor licence in respect of removal of licence from licensed premises to other premises in terms of section 75 of Act

36.(1) Where the application to the Liquor Authority for removal of a liquor licence from licensed premises to other premises, lodged in terms of regulation 34, is incomplete, the Chief Executive Officer must forthwith issue a notice, in Form KZNLA 2 of Annexure C, to the applicant to complete the application within 14 days.

(2) Where the application is complete, the Chief Executive Officer must, within 14 days of receipt, dispatch the application and all accompanying documents to the local committee.

(3) Upon receipt of an application contemplated in subregulation (2) the local committee must notify the applicant in order to give notice of the application.

(4) The application and all accompanying documents must be open for public inspection at –

- (a) the office of the relevant local committee; and
- (b) the office of the local station commander.

(5) Any person must, within a period of 21 days from date of publication, be allowed to inspect and copy the application contemplated in subregulation (4), upon payment of the prescribed fee.

Notice of application to local committee for liquor licence in respect of removal of licence from licensed premises to other premises in terms of section 75 of Act

37.(1) Upon receipt of a written notice by the applicant from the local committee, the applicant must –

- (a) publish such notice in at least one newspaper circulating in the area in which the proposed premises will be located, using Form KZNLA 3 of Annexure D;
- (b) display a 1 m x 1 m notice board in a prominent place at the proposed premises, clearly showing the same information contained in Form KZNLA 3 of Annexure D;
- (c) ensure that the notice contemplated in paragraph (b) is visible to passers-by;
- (d) serve notice of the application on a member of a household over the age of 16 years of each of the occupied residences within a radius of 100 metres of the proposed premises, only if the proposed premises is in the residential area;
- (e) simultaneously with publication of the application in the newspaper, deliver a copy of the application to the local office of the station commander of the South African Police Service in whose area of jurisdiction the proposed premises are or will be located; and
- (f) submit proof of compliance within seven days from date of publication and notification to the local committee.

(2) In publishing the notice contemplated in subregulation (1)(b), a local newspaper must use Form KZNLA 3 of Annexure D.

(3) The local committee must advise the applicant that, in addition to the publication of the notice in terms of subregulation (1), the applicant must cause a copy of such notice to be sent by registered post or delivered to –

- (a) the person or body currently in control of the residence earmarked for business;
- (b) the registered owner of the land and the occupier of the residence earmarked for business;
- (c) the municipal manager of the municipality for the area in which the residence earmarked for business is situated; and
- (d) all known stakeholders in the general area in which the residence earmarked for business is situated, advising those stakeholders to make written representations or submissions regarding the proposed awarding of the licence.

Objections or representations in respect of application for removal of licence from licensed premises to other premises in terms of section 75 of Act

38.(1) Not later than 21 days after the applicant has given notice of application for removal of a licence from licensed premises, any person may, in writing –

- (a) object to; or
- (b) make representations for or against the granting or refusal of the application, and must serve a copy thereof to –
 - (i) the local committee; and
 - (ii) the applicant or his or her representative who prepared the application; and
- (c) provide conclusive proof of service by the applicant to the local committee.

(2) A person making representations or lodging objections contemplated in subregulation (1) must –

- (a) set out his or her full names and address;
- (b) provide his or her identity number or, if a company or closed corporation, its registration number;
- (c) if applicable, state the name and address of his or her representative;
- (d) state the nature of the person's interest in the granting or refusal of the application; and
- (e) provide comprehensive grounds for objections to, or support of, the application.

(3) Upon receipt of written representations contemplated in subregulation (2), the local committee must cause a copy of such representations to be sent by registered post or delivered to the applicant, advising such applicant to respond in writing to the written representations or submissions regarding the objections or representations.

Filing of inspection report in respect of application for removal of licence from licensed premises to other premises in terms of section 75 of Act

39. Not later than 14 days after the secretary of the local committee has examined the application in terms of section 44(1) of the Act, an inspector, appointed in terms of section 81(1)(a) of the Act, must conduct an inspection and submit a report using Form KZNLA 5A of Annexure F1.

Applicant's reply in respect of application for transfer of licence from licensed premises to other premises in terms of section 74 of Act

40. An applicant must, not later than seven days after receipt of an objection or representation in terms of section 43(1) of the Act or an inspection report, submit, in duplicate, his or her written response to the local committee.

Objection hearings in respect of application for removal of licence from licensed premises to other premises in terms of section 75 of Act

41.(1) Upon receipt of the response contemplated in regulation 38(3) and where –

- (a) the matter is clear in terms of the written representations; and
- (b) the matter is capable of being determined in terms of the papers before the committee,

the local committee may dispense with the holding of an objection hearing as contemplated in section 47(1) of the Act.

(2) Where the local committee holds an objection hearing in terms of section 47(1) of the Act, the order or procedure will be as prescribed in the guidelines.

(3) When the local committee holds an objection hearing as per subregulation (2), it must –

- (a) do so in compliance with section 47(2) of the Act; and
- (b) notify affected parties using Form KZNLA 7 of Annexure H1.

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

(5) The written notice delivered in terms of section 47(4)(a) of the Act may either be by hand, post or by substituted service.

Forwarding of documents to Liquor Authority in respect of application for transfer of liquor licence to prospective holder in terms of section 75 of Act

42. Within 14 days after consideration of the application for a licence, a local committee must submit to the Liquor Authority –

- (a) a report with recommendations;
- (b) the application; and
- (c) any copies of documents submitted in terms of these regulations.

Procedure upon granting of application for removal of liquor licence from licensed premises to other premises in terms of section 75 of Act

43.(1) Where an application is granted in respect of the premises which are suitable for the purpose of the business to be conducted thereon by the local committee, a licence

contemplated in Form KZNLA 9 of Annexure I must, in terms of section 23(2)(a) of the Act, be issued by the Chief Executive Officer.

(2) If an application is granted in respect of incomplete premises, a written notice or conditional approval must be issued by the Chief Executive Officer.

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

(4) Where an appeal is lodged in terms of section 61 of the Act, the Liquor Authority must inform the applicant that the licence will not be issued before the appeal is finalised and an outcome certificate is issued in terms of section 61(7) of the Act.

Appointment of manager of licensed premises (section 77 of Act)

44.(1) A person appointed by a licensed person in terms of section 77(2) of the Act may only be issued with a certificate of appointment as a manager of the licensed premises by the Liquor Authority once the Liquor Authority is satisfied that the proposed manager is not disqualified or incompetent in terms of section 77(1)(a) of the Act.

(2) In order for the Liquor Authority to execute its mandate in terms of subregulation (1), the licence holder must provide the following –

- (a) a duly completed and signed application form for the appointment of a manager in accordance with Form KZNLA 8 of Annexure H2;
- (b) proof of payment of the relevant application fee set out in Annexure B;
- (c) a certified copy of the identity document of the proposed appointed manager;
- (d) an original or certified copy of a written contract of employment;
- (e) where the proposed manager is a foreign national, a certified copy of a valid and active work permit issued by the relevant government department or government agency; and
- (f) an original or certified copy of a certificate issued by the SAPS valid as at the date of lodgement of the application for a period in excess of three months from the date of issue by the SAPS.

(3) The Liquor Authority must consider the application contemplated in subregulation (2)(a) and make a decision whether to approve or refuse the application within 30 days of having received a fully completed application.

(4) The application in terms of this regulation may be lodged at the same time as the application for a new liquor licence or an application for a renewal of an existing licence, where applicable.

(5) Notwithstanding the number of appointments of managers applied for at the same time, the fees payable are per manager.

(6) A person so appointed to manage the business of the holder of the liquor licence is subject to the same obligations arising out of the Act and this regulation as the licensee concerned.

(7) Notwithstanding the appointment of a manager the licence holder remains responsible in respect of matters arising out of the licence and the licensed premises.

(8) The appointment of the manager is valid for the period of the liquor licence.

(9) The appointment of the manager lapses when –

- (a) the liquor licence expires;
- (b) the liquor licence is either suspended, revoked, withdrawn or cancelled; and
- (c) the manager resigns, is dismissed or abandons employment.

Tariffs to be paid to witnesses by Liquor Authority on appeal or review proceedings in terms of section 99 of Act

45. The Liquor Authority must pay tariffs or allowances payable to witnesses in appeal proceedings in accordance with the Magistrate Courts Act, 1944 (Act No. 32 of 1944), and tariff allowances payable to witnesses in civil cases in terms of the relevant provisions of the Supreme Court Act, 1959 (Act No. 59 of 1959).

Procedure for submitting complaint with Liquor Authority (section 99(1)(o) of Act)

46.(1) A person lodging a complaint in terms of section 99(1)(o) of the Act must –

- (a) lodge such complaint with the Liquor Authority using Form KZNLA 22 of Annexure V; and
- (b) lodge such complaint with the local committee or the SAPS, using the form referred to in subregulation (1)(a).

(2) The complainant contemplated in subregulation (1) must provide the information and/ or documentation, if any, to support their complaint.

(3) Upon receipt of the complaint by the Chief Executive Officer of the Liquor Authority, the station commander of the local SAPS station or the chairperson of the local committee, a notice must be sent to the licence holder informing him or her of the complaint against him or her and his or her premises.

(4) The licence holder must, within a period of seven working days, make a representation on the allegations of the complaint against him or her, to the Chief Executive Officer.

(5) If the licence holder fails to provide such representation within the time contemplated in subregulation (4) the Chief Executive Officer of the Liquor Authority may give permission to investigate the complaint.

(6) If the evidence gathered is immaterial or there is no evidence found to support the complaint the Chief Executive Officer must dismiss the complaint and inform the complainant of the outcome.

(7) If the evidence proves that there is a contravention of the Act the Chief Executive Officer must send a compliance notice to the licence holder.

(8) If the licence holder fails to comply with the conditions of the compliance notice, contemplated in subregulation (7), the Chief Executive Officer may suspend or revoke the licence.

Application for Temporary Amnesty Registration (section 99 of Act)

47.(1) The Liquor Authority may grant temporary amnesty only to pre-existing and valid licence holders licensed in terms of the Liquor Act, 1989 (Act No. 27 of 1989), for the following categories wherein such licensed premises are now, in terms of this Act –

- (a) licensed premises situated within an area with a 500 meter circumference from learning and religious institutions; and
- (b) convenience stores franchised to a service station selling petrol, diesel or other petroleum products to the public.

(2) Licence holders who are eligible for consideration for such an amnesty application must apply, within six months of the promulgation of the Act, to the Liquor Authority by completing Form KZNLA 23 of Annexure W1.

(3) A completed application with all the required documents, which is in compliance with the requirements set out in regulations 2 and 3, may be accepted for consideration by the Liquor Authority.

(4) Within 14 days of receipt of the application contemplated in subregulation (3) the Liquor Authority, once satisfied that all the requirements have been complied with, may grant an amnesty registration by issuing a certificate contemplated in Form KZNLA 24 of Annexure W2, to the applicant.

(5) Simultaneously with the lodgement of the application contemplated in subregulation (2), the licence holder must apply for the removal of the licence, as contemplated in regulation 34.

(6)(a) An amnesty registration certificate issued pursuant to subregulation (4) is, subject to the annual renewal contemplated in subregulation (8), valid for a period of three years, calculated from the date of publication of these regulations.

(b) The amnesty registration certificate lapses and becomes of no force and effect once the application for a removal, contemplated in regulation 34, is finalised by the Liquor Authority and an outcome certificate is issued to the licence holder.

(7) The holder of an amnesty registration must, for as long as that amnesty registration remains in force, enjoy all of the same rights and be subject to the same restrictions as that which he or she enjoyed in terms of the original licence.

(8) The holder of an amnesty registration must lodge an annual renewal of that registration together with the application for annual renewal of his or her licence.

(9) An annual renewal contemplated in subregulation (8) must be in writing and addressed to the Liquor Authority, accompanied by a certified copy of the certificate issued as contemplated in Form KZNLA 24 of Annexure W2 and be –

(a) lodged with the Liquor Authority annually on or before the anniversary of the date on which that amnesty registration was first issued; and

(b) accompanied by proof of payment of a renewal fee as set out in Annexure B of these Regulations.

(10) The Liquor Authority must, upon receipt of the annual renewal fee contemplated in subregulation (9), immediately stamp that form, thereby indicating that the amnesty registration has been renewed and return a copy of the stamped annual renewal to the eligible person.

(11) An amnesty registration which is not renewed in accordance with the provisions of subregulation (9), lapses on the day immediately following the anniversary of the issue of that amnesty registration and is of no further force or effect.

(12) Licence holders falling within the categories contemplated in subregulation (1), and failing to submit an application for amnesty within the requisite period contemplated in subregulation (2), will be held accountable as licence holders in terms of the provisions of the Act.

PART VII CODE OF CONDUCT FOR MEMBERS OF LIQUOR AUTHORITY

General conduct of members of Liquor Authority in terms of section 99(1)(t) of Act

48. A member of the Liquor Authority must –

- (a) perform the functions of office in good faith, honestly, transparently and with all due diligence;
- (b) at all times, act in the best interests of the Liquor Authority and in such a way that the credibility and integrity of the Liquor Authority is not compromised;
- (c) strive to be familiar with and abide by all statutory and other instructions applicable to his or her conduct;
- (d) co-operate with public institutions established under legislation and the Constitution in the promotion of public interest;
- (e) serve the public in an unbiased and impartial manner in order to create confidence in the Liquor Authority;
- (f) be helpful and reasonably accessible in his or her dealings with the public and at all times treat members of the public as customers who are entitled to receive high standards of service;

- (g) not unfairly discriminate against any member of the public on account of race, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, conscience, belief, culture or language;
- (h) not abuse his or her position to promote prejudice or self-interest;
- (i) recognise the public's right to access of information, excluding information that is specifically protected by law;
- (j) strive to achieve the objectives of the Liquor Authority cost-effectively and in the public interest;
- (k) be punctual in the execution of his or her duties;
- (l) be honest and accountable in dealing with public funds;
- (m) use the Liquor Authority's property and other resources effectively, efficiently and only for authorised official purposes;
- (n) execute his or her responsibilities in a professional and competent manner; and
- (o) not engage in any action that is in conflict with or infringes on the execution of his or her official duties.

Rewards, gifts and favours

49. A member of the Liquor Authority may not request, solicit or accept any reward, gift or favour for –

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

Unauthorised disclosure of information

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

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

- (a) determined by the Liquor Authority to be privileged or confidential;
- (b) discussed in closed session by the Liquor Authority;

- (c) disclosure of which would violate a person's right to privacy; or
- (d) declared to be privileged, confidential or secret in terms of law.

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

Intervention in Administration

51. A member of the Liquor Authority may not, except as provided by law –

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

Duty of Chairperson of Liquor Authority

52.(1) If the chairperson of the Liquor Authority, on reasonable suspicion, is of the opinion that a provision of the Code of Conduct has been breached, the chairperson must –

- (a) authorise an investigation of the alleged breach;
- (b) give the member a reasonable opportunity to reply in writing regarding the alleged breach; and
- (c) report the matter to a meeting of the Liquor Authority after paragraphs (a) and (b) have been complied with.

(2) The chairperson must, within a reasonable time, report the outcome of the investigation to the responsible Member of the Executive Council.

(3) The chairperson must ensure that each member, when taking office, is aware of the Code of Conduct.

Breach of Code of Conduct

53.(1) The Liquor Authority may –

- (a) investigate, charge, adjudicate and make a finding on any alleged breach of a provision of the Code of Conduct; or
 - (b) establish a special committee to deal with any alleged breach of a provision of the Code of Conduct –
 - (i) to investigate and make a finding on any alleged breach of the Code of Conduct; and
 - (ii) to make appropriate recommendations to the responsible Member of the Executive Council.
- (2) If the Liquor Authority or a special committee finds that a member has breached a provision of the Code of Conduct, the Liquor Authority may –
- (a) issue a formal warning to the member;
 - (b) suspend the member from office for a period determined by the Liquor Authority;
- or
- (c) remove the member from office.
- (3)(a) Any member who has been warned, suspended or removed in terms of paragraph (a), (b) or (c) of subregulation (2) may, within 21 days of having been notified of the decision of the Liquor Authority, appeal to the responsible Member of the Executive Council, in writing, setting out the reasons on which the appeal is based.
- (b) The appellant must provide a copy of the notice of appeal to the Liquor Authority.
- (c) The Liquor Authority may, within 14 days of receipt of the appeal referred to in paragraph (b), make any representation pertaining to the appeal to the responsible Member of the Executive Council in writing.
- (d) The responsible Member of the Executive Council may, after having considered the appeal, confirm, set aside or vary the decision of the Liquor Authority and inform the appellant and the Liquor Authority of the outcome of the appeal.
- (4) The responsible Member of the Executive Council may appoint a person or a committee to investigate any alleged breach of a provision of the Code and to make a recommendation as to the appropriate sanction in terms of subregulation (2).
- (5) The responsible Member of the Executive Council may determine that any or all of sections 3 – 11 of the KwaZulu-Natal Commissions Act, 1999 (Act No. 3 of 1999), apply to an investigation in terms of subregulation (4).

(6) If the responsible Member of the Executive Council is of the opinion that the member has breached a provision of the Code of Conduct and that such contravention warrants a suspension or removal from office, the responsible Member of the Executive Council may –

- (a) suspend the member for a period and on conditions determined by the responsible Member of the Executive Council; or
- (b) remove the member from office.

(7) Any investigation in terms of this regulation must be in accordance with the rules of natural justice.

(8) The Code of Conduct applies to members of the local committees, with the necessary changes.

PART VIII GENERAL PROVISIONS

Appointment of inspectors in terms of section 81(1) of Act

54. Each inspector appointed by the responsible Member of the Executive Council in terms of section 81 of the Act is provided with a certificate in Form KZNLA 6 of Annexure G.

Short title

55. These Regulations are called the KwaZulu-Natal Liquor Licensing Regulations, 2013.

**ANNEXURE A
APPLICATION FORM**

KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)

<p>DATE STAMP</p> <p>KZN</p> <p>LIQUOR</p> <p>AUTHORITY</p>

KZNLA 1

Amount: R

Receipt No.:

Date:

INSTRUCTIONS

1. Read these instructions and every question carefully before answering and follow any specific instruction which may be given in respect of certain questions.
2. Answer every question in full. If you fail to answer any question or give incomplete answers or fail to submit all the additional information and documentation required, your application may be rejected.
3. If a question does not apply to you, write "N/A" (for "Not Applicable") in the space provided. If there is nothing to disclose about a particular question, write "None" in the space provided. If an alteration is made to an answer, sign in full next to the alteration.
4. All answers on the forms, except signatures, must be typed or neatly printed in capital letters in black ink. On completion, each page of this form must be signed in full in the space provided at the bottom of each page.
5. Application forms must be completed by the applicant or a person designated by the applicant.
6. All original completed application forms and all the additional required information and documentation, which must be certified copies plus one copy of all pages, including all supporting documentation, must be submitted.
7. If you need additional space to answer any question, please use additional pages but be sure to indicate the number(s) of the question(s) you are answering on these additional pages and clearly cross reference the additional information with the relevant questions.
8. All dates must be in the following format: Day/Month/Year.
9. All applications must be accompanied by the requisite copy of the payment receipt of the application fee.
10. All applications must be submitted to the following address:

<p>Office of the Chief Executive Officer 22 Dorothy Nyembe Street 1st Floor, The Marine Building Durban 4000 Telephone: (031) 302 0600/38 Fax: 086 627 4734 website: www.kznlqa.co.za</p>
--

APPLICATION FOR LICENCE IN TERMS OF SECTION 41(1)

(PART A) On-consumption in terms of section 39(a)	
Off-consumption in terms of section 39(b)	
(PART B) Special events permit in terms of section 39(c)	
(PART C) Micro-manufacturing in terms of section 39(d)	

(Indicate the category of licence application that you intend to apply for by marking the relevant square with an X)

INDEX
Description of document

Annexures:

- (i) Application KZNLA 1 Annexure A
- (ii) Comprehensive written representations or motivation in terms of section 41(2) A
- (iii) Plan of the premises with dimensions in terms of section (41)(2)(e) B
- (iv) Description and photographs of the premises C
- (v) Documents required to be attached to application in section (41)(2)(a – l), as per regulation 3

Application prepared by:

- 1. **Applicant**
- 2. **Person acting on behalf of the applicant**
(attach Power of Attorney)

3. **If number 2 is applicable, please provide the following details:**

- (a) **Name and surname of person:**
-
- (b) **Postal address:**
-
- (c) **Contact details:**
- (d) **Cell no.:**
- (e) **Landline no.:**
- (f) **Fax no.:**
- (g) **Email address:**

<u>PARTICULARS OF APPLICANT</u>			
1.(a) Full names and surname of applicant:			
(b) Age of applicant:			
(c) Identity number/ Company registration number of applicant:			
(d) Residential address of applicant:			
(e) Business address of applicant:			
(f) Postal Address of applicant:			
(g) District Municipality:			
(h) Local Municipality:			
(i) Business contact details:			
Cell:	Tel.:	Fax:	Email:
2.(a) Is applicant a person who –			
(i) has, in the Republic or elsewhere, in the preceding 10 years been sentenced for any offence to imprisonment without the option of a fine;		<input type="checkbox"/> Yes	<input type="checkbox"/> No
(ii) has, in the preceding 10 years, been convicted of an offence in terms of the Liquor Act, 1989 (Act No. 27 of 1989), or the KwaZulu-Natal Liquor Licensing Act, 2010 (Act No. 6 of 2010), irrespective of the sentence imposed and was, within three years after the conviction, again convicted of an offence in terms of any of the abovementioned two Acts and was then sentenced therefore to a fine of not less than R200 or to imprisonment without the option of a fine;		<input type="checkbox"/> Yes	<input type="checkbox"/> No

(iii) is a South African citizen;

 Yes

 No

(iv) if not, state the country of origin and submit a valid work or business permit

from Home Affairs:

(v) is an unrehabilitated insolvent;

 Yes

 No

(vi) is a minor;

 Yes

 No

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

 Yes

 No

(viii) has been committed in terms of the Mental Health Act, 1973 (Act No. 18 of 1973), or the Mental Health Care Act 2002, (Act No. 17 of 2002)?

 Yes

 No

3.(a) If the applicant is a legally registered company, close corporation, partnership, co-operative, association or trust, state whether a person contemplated in subparagraph (a) –

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

 Yes

 No

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

 Yes

 No

(iii) is the main beneficiary under such trust?

 Yes

 No

(b) If any of the questions in subparagraph (a) have been replied to in the affirmative, provide the legal documents establishing the specific legal entity referred to in (a) above; together with the resolution signed by all members of such entity authorising this application.

(Use an annexure if necessary)

4.(a) State the name, identity number and address of each person, including the applicant, who will have any financial interest in the business, and in each case the nature and extent of such interest. If the applicant is a public company, statutory institution or a co-operative, as contemplated in The Co-operatives Act, 1981 (Act No. 91 of 1981), it shall be sufficient if only the name and postal address of such company, statutory institution or co-operative, as the case may be, the name of each director (if any) thereof and the nature and extent of the financial interest of such company, statutory institution or co-operative are furnished and not also the interests of individual members of such company, statutory institution or co-operative.

(Use an annexure if necessary)

(b) State the financial interest of the applicant in the liquor trade in the Republic of South Africa and, if the applicant is a private company, close corporation, partnership or trust, also of every shareholder, member or partner thereof or beneficiary thereunder. (If the applicant or the said shareholder, member, partner or beneficiary has no such interest, this fact shall be specifically mentioned.) *(Use an annexure if necessary)*

PARTICULARS OF APPLICATION

1. Location of premises: physical address or identifiable landmarks:

(a) Residential:

(b) Commercially zoned area:

(c) Urban:

(d) Rural:

2. State the proximity of the proposed premises in terms of metres to:

(a) Learning institutions:

(b) Religious institutions:

(c) Other licensed premises:

3. What is the status of the applicant in terms of BEE rating? (Relevant certificates are to be attached).....

.....

4. Details pertaining to the total number of jobs to be created in terms of the proposed premises to be provided:

.....

5. Provide a description of the social responsibility programs in respect of alcohol consumption to be undertaken by the proposed licence applicant.

.....

.....

6. Proof of a valid and current tax clearance certificate to be attached at the time of submission of this application.

7. Is the application in the public interest? (If yes, provide motivation as contemplated in section 48(6) of the Liquor Act.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
.....		
.....		
8. Is the structure of the premises complete? (If yes, submit a valid business licence.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
9. Do you have lawful occupation of the premises? (If yes, proof is to be submitted.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
10. Are you the owner of the proposed premises from which liquor is intended to be sold? (If not, consent is required from the owner of the premises or relevant authority to conduct trade in liquor and proof is to be submitted.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11. Do you have a security plan for the proposed premises? (If yes, attach proof.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12. Have you paid for your application? (If yes, attach proof.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13. Do you have a detailed sketch plan for the proposed premises, including storage of liquor? (If yes, attach proof.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14. Do you have additional storage? (If yes, attach a sketch plan with dimensions.)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>If the premises will be managed by a person other than the applicant, then the application form must be accompanied by an application in terms of section 77(1)(d) and Form KZNLA 8 of Annexure H2.</p>		

PART A: CONSUMPTION

ON-CONSUMPTION

OFF-CONSUMPTION

4. DETAILS OF THE PROPOSED PREMISES

(1) The name in which the business is to be conducted:

.....

(2) State the type of premises applied for in terms of section 39(a).

.....

(3) State the physical address of the premises where the business will be conducted or the description of the location of the premises in terms of identifiable landmarks as required in terms of section 41(2)(a).

.....

.....

(4) Describe the situation of the premises where the business is to be conducted by reference to the erf-, street- or farm number.

.....

.....

(5) In which district or metropolitan area is the premises referred to in subparagraph (4) situated?

.....

(6) State on which portion of the premises the sale of liquor is to take place.

.....

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

(a) have not yet been erected;

 Yes No

(b) are already erected, but require additions or alterations to make them suitable for the purposes of the proposed business;

 Yes No

(c) are already erected and, in the applicant’s opinion, do not require additions or alterations in order to make them suitable for such purposes; or

 Yes No

(d) a business licence from the relevant local authority is attached where proposed premises will be physically located?
(proof to be submitted)

 Yes No

(8) If paragraph 7(a) or (b) applies, state –

(a) the date on which such erections, additions or alterations will be commenced

with:;
and

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

.....

(9)(a) Is application made for any determination, consent, approval or authority which may be granted by the KwaZulu-Natal Liquor Authority (e.g. other business or tasting facilities)?

 Yes No

(b) If so, give full particulars with reference to the section in terms of which application is made.

.....
.....

(Provide comprehensive motivation – Use an annexure)

(10) In the case of an on-consumption licence in respect of premises of a club, attach a copy of the rules/ constitution of the club, certified by the president, chairman or secretary.

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

.....
Date

.....
Signature (of applicant or person authorised to sign application)

I certify that this declaration has been signed and sworn to/ affirmed before me at on this day of, 20.....

by the applicant/ person authorised to sign the application and who has acknowledged that –

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

and that he/she uttered the following words –

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

.....
Commissioner of Oaths

.....
Affirmation

Full names and surname:

Business address:

.....

Designation:

Area for which appointment is held:

Office held if appointment is *ex officio*:

PART B: SPECIAL EVENTS

DETAILS OF SPECIAL EVENTS PERMIT APPLICATION

(1) State type of liquor applicant intends selling under approved permit:

.....

(2) Please indicate the place of storage and provide a plan:

.....

(3) What is the name of the special event?

(4)(a) Describe the physical address of the premises where the business is to be conducted by reference to the erf-, street- or farm number and a description of the premises in terms of identifiable landmarks:

.....

.....

.....

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

(5) Will the applicant have the right to occupy the premises, including such place on other premises upon which any approval is to be exercised, for the purposes of the licence applied for?

Yes

No

(6) Duration of the special event:

(7) Start date and end date of the special event:

.....

(8) Start time and closing time of the event for each day:

.....

(9) Name of the person who will be responsible for the sale of liquor at the special event:

.....

(10) Identity number of person referred to in (9) above (*attach certified copy of the I.D.*):

.....

(11) Contact details of the person managing the event:

.....

PART C: MICRO-MANUFACTURING

(1) State type of liquor applicant intends manufacturing:

(2) State intended amount of liquor to be manufactured per year:

(3) If application is made for a micro-manufacturer's licence –

(a) is applicant a person who –

(i) engages in viticulture; or

Yes

No

(ii) manufactures any other fermented beverage?

Yes

No

(4)(a) Is application made in respect of premises which –

(i) have not yet been erected;

Yes

No

(ii) are already erected, but require additions or alterations to make them suitable for the purposes of the proposed business; or

Yes

No

(iii) are already erected and, in the applicant's opinion, do not require additions or alterations in order to make them suitable for such purpose?

Yes

No

(5) If paragraph 4(a)(i) or (ii) applies, state –

(a) the date on which such erections, additions or alterations will be commenced with:

.....; and

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

.....

(6)(a) Is application made for any determination, consent, approval or authority which may be granted by the KwaZulu-Natal Liquor Authority? (e.g. other business or tasting facilities.)

Yes	No
-----	----

(b) If so, give full particulars with reference to the section in terms of which application is made:

.....
.....

(Use an annexure if necessary)

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

.....
Date

.....
Signature (of applicant or person authorised to sign application)

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

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

by the applicant/ person authorised to sign the application and who has acknowledged that –

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

and that he/she uttered the following words:

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

.....

Commissioner of Oaths

.....

Affirmation

Full names and surname:

Business address:

.....

Designation:

Area for which appointment is held:

Office held, if appointment is *ex officio*:

55

**FORM TO BE COMPLETED WITH RESPECT TO THE PROXIMITY OF PROPOSED
PREMISES TO ANY LEARNING OR RELIGIOUS INSTITUTION
OR PLACE OF WORSHIP
(NUMBERS 2 AND 6 OF THE INSTRUCTIONS APPLY)**

Name of the Institution: specify whether a Learning/ Religious Institution or a Place of Worship	Physical Address	Contact Details	Proximity to the proposed or completed premises

ANNEXURE B
KWAZULU-NATAL LIQUOR LICENSING FEES
 KwaZulu-Natal Liquor Licensing Act, 2010
 (Act No. 6 of 2010)

<u>PART A – PRIMARY APPLICATIONS</u>				
Categories in terms of section 39 of KZN Liquor Licensing Act, 2010	Type of Application	Application Fee	Licence Issue Fees	Licence Renewal Fees
On-Consumption	Accommodation	R1 500,00	R2 400,00	R2 400,00 per annum
	Restaurant	R1 500,00	R2 400,00	R2 400,00 per annum
	Club	R1 500,00	R1 200,00	R1 200,00 per annum
	Night Club	R1 500,00	R4 800,00	R4 800,00 per annum
	Gaming premises	R1 500,00	R4 800,00	R4 800,00 per annum
	Sports ground	R1 500,00	R4 800,00	R4 800,00 per annum
	Pub	R1 500,00	R4 800,00	R4 800,00 per annum
	Tavern	R1 500,00	R1 000,00	R1 000,00 per annum
	Theatre	R1 500,00	R2 400,00	R2 400,00 per annum

Off-Consumption	Liquor Store	R1 500,00	R4 800,00	R4 800,00 per annum
	Grocer's wine	R1 500,00	R2 400,00	R2 400,00 per annum
Micro-Manufacture	Micro-Manufacture	R1 500,00	R9 700,00	R9 700,00 per annum
Special Events	Special Events Permit	R1 000,00	R1 000,00 per day	-

PART B – SECONDARY APPLICATIONS

Type of Secondary application	Application Fee	Licence Issue Fee	Renewal Licence Fee
Transfer of a licence	R1 000,00	As per type of application as indicated in Part A	
Removal of a licence	R1 000,00		
Transfer of financial interests	R500,00	R1 000,00	-
Appointment of manager	R500,00	R1 000,00	-
Structural alterations	R500,00	R1 000,00	-
Offsite storage	R500,00	R1 000,00	-
Tasting	R500,00	R1 000,00	-
Any copies for all documents	R300,00	-	-
Appeals	R500,00	-	-

58

ANNEXURE C**NOTICE OF INCOMPLETE APPLICATION**
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)**KZNLA 2****Our ref:****Enquiries:****Date:****[Address of applicant]**

Dear Sir/Madam

**APPLICATION IN TERMS OF [APPLICABLE SECTION] OF KWAZULU-NATAL LIQUOR
LICENSING ACT, 2010 (ACT NO. 6 OF 2010) – [NAME OF OUTLET] – [DISTRICT]**

The application lodged on [Date] refers.

Your application has been perused for administrative compliance and the following peremptory requirements have not been met:

Section/ Regulation:

[Quote the section of the Act/Regulation]

If you are of the opinion that you have complied with the abovementioned provisions, as prescribed, you are given the opportunity to submit proof within **10 DAYS** from the date hereof.

Failing to submit the above outstanding requirements, your application will be an incomplete application and will not proceed any further for approval.

KWAZULU-NATAL LIQUOR AUTHORITY

ANNEXURE D

**NOTICE TO DISPLAY INTENTION TO APPLY FOR LIQUOR LICENCE IN TERMS OF
SECTION (42)(1)(b)(iii) OF ACT
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)**

KZNLA 3

*(To be displayed in a prominent place at the proposed premises USING A NOTICE BOARD
1 m x 1 m in size)*

Name and surname of the applicant:	
Category of licence applied for: (on/off consumption/ micro-manufacturer/ special event):	
Type of premises for which licence is applied for:	
Trading name of the premises:	
Address of the premises:	
Date of display:	
Expiry date of display:	
NB: Objections should be lodged with the local committee in the district from where the application emanates within 21 days from the date of the display.	

**ANNEXURE E
 NOTICE OF APPLICATION
 IN TERMS OF
 SECTION 42(1)(b) AND REGULATION 5(2) OF ACT
 KwaZulu-Natal Liquor Licensing Act, 2010
 (Act No. 6 of 2010)**

KZNLA 4

<p>DATE STAMP KZN LOCAL COMMITTEE</p> <p>.....</p> <p>NAME OF THE DISTRICT MUNICIPALITY:</p> <p>.....</p>
--

Notice is hereby given that it is the intention of the person whose details are set out below to lodge an application for a (type of business and licence sought):

.....

with the secretary of the local committee of (district municipality):

1. Full names and surname of the applicant:
-
2. Intended trading name:
3. Identity number or Registration number:
4. Full address and location of the premises:
-
5. Type of licence applied for:
6. Names and the nature of educational institutions within a radius of 500 metres of the premises:
-
7. Names and distances to similar licensed premises within a radius of 500 metres of the premises:

.....

.....

8. Places of worship within a radius of 500 meters from the premises:

.....

9. The notices have been displayed at the proposed premises, visible to all passers-by.

 Yes No

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

.....

Chairperson of Local Committee

**ANNEXURE F1
INSPECTION REPORT
IN TERMS OF
SECTION 45(2) AND SECTION 56(3) OF ACT
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)**

KZNLA 5A

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

2. Identity number/ Registration number:

3. Is the applicant registered as a tax payer? Yes No

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

5. Is the applicant disqualified in terms of section 40? Yes No

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

7. Description of premises:

8. Category of licensing being sought:

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

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

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

(Mark applicable box)

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

 Yes No

11. Is the business licence/ ITB attached to the application?

 Yes No

12. Is the detailed security plan attached to the application?

 Yes No

13. Are there any similar applications pending, conditionally approved and existing licensed premises?

 Yes No

14. Names and nature of any learning institutions and places of worship within a 500 m circumference:

.....

.....

.....

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

 Yes No

Explain:

.....

.....

.....

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

 Yes No

Explain:

.....

.....

.....

17. Is the proposed premises or complete premises capable of hosting a total number of people seated and standing as per the application submitted?

 Yes No

18. General remarks:

.....

.....

.....

.....

.....

19. Report compiled by:

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

.....

Inspector

**ANNEXURE F2
INSPECTION REPORT
IN TERMS OF
SECTION 82(1)(a) OF ACT
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)**

KZNLA 5B

1. Name and surname of complainant:

2. Identity number of complainant:

3. Physical address:

.....

4. Contact number(s):

.....

5. Name of premises against which the complaint is lodged:

.....

6. Licence number:

7. Physical address/ Description of location of premises (district, municipality, urban/ rural):

.....

.....

.....

8. Nature of complaint:

.....

9. Brief description of the complaint:

.....

.....

.....

10. Findings:

.....

.....

.....
.....

11. Recommendations:

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

12. General remarks:

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

13. Report compiled by:.....

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

.....
Inspector

**ANNEXURE G
INSPECTOR'S CERTIFICATE OF APPOINTMENT
IN TERMS OF
SECTION 81(1)(b) OF ACT
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)**

KZNLA 6

Certificate No.:

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

(a) Name and surname:

(b) Identity number:; and

(c) Employee number:,
to be a Provincial Liquor Inspector in terms of section 81(1) of the KwaZulu-Natal Liquor Licensing Authority, to carry out the duties as contemplated in sections 82, 83, 84, 85, 86, 87, 88 and 89 of the same Act read with the provisions of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

.....
KwaZulu-Natal Liquor Authority
Member of Executive Council

.....
Date

**ANNEXURE H1
OBJECTION HEARING: NOTICE
IN TERMS OF SECTION 47(2) OF ACT
TO BE PRESENT AND APPEAR AT HEARING OF
DISTRICT MUNICIPALITY LOCAL COMMITTEE
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)**

KZNLA 7

Reference no.:

FOR ATTENTION:

Name and surname:
Address:
Sex: Age: I.D. No.:

By virtue of the powers vested in the chairperson of the local committee by section 36(1) of the Act, you are hereby directed to be present at a meeting of the committee which relates to a hearing in respect of objections received (see Annexure attached) in respect of the application for a liquor licence for the abovementioned premises, which will be held as per the place, date and time indicated as follows:

Place	Date	Time

Your attention is drawn to the following –

- (a) it is compulsory for you to appear in person. The applicant may be assisted or represented by any person of his/her choice in terms of section 47(3)(c) of the Act;
 - (b) it is an offence not to be present and to remain in attendance, without you having appointed somebody to appear on your behalf, in terms of section 94(c) of the Act;
- and

(c) you will be required to give evidence under oath and/ or produce any document or article which is in your possession or custody or under your control, in terms of section 47(4)(a) and (b) of the Act.

.....
Place of issue

.....
Secretary

.....
Date

FOR OFFICIAL USE ONLY

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

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

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

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

Time: Day: Month:, 20

.....
Signature of the Liquor Inspector

**ANNEXURE H2
 APPLICATION IN TERMS OF REGULATION 44
 FOR APPOINTMENT OF NATURAL PERSON
 TO MANAGE AND BE RESPONSIBLE FOR BUSINESS
 TO WHICH LICENCE RELATES
 KwaZulu-Natal Liquor Licensing Act, 2010
 (Act No. 6 of 2010)**

KZNLA 8

A. Application made by:

<p>.....</p> <p>.....</p>

B. Name of the Licensed Premises and Licence Number:

<p>.....</p> <p>.....</p>

C. Name of the Metropolitan Municipality/ District Municipality/ Local Municipality where the Licensed Premises are situated:

<p>.....</p> <p>.....</p>

D. Address for service of documents:

<p>.....</p> <p>.....</p> <p>.....</p>
--

E. Contact Details:

<p>.....</p> <p>.....</p>

F. Documents required to be attached to the application:

(a) Certified copy of identity document.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------

(b) Police Clearance Certificate (SAPS 69).	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---	------------------------------	-----------------------------

(c) Written contract of employment between the licence holder and the prospective manager or a resolution.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
--	------------------------------	-----------------------------

(d) Valid work permit.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------	------------------------------	-----------------------------

1. APPLICATION DETAILS

Particulars of the person who is now being appointed:

- (a) Full names and surname:
-
- (b) Identity number:
- (c) Relationship between the proposed manager and the licence holder:
-

2. SUITABILITY OF THE PROPOSED MANAGER

Is the proposed manager a person who –

(a) is an unrehabilitated insolvent;	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If the answer to the above is affirmative kindly provide details.
(b) is a minor;	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
(c) is domiciled in the Republic;	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If the answer to the above is affirmative kindly provide details.
(d) has, in the Republic or elsewhere in the preceding 10 years been sentenced for any offence to imprisonment without an option of a fine; of	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If the answer to the above is affirmative kindly provide details.
(e) has, as the proposed manager, in the preceding 10 years been convicted of an offence in terms of the Liquor Act, 1989 (Act	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

<p>No. 27 of 1989), or the Criminal Procedure Act, 1977 (Act No. 51 of 1977), irrespective of the sentence imposed, and was, within 3 years after the conviction, again convicted of an offence in terms of any of the abovementioned two Acts and was then sentenced therefore to a fine of not less than R200 or to imprisonment without the option of a fine?</p>	<p>If the answer to the above is affirmative kindly provide details.</p>
--	--

Date of appointment

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

Date:

.....
*Signature of holder of the licence or
 person authorised to sign this form*

I certify that this declaration has been signed and sworn to/ affirmed before me at
 on this day of, 20.....

by the holder of the licence/ person authorised to sign the form who acknowledges that –

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

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

.....

Commissioner of Oaths

Full names and surname:

Business address:

.....
Designation:

Area for which appointment is held:

Office held if appointment is *ex officio*:

ANNEXURE I
LICENCE CERTIFICATE IN TERMS OF SECTION 62(1) OF ACT
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)

KZNLA 9

<u>PARTICULARS OF THE LICENCE HOLDER</u>
Licence number:
Licence category:
Type of premises:
Period of validity:
Date for renewal application:
Name of licence holder:
Identity number of licence holder:
Physical address of licence holder:
Name of licensed premises:
Physical address of licensed premises:
Name of person managing licensed premises:
Identity number of manager:
Amount paid:
Receipt number:
District:
Local municipality:
General conditions:
Special conditions:

Determinations, consent, approvals and authorities granted:
Place of issue:
Date of issue:

.....
**Person acting under power delegated by
responsible Member of the Executive Council**

76

ANNEXURE J

**NOTICE OF INTENTION TO APPLY FOR
SPECIAL EVENTS LIQUOR PERMIT**
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)

KZNLA 10

Name and surname of the applicant:
Identity number of the applicant:
Name of the event:
Nature of the event:
Physical address of the premises of the event:
Date of display:
Expiry date of display:
NB: <i>Objections should be lodged with the local committee in the district from where the application emanates within 21 days from the date of display.</i>

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

.....

Applicant/ Agent

ANNEXURE K

**NOTICE IN TERMS OF SECTION 52(3)(f) OF ACT
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)**

KZNLA 11

<p>NOTICE OF INTENTION TO APPLY FOR A LIQUOR LICENCE FOR THE UNDERMENTIONED PREMISES AND PROOF OF SERVICE</p>				
<p>NAME OF PREMISES:</p>				
<p>PHYSICAL ADDRESS OF THE PREMISES:</p> <p>.....</p> <p>.....</p>				
<p>CATEGORY OF LICENCE:</p>				
<p>TYPE OF PREMISES:</p>				
FULL NAME/S	SURNAME	I.D. NUMBER	FULL ADDRESS	SIGNATURE

FULL NAME	SURNAME	I.D. NUMBER	FULL ADDRESS	SIGNATURE

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

.....

Applicant/ Agent

**ANNEXURE L
NOTICE OF INTENTION TO APPLY FOR A LIQUOR LICENCE**

KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)

KZNLA 12

(To be displayed in a prominent place at the proposed premises using a notice board 1 m x 1 m in size)

Name and surname of applicant:
Category of licence applied for: (on/ off-consumption/ micro-manufacturer/ special event):
Type of premises licence is applied for:
Trading name of premises:
Address of the premises:
Date of display:
Expiry date of display:
NB: Objections should be lodged with the local committee in the district from where the application emanates within 21 days from the date of display.

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

.....

Applicant/ Agent

**ANNEXURE M
SPECIAL EVENTS LIQUOR PERMIT IN TERMS OF**

**SECTION 53(7) OF ACT
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)**

KZNLA 13

<u>PARTICULARS OF THE PERMIT HOLDER</u>
Permit number:
Name of event:
Nature of event:
Period of event:
Start date of event:
End date of event:
Name of permit holder:
Number/ Registration number of the permit holder:
Physical address of the premises where the event will be held:
Description of the location in terms of identifiable land marks:
Name and surname of person managing special event premises:
Identity number of manager:
Amount paid:
Receipt number:
District:
Local municipality:
General conditions:

Special conditions:
Place of issue: PIETERMARITZBURG
Date of issue:

.....
**Person acting under power delegated by
the responsible Member of the Executive Council**

**ANNEXURE N
NOTICE OF INTENTION TO APPEAL AGAINST DECISION
OF LIQUOR AUTHORITY**

KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)

KZNLA 14

Official use: KZN Liquor Authority reference number:

Amount: R

Receipt No.:

Date:

In the matter between –

Appellant/ Applicant*:

.....

and

The KZN Liquor Authority

and Premises (address):

take notice that
(hereinafter called the Appellant/ Applicant*) hereby applies to this Liquor Authority for an
order in the following terms:

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

.....

.....

.....

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

.....

.....

.....

3. *Any other matter (state particulars):

.....

.....

.....

.....

.....

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

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

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

.....
 Applicant/ Appellant/ Agent

Address:

To: (local committee)

Address:

**ANNEXURE O
APPLICATION IN TERMS OF SECTION 73(1) OF ACT
FOR ADDITIONAL STORAGE OF LIQUOR**

KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)

KZNLA 15

Official Use: KZN Liquor Authority reference no.:

Amount: R

Receipt No.:

Date:

1. Name of the licensed premises:

2. Name of licence holder:

.....

3. The physical address of the existing licensed premises:

.....

4. The physical address of the proposed storage premises:

.....

5. In which district or metropolitan municipality is the liquor going to be stored?

.....

6. Description of premises and coloured photographs:

.....

.....

.....

.....

7. Comprehensive written representation or motivation:

.....

.....

.....

.....

8. Documents required to be attached to the application –

- (a) plan of the premises;
- (b) consent from the owner of the premises; and
- (c) a certified copy of the applicant's identity document if a natural person or the memorandum of incorporation, if it is a juristic person.

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

.....
Date

.....
Signature (of holder of the licence or person authorised to sign this form)

I certify that this declaration has been signed and sworn to/ affirmed before me
at on this day of, 20.....
by the holder of the licence/ person authorised to sign the form who has acknowledged that
—

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

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

.....
Commissioner of Oaths

.....
Affirmation

Full names and surname:

Business address:

.....

Designation:

Area for which appointment is held:

Office held if appointment is *ex officio*:

ANNEXURE P
APPLICATION FOR ALTERATION OF BUSINESS PREMISES
 KwaZulu-Natal Liquor Licensing Act, 2010
 (Act No. 6 of 2010)

KZNLA 16

<p>DATE STAMP</p> <p>.....</p> <p>KZN</p> <p>LIQUOR AUTHORITY</p>
--

KZN Liquor Authority reference no.:

INDEX
Description of document

Annexures:

1. Description of premises and coloured photographs (Reg. 3(2)(b)).
2. Comprehensive written representation or motivation (Reg. 3(2)(c)).
3. Documents required to be attached to the application –
 - (a) a certified copy of the identity document, if a natural person; or
 - (b) the memorandum of incorporation if it is a juristic person; and
 - (c) the plan showing alterations marked in red;
 - (d) approval of altered premises from the relevant municipality; and
 - (e) consent from the owner of the premises.

Form completed by:

Postal address:

.....

Telephone no.:

Name in which the licensed business is conducted:

.....

Name of licence holder:

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

.....
Date
Signature (of holder of the licence or person authorised to sign this form)

I certify that this declaration has been signed and sworn to/ affirmed before me at on this day of, 20..... by the holder of the licence/ person authorised to sign the form who has acknowledged that

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

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

.....
Commissioner of Oaths

.....
Affirmation

Full names and surname:

Business address:

Designation:

Area for which appointment is held:

Office held if appointment is ex officio:

ANNEXURE Q1
APPLICATION FOR TRANSFER OF LIQUOR LICENCE
TO PROSPECTIVE LICENCE HOLDER
 KwaZulu-Natal Liquor Licensing Act, 2010
 (Act No. 6 of 2010)

KZNLA 17A

For official use: KZN Liquor Authority Reference No.:

Amount: R

Receipt No.:

Date:

APPLICATION FOR A LICENCE IN TERMS OF ...

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

Section 68 in respect of death or incapacity of a licensed person	
Section 69(1) to transfer financial interest	
Section 74 to transfer a liquor licence to a prospective holder	
<p>INDEX Description of document</p> <p>Attachments:</p> <ol style="list-style-type: none"> 1. Application in terms of sections 68, 69 and 74. 2. Comprehensive written representations. 3. Documents required to be attached to the application – <ol style="list-style-type: none"> (a) letter of executorship; (b) death certificate (sections 68 and 74); (c) permission to occupy (in the form of a title deed or lease agreement or rates statement from the municipality); (d) copy of the existing valid business licence; (e) certified copy of identity document of the applicant; (f) proof of payment of lodging fees; (g) proof of renewal of licence fees; (h) tax clearance certificate of applicant/ person acquiring a financial interest; and (i) an SAPS 69 from the South African Police Service. 	

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

1. Full names and surname of applicant:

.....
.....

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

3. Name under which the licensed business is conducted:

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

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

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

.....
Date

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

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

at on this day of, 20

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

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

and that he/she uttered the following words:

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

.....
Commissioner of Oaths

.....
Affirmation

Full names and surname:

Business address:

Designation:

.....

Area for which appointment is held:

Office held if appointment is *ex officio*:

PART B

INFORMATION RELATING TO APPLICANT WHO IS THE PROSPECTIVE HOLDER

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

.....

(b) Age of applicant:

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

.....

(d) Residential address or address of registered office:

.....

(e) Business address:

.....

.....

(f) Postal address:

.....

(g) Business telephone number:

(Delete (b) if applicant is not a natural person)

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

.....

.....

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

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

.....

(c) The applicant –

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

Yes	No
-----	----

(ii) has, in the preceding 10 years, been convicted of an offence in terms of the Liquor Act, 1989 (Act No. 27 of 1989), or the KZN Liquor Licensing Act, 2010 (Act No. 6 of 2010), irrespective of the sentence imposed, and was, within three years after the conviction, again convicted of an offence in terms of any of the abovementioned two Acts and was, therefore, then sentenced to a fine of not less than **R200** or to imprisonment without the option of a fine;

Yes	No
-----	----

(iii) is not domiciled in the Republic;

Yes	No
-----	----

(iv) is an unrehabilitated insolvent;

Yes	No
-----	----

(v) is a minor;

Yes	No
-----	----

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

Yes	No
-----	----

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

Yes	No
-----	----

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

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

Yes	No
-----	----

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

Yes	No
-----	----

(iii) is the main beneficiary under such a trust; and

Yes	No
-----	----

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

.....

(Use an annexure if necessary)

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

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

.....

.....; and

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

.....

(Use an annexure if necessary)

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

(Use an annexure if necessary)

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

(i) a producer or his agent;

Yes	No
-----	----

(ii) a manufacturer of beer or his agent;

Yes	No
-----	----

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

Yes	No
-----	----

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

Yes	No
-----	----

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

Yes	No
-----	----

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

5. If application is made for the transfer of a micro-manufacturing licence, is the applicant a person who –

(a) engages in viticulture;

Yes	No
-----	----

(b) manufactures any other fermented beverage; or

Yes	No
-----	----

No

(c) is a member of a co-operative society, as defined in section 1 of the Wine and Spirit Control Act, 1970 (Act No. 47 of 1970), which manufactures wine from grapes produced by members of the co-operative society?

Yes

6. Name under which the business is to be conducted:

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

Yes

No

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

.....
Date

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

I certify that this declaration has been signed and sworn to/ affirmed before me at on this day of, 20.....

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

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

and that he/she uttered the following words:

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

.....
Commissioner of Oaths

.....

Affirmation

Full names and surname:

Business address:

Designation:

Area for which appointment is held:

Office held if appointment is *ex officio*:

ANNEXURE Q2

TRANSFER OF LIQUOR LICENCE CERTIFICATE
 KwaZulu-Natal Liquor Licensing Act, 2010
 (Act No. 6 of 2010)

KZNLA 17B

CERTIFICATE IN TERMS OF SECTION 74(3): TRANSFER OF A LIQUOR LICENCE

Licence number:

The (type of licence) licence held by:

.....

situated at in the

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

.....

is hereby transferred to.....

.....

.....

The business is conducted in the name of:

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

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

ANNEXURE R

**APPLICATION FOR REMOVAL OF LICENCE FROM
LICENSED PREMISES TO OTHER PREMISES
IN TERMS OF SECTION 75
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)**

KZNLA 18

For official use:

DATE STAMP KZN LIQUOR AUTHORITY RECEIPT OF APPLICATION
--

Amount: R

Receipt No.:

Date:

KZN Liquor Authority reference no.:

INDEX
Description of document

Annexures:

1. Application.
2. Plan of the premises.
3. Description of premises and colour photographs.
4. Comprehensive written representation or motivation.
5. Documents required to be attached to the application –
 - (a) liquor inspector's report;
 - (b) business licence;
 - (c) permission to occupy (in the form of a title deed or lease agreement or rates statement from the municipality);
 - (d) consent to trade in liquor;
 - (e) certified copy of identity document of the applicant;
 - (f) proof of payment of lodging fees;
 - (g) tax clearance certificate of applicant; and
 - (h) power of attorney/ company resolution authorising a signatory (to be accompanied by a certified copy of the signatories' identity document/s (where applicable)).

1. Full names and surname of applicant:

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

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

(Use an annexure if necessary)

3.(a) Name in which licensed business is conducted:

.....

(b) Will the name change as a result of the removal?

 Yes No

(c) If so, state new name:

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

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

(b) Describe the situation of the proposed premises where the business is to be conducted with reference to the erf-, street- and farm number:

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

5.(a) Are the premises referred to in paragraph 4(a) and (b) in the same district or metropolitan municipality, and if not, state the district/ metropolitan municipality:

Yes

No

.....
.....

(b) State the shortest distance by road from the premises referred to in paragraph 4(a) to the premises referred to in paragraph 4(b):

.....

6. Will the applicant have the right to occupy the premises referred to in paragraph 4(b)?

Yes

No

7. In the case of an application for the removal of an on-consumption licence, state in which portion of the premises the sale of liquor is to take place:

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

8.(a) Is application made in respect of premises which –

(i) have not yet been erected;

Yes

No

(ii) are already erected, but require additions or alterations to make them suitable for the purpose of the proposed business; or

Yes

No

(iii) are already erected and, in the applicant's opinion, do not require additions or alterations in order to make them suitable for such purpose?

Yes

No

(b) If paragraph 8(a)(i) or (ii) applies, state –

(i) the date on which such erection, additions, or alterations will be commenced with:

.....;and

(ii) the period which will be required for the erection, additions or alterations:

.....

9.(a) Is application made for any determination, consent, approval or authority which may be granted by the competent authority (e.g. other business or tasting facilities)?

Yes

No

(b) If so, give full particulars with reference to the relevant section in terms of which application is made:

.....

.....

(Use an annexure if necessary)

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

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

.....
Name (of applicant or person authorised to sign application)

.....
Signature (of applicant or person authorised to sign application)

.....
 Date

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

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

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

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

and that he/she uttered the following words –

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

.....
Commissioner of Oaths

.....

Affirmation

Full names:

Business address:

Designation:

Area for which appointment is held:

Office held if appointment is *ex officio*:

ANNEXURE S

**APPLICATION FOR RENEWAL OF LICENCE
IN TERMS OF SECTION 64(2) OF ACT
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)**

KZNLA 19

RENEWAL INFORMATION

1. <u>DETAILS OF LICENSED OUTLET OR PREMISES</u>			
(a) NAME OF OUTLET:			
(b) TRADE NAME/S (IF ANY):			
(c) REGISTRATION NUMBER:			
(d) NAME OF THE METROPOLITAN MUNICIPALITY/ DISTRICT MUNICIPALITY OR LOCAL MUNICIPALITY WHERE THE LICENSED PREMISES ARE SITUATED:			
(e) PHYSICAL BUSINESS ADDRESS OF APPLICANT:			
2. <u>PERSONAL DETAILS OF THE APPLICANT</u>			
(a) NAMES AND SURNAME:			
(b) DESIGNATION OF APPLICANT:			
(c) CONTACT DETAILS:			
Cell:	Tel.:	Fax:	Email:
<i>(Please attach certified copies of the documents requested in terms of regulation 25(3) to this form)</i>			
1. During the past 12 months, has the applicant, or any person holding an interest in the applicant, become disqualified from holding this liquor licence, as contemplated in section 40 of the Act?			<input type="checkbox"/> Yes <input type="checkbox"/> No
2. If the answer to the above question is in the affirmative, please provide details of any decision taken by the relevant provincial licensing authority in terms of section 40 of the Act.			
.....			
.....			
.....			

3. Has the applicant or any of its owners, directors or subsidiaries been indicted or charged with any criminal offence, excluding traffic offences, during the past 12 months? Yes No

If yes, provide details:

.....

.....

4. Has the applicant or any of its subsidiaries been a party to a law suit during the past 12 months? Yes No

If yes, provide details:

.....

.....

I declare/ truly affirm that –

- (a) I have taken cognisance of and understand the rights and duties pertaining to the licence applied for;
- (b) I am the person identified in this form and I am, or have been, duly authorised by the Applicant to provide all the information contained herein;
- (c) I have personally or by representation completed this form and have supplied all the information indicated herein; and
- (d) I certify that the particulars contained herein are true and correct in every detail and that I have fully disclosed the information required in completing this form.

.....
Name (of applicant or person authorised to sign application)

.....
Signature (of applicant or person authorised to sign application)

.....
Date

I certify that this declaration has been signed and sworn to/ affirmed before me at on this day of, 20.....

by the applicant/ person authorised to sign application who has acknowledged that –
(a) he/she knows and understands the contents of this declaration;
(b) he/she has no objection to taking the prescribed oath/ affirmation; and
(c) he/she considers the prescribed oath to be binding on his/her conscience,
and that he/she uttered the following words –

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

.....
Commissioner of Oaths

.....
Affirmation

Full names:

Business address:

Designation:

Area for which appointment is held:

Office held if appointment is *ex officio*:

FOR OFFICIAL USE ONLY:

Evaluation: whether previous licence conditions are still met.
(Attach inspector's report)

APPROVED

NOT APPROVED

Inspector's Report: whether special conditions in terms of section 41(2) or section 55(2) are still met.

APPROVED

NOT APPROVED

Is the application approved by the Chief Executive Officer?

APPROVED

NOT APPROVED

Was the application made prior to the six month expiry date of renewal application?

YES

NO

Has the annual fee been paid?

YES

NO

Comments by the Chief Executive Officer:
.....
.....
.....
.....
.....

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

.....
Chief Executive Officer

107

**ANNEXURE T
SECURITY PLAN**

KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)

KZNLA 20

The Security Plan is to include the following –

No.	Security Plan	Check Box	
		Yes	No
1.	The floor plan of the proposed site or area.	Yes	No
2.	The access point (entry and exit).	Yes	No
3.	The entry/ exit point to be manned at all times.	Yes	No
4.	Patrons to be searched at point of arrival and departure.	Yes	No
5.	Storage facilities for licensed firearms to be provided.	Yes	No
6.	The point of sale to be cordoned off (indicated on the floor plan submitted).	Yes	No
7.	The restricted part for consumption of liquor to be cordoned off (to be indicated on the floor plan submitted).	Yes	No
8.	Parking to be provided.	Yes	No
9.	Ablution facilities for males and females to be provided.	Yes	No

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

.....

Applicant

ANNEXURE U
SITUATIONAL REPORT
 KwaZulu-Natal Liquor Licensing Act, 2010
 (Act No. 6 of 2010)

KZNLA 21

NO.	<u>SITUATIONAL REPORT</u>
1.	Name and surname of the applicant:
2.	Trading name:
3.	Category of licence:
4.	Type of premises applied for:
5.	Address of premises:
6.	The floor plan of the proposed site or area is included:
7.	The access point (entry and exit) is indicated in red on the floor plan:
8.	The entry and exit point is manned at all times: Please provide the number of security staff who will man the door:
9.	Patrons are searched at point of arrival and departure: Indicate the point of search on the floor plan in black.

10.	Storage facilities for licensed firearms are provided in compliance with the Firearm Control Act, 2000 (Act No. 60 of 2000):
11.	The point of sale is cordoned off (to be indicated on the floor plan submitted): Please indicate the type of equipment used for cordoning:
12.	The restricted part for consumption of liquor is cordoned off (indicated on the floor plan submitted):
13.	Sufficient parking is made available in compliance with municipal regulations:
14.	Ablution facilities for males and females are indicated on the floor plan: There is compliance with municipal by-laws regarding the following – (a) age restriction; (b) the restriction on sound levels in the case of music and public announcements; and (c) restrictions on the quantity of liquor supplied to individuals.

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

.....

Applicant

110

**ANNEXURE V
COMPLAINT FORM**
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)

KZNLA 22

FOR OFFICE USE ONLY						REFERENCE NO:	

PLEASE NOTE: 1. Print or type (**DO NOT highlight**).
2. Use **BLACK** ink.
3. Include copies of all relevant documents.

A. PERSONAL DETAILS

<p>Name:</p> <p>Identity Number:</p> <p>Residential Address:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Postal address:</p> <p>.....</p> <p>.....</p> <p>.....</p>

B. CONTACT DETAILS

<p>Business Telephone Number:</p> <p>Alternate Telephone Number.:</p> <p>Cell Number:</p> <p>Fax No: Email Address:</p>
--

C. PARTICULARS OF PARTY AGAINST WHOM THE COMPLAINT IS BEING LODGED

Name of the outlet:

Identity No./Registration No.:

Residential Address:

.....

.....

.....

Postal address:

.....

.....

.....

D. CONTACT DETAILS OF THE PARTY LODGING THE COMPLAINT

Business Telephone Number:

Alternate Telephone Number:

Cell Number:

Fax: No: **Email Address:**

Name and designation of a person spoken to:

.....

E. DETAILS OF THE ACTUAL COMPLAINT

NB: Do not give a detailed account of the history of the issue. Please single out the main points of the issue, providing names and dates where possible. **Mere reference to attached documents is not accepted.** Also indicate what steps you have taken to resolve the problem.

F. DESCRIBE THE RESULT OR OUTCOME THAT YOU SEEK

DATE: _____

SIGNATURE: _____

113

**ANNEXURE W1
APPLICATION FOR
TEMPORARY AMNESTY REGISTRATION**
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)

KZNLA 23

**DATE STAMP
KZN LIQUOR
AUTHORITY**

Amount: R

Receipt No.:

Date:

**APPLICATION IN TERMS OF REGULATION 47
FOR AMNESTY REGISTRATION**

APPLICATION PREPARED BY:

1. Applicant:

2. Person acting on behalf of the applicant:
(attach Power of Attorney)

3. If 2 above is applicable, provide the following details in respect of the person acting on behalf of the applicant:

(a) Name and surname of person:

.....
.....

(b) Postal Address:

.....
.....

(c) Contact details of applicant or person acting on behalf of applicant:

Cell:	Tel.:	Fax:	Email:
-------	-------	------	--------

PARTICULARS OF APPLICANT

(a) Identity number (individual):

(b) Registration number (entity):

(c) Residential address:

114

(d) Business address:			
(e) Postal address:			
(f) CONTACT DETAILS:			
Cell:	Tel.:	Fax:	Email:

PARTICULARS OF BUSINESS	
1.	Under what name is the business conducted?
2.	Since what date has the abovementioned business been conducted?

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

.....
Date

.....
*Signature (of applicant or person
authorised to sign application)*

I certify that this declaration has been signed and sworn to/ affirmed before me at..... on this day of....., 20.....
by the applicant/ person authorised to sign application who acknowledged that –

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

(c) he/she considers the prescribed oath to be binding on his/her conscience,
and that he/she uttered the following words –

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

.....
Commissioner of Oaths

.....
Affirmation

Full names and surname:

Business address:

Designation:

Area for which appointment is held:

Office held if appointment is *ex officio*:

116

**ANNEXURE W2
NOTICE OF
TEMPORARY AMNESTY REGISTRATION**
KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 6 of 2010)

KZNLA 24

PARTICULARS OF TEMPORARY AMNESTY REGISTRATION

Amnesty registration number:	
Valid until:	
Name of the registered holder:	
Identity number of the registered holder or the registration number of the outlet:	
Physical address of the registered holder:	
Physical address of the premises:	
Application fee paid:	
Place of issue:	
Date of issue:	

.....
Chief Executive Officer

No. 45

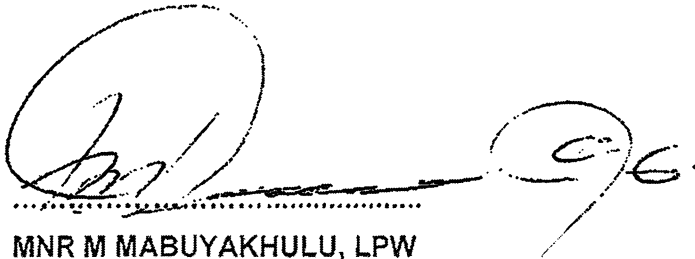
13 Februarie 2014

DEPARTMENT VAN EKONOMIESE ONTWIKKELING EN TOERISME
REGULASIEKENNISGEWING

KWAZULU-NATAL REGULASIES OP DRANKLISENSIËRING, 2014

Hiermee maak ek die Regulasies soos vervat in die Bylae hierby kragtens artikel 99 van die KwaZulu-Natal Wet op Dranklisensiëring, 2010 (Wet No. 6 van 2010), ten einde dranklisensiëringsaangeleenthede in die Provinsie te reguleer.

Geggee onder my Hand te Pietermaritzburg op hierdie28ste..... dag van
.....Januarie....., Tweeduisend-en-veertien.



MNR M MABUYAKHULU, LPW

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu-Natal
verantwoordelik vir Dranklisensiëring

2

BYLAE
RANGSKIKKING VAN REGULASIES

Regulasie

DEEL I
INLEIDENDE BEPALINGS

1. Omskrywings

DEEL II
AANSOEK OM LISENSIE INGEVOLGE ARTIKEL 41

2. Indiening van aansoek by Drankowerheid om dranklisensie ten opsigte van lisensiekategorië gelys onder artikels 39 and 41 van Wet
3. Vorm van aansoek om dranklisensie by Drankowerheid ten opsigte van lisensiekategorië gelys onder artikels 39 and 41 van Wet
4. Prosedure by ontvangs van aansoek by Drankowerheid ten opsigte van lisensiekategorië gelys onder artikel 41 van Wet
5. Prosedure wat deur aansoeker gevolg moet word by ontvangs van skriftelike kennisgewing vanaf plaaslike komitee ingevolge artikel 42(1)(b) van Wet
6. Prosedure met betrekking tot besware of verhoë ingevolge artikel 43 van Wet
7. Indiening van inspeksieverslag ingevolge artikels 45(2) en 56(3) van Wet
8. Prosedure vir aansoeker se reaksie op besware of verhoë ingevolge artikel 43(4) van Wet
9. Beswaarverhore deur plaaslike komitee ingevolge artikel 47(1) van Wet
10. Prosedure wat deur Drankowerheid gevolg moet word ingevolge artikel 48 van Wet
11. Lisensiesertifikaat by toestaan van lisensie
12. Inspeksies
13. Voorwaardelike goedkeurings ingevolge artikel 49 van Wet
14. Spesiale voorwaardes vir kruideniersperseel ingevolge artikel 50(3) van Wet
15. Meedeel van besluit ingevolge artikel 51(1) van Wet

DEEL III
AANSOEKE OM SPESIALE GELEENTHEDE-PERMITTE
INGEVOLGE ARTIKEL 52(1)(a) EN (b) VAN WET

16. Prosedure vir indiening van aansoek om spesiale geleentheid-permitte ingevolge artikel 52(1)(a) and (b) van Wet
17. Aansoek om spesiale geleentheid-permit ingevolge artikel 52(3) van Wet
18. Besware of verhoë ten opsigte van aansoek om spesiale geleentheid-permit ingevolge artikel 53(1)(a) van Wet

3

DEEL IV

AANSOEKE OM BETROKKE TE WEES IN MIKROVERVAARDIGING VAN DRANK
INGEVOLGE ARTIKEL 55(1) VAN WET

19. Aansoekprosedure om mikrovervaardiging van drank ingevolge artikel 55(1) van Wet
20. Inspeksies ten opsigte van aansoek om betrokke te wees in mikrovervaardiging van drank ingevolge artikel 56(3) van Wet
21. Voorwaardelike goedkeurings ten opsigte van aansoek om betrokke te wees in mikrovervaardiging van drank ingevolge artikel 58 van Wet
22. Verbod op mikrovervaardiging van ongesonde konkoksies (artikel 92 van Wet)
23. Vorm van verhoë teen besluite van Drankowerheid ingevolge artikel 61(1) van Wet
24. Kennisgewing van lisensiesertifikaat of permit ingevolge artikel 62(1) van Wet
25. Jaargelde ingevolge artikel 64 van Wet
26. Kansellasië van lisensie as gevolg van nie-handeldrywing ingevolge artikel 66(1) van Wet
27. Dood of onbevoegdheid van sekere gelisensieerde persone of aansoekers wat houers is van voorwaardelike goedkeuring of voornemende houers of permithouers ingevolge artikel 68 van Wet
28. Aanskaffing van finansiële belang ingevolge artikel 69(1) van Wet
29. Wysiging van gelisensieerde perseel of aard van besigheid (artikel 72 van Wet)
30. Berging van drank (artikel 73 van Wet)

DEEL V

OORDRAG VAN LISENSIE AAN VOORNEMENDE HOUER
INGEVOLGE ARTIKEL 74 VAN WET

31. Prosedure vir oordrag van lisensie aan voornemende houer ingevolge artikel 74 van Wet
32. Prosedure met betrekking tot onvolledige aansoek om oordrag van dranklisensie aan voornemende lisensiehouer (artikel 74 van Wet)
33. Prosedure by toestaan van aansoek ten opsigte van oordrag van dranklisensie aan voornemende houer (artikel 74 van Wet)

DEEL VI

VERSKUIWING VAN LISENSIE VANAF GELISENSIEERDE PERSEEL NA ANDER PERSEEL
INGEVOLGE ARTIKEL 75 VAN WET

34. Prosedure vir verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel (artikel 75 van Wet)
35. Vorm van aansoek om dranklisensie by Drankowerheid ten opsigte van verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel (artikel 75 van Wet)
36. Prosedure deur Drankowerheid by ontvangs van aansoek om dranklisensie ten opsigte van verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel (artikel 75 van Wet)
37. Kennisgewing van aansoek om dranklisensie by plaaslike komitee ten opsigte van verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel (artikel 75 van Wet)
38. Besware of verhoë ten opsigte van aansoek om verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel (artikel 75 van Wet)

39. Indiening van inspeksieverslag ten opsigte van aansoek om verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel (artikel 75 van Wet)
40. Reaksie van aansoeker ten opsigte van aansoek om oordrag van lisensie vanaf gelisensieerde perseel na ander perseel (artikel 74 van Wet)
41. Beswaarverhore ten opsigte van aansoek om verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel (artikel 75 van Wet)
42. Aanstuur van dokumente aan Drankowerheid ten opsigte van aansoek om oordrag van dranklisensie aan voornemende houer (artikel 75 van Wet)
43. Prosedure by toestaan van aansoek om verskuiwing van dranklisensie vanaf gelisensieerde perseel na ander perseel (artikel 75 van Wet)
44. Aanstelling van bestuurder van gelisensieerde perseel (artikel 77 van Wet)
45. Tariewe betaalbaar deur Drankowerheid aan getuies by appèl- of hersieningsprosedures ingevolge artikel 99 van Wet
46. Prosedure vir indiening van klagte by Drankowerheid (artikel 99(1)(o) van Wet)
47. Aansoek om Tydelike Amnestieregistrasie (artikel 99 van Wet)

DEEL VII

GEDRAGSKODE VIR LEDE VAN DRANKOWERHEID

48. Algemene gedrag van lede van die Drankowerheid ingevolge artikel 99(1)(t) van Wet
49. Belonings, geskenke en gunste
50. Ongemagtigde openbaarmaking van inligting
51. Ingryping in administrasie
52. Plig van Voorsitter van Drankowerheid
53. Skending van Gedragskode

GEDEELTE VIII

ALGEMENE BEPALINGS

54. Aanstelling van inspekteurs ingevolge artikel 81(1) van Wet
55. Kort titel

DEEL IX

AANHANGSELS

Aanhangsel A: Aansoekvorm

Aanhangsel B: Fooie

Aanhangsel C: Kennisgewing van onvolledige aansoek

Aanhangsel D: Kennisgewing om voorneme om aansoek te doen om dranklisensie te vertoon ingevolge artikel 42(1)(b)(iii) van Wet

Aanhangsel E: Kennisgewing van aansoek ingevolge artikel 42(1)(b) en regulasie 5(2) van Wet

Aanhangsel F1: Inspeksieverslag ingevolge artikel 45(2) en artikel 56(3) van Wet

Aanhangsel F2: Inspeksieverslag ingevolge artikel 82(1)(a) van Wet

Aanhangsel G: Aanstellingcertifikaat van Inspekteur ingevolge artikel 81(1)(b) van Wet

Aanhangsel H1: Beswaarverhoor: Kennisgewing ingevolge artikel 47(2) van Wet, om teenwoordig te wees en te verskyn by verhoor van plaaslike komitee van distriksmunisipaliteit

Aanhangsel H2: Aansoek ingevolge regulasie 44 om aanstelling van natuurlike persoon om besigheid te bestuur en verantwoordelik te wees vir besigheid waarop lisensie van toepassing is

Aanhangsel I: Lisensiesertifikaat ingevolge artikel 62(1) van Wet

Aanhangsel J: Kennisgewing van voorneme om aansoek te doen om Spesiale Geleentheids-Drankpermit

Aanhangsel K: Kennisgewing ingevolge artikel 52(3)(f) van Wet

Aanhangsel L: Kennisgewing van voorneme om aansoek te doen om Dranklisensie

Aanhangsel M: Spesiale Geleentheids-permit ingevolge artikel 53(7) van Wet

Aanhangsel N: Kennisgewing van voorneme om appèl aan te teken teen besluit van Drankowerheid

Aanhangsel O: Aansoek om addisionele berging van drank ingevolge artikel 73(1) van Wet

Aanhangsel P: Aansoek om wysiging aan besigheidperseel

Aanhangsel Q1: Aansoek om oordrag van dranklisensie aan voornemende lisensiehouer

Aanhangsel Q2: Oordrag van Dranklisensiesertifikaat

Aanhangsel R: Aansoek om verskuiwing van lisensie vanaf een gelisensieerde perseel na ander perseel ingevolge artikel 75 van die Wet

Aanhangsel S: Aansoek om hernuwing van lisensie ingevolge artikel 64(2) van Wet

Aanhangsel T: Sekuriteitsplan

Aanhangsel U: Situasionele Verslag

Aanhangsel V: Klagtevorm

Aanhangsel W1: Aansoek om Tydelike Amnestieregistrasie

Aanhangsel W2: Kennisgewing van Tydelike Amnestieregistrasie

DEEL I INLEIDENDE BEPALINGS

Omskrywings

1. In hierdie Regulasies beteken “die Wet” die KwaZulu-Natal Wet op Dranklisensiering, 2010 (Wet No. 6 van 2010), en enige woord of uitdrukking waaraan ’n betekenis geheg word in die Wet dra die betekenis so toegeken daaraan en, tensy uit die samehang anders blyk, beteken –

“**aansoek**” enige aansoek ingedien by die Drankowerheid wat voldoen aan al die vereistes soos uiteengesit in die Wet;

“**aansoeker**” enige persoon wat skriftelik aansoek doen by die Drankowerheid ingevolge die Wet;

“**Gedragkode**” die Gedragkode van lede en personeel van die Drankowerheid verwys na in Deel VII van hierdie regulasies;

“**lid**” ’n lid van die Drankowerheid aangestel ingevolge artikel 8(1)(a) van die Wet en ’n lid van die plaaslike komitee aangestel ingevolge artikel 32(1) van die Wet;

“**openbare fasiliteite**” openbare geboue, strukture of grond ontwikkel vir gebruik deur die publiek binne ’n stedelike of peri-stedelike gebied;

“**persoon**” ’n natuurlike of regspersoon;

“**plaasvervangende diens**” betekening van dokumente of kennisgewings deur e-pos of deur publisering in ’n koerant met sirkulasie in ’n gebied waar ’n individu of ’n aantal individue woonagtig is wat regstreeks of onregstreeks ’n belang by die aangeleentheid het;

“**regulasies**” ingesluit alle aanhangsels;

“**riglyne**” ’n beleids- of prosedurehandleiding ontwikkel deur die Drankowerheid, onderworpe aan wysigings van tyd tot tyd, indien nodig, om –

- (a) die Drankowerheid by te staan in die uitvoer van sy mandaat;
- (b) leiding te verskaf aan ’n aansoeker met die aansoekproses ingevolge hierdie regulasies;
- (c) leiding te verskaf aan die gelisensieerde handelaars ingevolge nakoming van die Wet;
- (d) leiding te verskaf aan ’n plaaslike komitee in sy bedryf en werksaamhede ten einde sy mandaat uit te voer;
- (e) die bestuur van klagtes aan die Drankowerheid te reguleer;
- (f) enige ander aangeleentheid te reguleer, waar nodig, vir die implementering van die Wet; en
- (g) leiding te verskaf aan enige ander party met betrekking tot nakoming van die Wet; en

“**SAPD**” die Suid-Afrikaanse Polisiediens.

7

DEEL II
AANSOEK OM DRANKLISENSIE INGEVOLGE
ARTIKEL 41 VAN WET

Indiening van aansoek by Drankowerheid om dranklisensie ten opsigte van lisensiekategorië gelys onder artikels 39 and 41 van Wet

2.(1) 'n Persoon wat aansoek doen om 'n dranklisensie ten opsigte van die kategorië, gelys onder artikels 39(a) of (b) van die Wet, saamgelees met artikel 2 van die Wet, moet sodanige aansoek indien by die Drankowerheid en moet die aansoekfooï bedoel in Aanhangsel B betaal.

(2) Die aansoek bedoel in subregulasie (1) moet ingedien word by die Drankowerheid slegs op 'n Vrydag, uitgesluit amptelike openbare vakansiedae, by 'n adres soos voorsien deur die Drankowerheid in die aansoekvorm.

(3) 'n Aansoek, soos bedoel in subregulasie (1), ingedien by die Drankowerheid word beskou as behoorlik ingedien indien alle vereiste dokumente en inligting bedoel in artikel 41(2) van die Wet by die Drankowerheid ingedien is.

Vorm van aansoek om dranklisensie by Drankowerheid ten opsigte van lisensiekategorië gelys in artikels 39 en 41 van Wet

3.(1) 'n Aansoeker moet 'n skriftelike aansoek om 'n lisensie indien, in drukskrif en in triplikaat, deur Vorm KZNLA 1 van Aanhangsel A te gebruik en moet –

(a) sodanige inligting soos versoek in die aansoekvorm verskaf tesame met die toepaslike dokumente, soos vereis in die aansoekvorm, ingesluit –

(i) 'n behoorlik getekende en voltooië aansoekvorm;

(ii) bewys van betaling van die aansoekfooï in die vorm van 'n bankkwitansie of 'n kwitansie uitgereik deur die betalingskassier van die Drankowerheid;

(iii) 'n oorspronklike of gewaarmerkte afskrif van die bevestigingsertifikaat van Breedgebaseerde Swart Ekonomiese Bemagtiging, indien die aansoeker 'n regmatige besigheidsentiteit is;

(iv) 'n oorspronklike of gewaarmerkte afskrif van die besigheids- of handelslisensie uitgereik deur die toepaslike staatsorgaan ingevolge enige wet of munisipale verordening indien die perseel alreeds in bedryf is;

(v) 'n gewaarmerkte afskrif van 'n titelakte of huurooreenkoms of toestemming om te okkupeer uitgereik deur die toepaslike owerheid in die guns van die aansoeker wat regmatige okkupasie van die perseel bevestig;

- (vi) 'n oorspronklike of gewaarmerkte afskrif van skriftelike toestemming deur die tersaaklike owerheid vir die eienaar en/ of okkupeerder van die perseel om handel te dryf in drank;
 - (vii) 'n sketsplan van die voorgestelde perseel sowel as kleurfoto's;
 - (viii) 'n oorspronklike of gewaarmerkte afskrif van 'n sertifikaat uitgereik deur die SAPD geldig soos op die datum van indiening van die aansoek vir 'n tydperk van meer as drie maande vanaf die datum van uitreiking deur die SAPD;
 - (ix) 'n geldige en werkende inkomstebelastingklaringsertifikaat uitgereik deur die Suid-Afrikaanse Inkomstedienste geldig vir een jaar vanaf die datum van indiening van die aansoek;
 - (x) 'n breedvoerige sekuriteitsplan; en
 - (xi) vir aansoeke wat verband hou met brandspiritus, 'n toepaslike sertifikaat uitgereik deur 'n tersaaklike munisipaliteit of 'n regeringsdepartement ingevolge enige wet of verordening wat die aansoeker toelaat om handel te dryf in daardie spesifieke produk op 'n voorgenome wyse, waar van toepassing; en
- (b) onder eed of plegtig verklaar, aan die einde van die vermelde vorm, dat die inligting vervat daarin waar en juis is.

(2) Elke sodanige aansoek moet, ten tye van indiening by die Drankowerheid, vergesel gaan van –

- (a) 'n plan van die perseel wat duidelik aandui –
 - (i) die dimensies van elke vertrek;
 - (ii) alle deure, vensters en toonbanke;
 - (iii) ingang- en uitgangspunte van die perseel; en
 - (iv) die straat en plekke wat na welke ingang- en uitgangspunte lei; en
- (b) 'n beskrywing en grootte van die perseel in vierkante meters met verwysing na die vertrekke, ingesluit kombuise, toiletgeriewe, stookkamers en die diensarea waar drank bedien sal word;
- (c) indien die gebou alreeds in bedryf is, kleurfoto's wat duidelik die vereistes van paragraaf (b) hierbo aandui;
- (d) 'n aanduiding van die totale sit- of staankapasiteit van klante wat binne die afsetgebied geakkommodeer kan word;
- (e) enige ander inligting vereis ingevolge die Wet; en
- (f) 'n breedvoerige skriftelike voorlegging of motivering ter ondersteuning van die aansoek, wat moet insluit –
 - (i) vereistes vir openbare belang soos bedoel in artikel 48(6) van die Wet, wat moet insluit –
 - (aa) die behoefte om 'n drankafsetgebied in die gebied;

- (bb) die sosio-ekonomiese impak van 'n drankafsetgebied op die area; en
- (cc) die vermoë van die aansoeker om die afsetgebied te bedryf; en
- (ii) die getal persone wat in diens geneem sal word;
- (iii) die sosiale verantwoordelikhedsprogram-voorlegging, wat 'n implementeringsplan met 'n tydsbestek bevat, van die aansoeker;
- (iv) die nabyheid aan die voorgenome perseel van ander gelisensieerde afsetgebiede, opvoedkundige- en godsdienstinstellings en ander openbare ontspanningsfasiliteite;
- (v) die sekuriteitsplan, soos bedoel in Aanhangel T, ingesluit die impakberaming van misdaadvoorkoms soos bedoel in artikel 48(6)(b)(i) van die Wet;
- (vi) die kriteria soos bedoel in artikel 48(6)(b) van die Wet;
- (vii) 'n geldige en werkende inkomstebelastingklaringsertifikaat geldig vir een jaar vanaf die datum van indiening van die aansoek; en
- (viii) 'n oorspronklike of gewaarmerkte afskrif van 'n sertifikaat uitgereik deur die SAPD geldig soos op die datum van indiening van die aansoek vir 'n tydperk van meer as drie maande vanaf die datum van uitreiking deur die SAPD.

Prosedure by ontvangs van aansoek by Drankowerheid ten opsigte van lisensiekategorië gelys onder artikel 41 van Wet

4. Indien die aansoek om 'n lisensie wat ingedien word ingevolge regulasie 2 onvolledig is, moet die Hoof- Uitvoerende Beampte, binne 14 dae na ontvangs van welke aansoek, 'n kennisgewing, deur Vorm KZNLA 2 van Aanhangel C te gebruik, uitreik aan die aansoeker om die aansoek te voltooi.

Prosedure wat deur aansoeker gevolg moet word by ontvangs van skriftelike kennisgewing vanaf plaaslike komitee ingevolge artikel 42(1)(b) van Wet

- 5.(1) By ontvangs van 'n skriftelike kennisgewing deur die plaaslike komitee, moet die aansoeker –
- (a) sodanige kennisgewing publiseer in ten minste een koerant met sirkulasie in die gebied waar die voorgenome perseel (hetsy perseel voltooi of onvoltooi is) geleë sal wees, deur Vorm KZNLA 3 van Aanhangel D te gebruik;
 - (b) 'n 1 m x 1 m kennisgewingbord vertoon op 'n prominente plek by die voorgenome perseel, sigbaar vir verbygangers, wat duidelik dieselfde inligting aandui as dié vervat in Vorm KZNLA 3 van Aanhangel D; en
 - (c) 'n kennisgewing, ingevolge artikel 42(1)(b)(iii), beteken op 'n lid van die huishouding ouer as 16 jaar, waar sodanige inwoners woonagtig is binne 'n radius van 100 meter

vanaf die voorgenome perseel, voltooid of onvoltooid, deur Vorm KZNLA 3 van Aanhangsel D te gebruik.

(2) Die kennisgewing verwys na in subregulasie (5)(1)(a) moet –

- (a) gepubliseer word in 'n plaaslike koerant;
- (b) die inligting versoek in Vorm KZNLA 4 van Aanhangsel E bevat;
- (c) 5 cm x 10 cm in grootte wees; en
- (d) vir inspeksie lê by die tersaaklike plaaslike distrikskomitee en die tersaaklike SAPD stasie vir 'n tydperk van 21 dae vanaf die publiseringsdatum in die koerant.

Prosedure met betrekking tot besware of vertoë ingevolge artikel 43 van Wet

6.(1) 'n Persoon wat vertoë rig of besware indien betreffende 'n aansoek om 'n dranklisensie ingedien ingevolge regulasie 2 moet voldoen aan die vereistes soos uiteengesit in artikel 43(3) van die Wet.

(2) By ontvangs van 'n skriftelike vertoë moet die Drankowerheid teweegbring dat 'n afskrif van sodanige vertoë gestuur word, per geregistreerde pos of afgelewer aan die aansoeker, waarin welke aansoeker aangeraai word om skriftelik te reageer op die geskrewe vertoë of voorleggings ten opsigte van die voorgenome toestaan van die lisensie.

Indiening van inspeksieverslag ingevolge artikels 45(2) en 56(3) van Wet

7. 'n Inspekteur, aangestel ingevolge artikel 81(1)(a) van die Wet, moet 'n inspeksie uitvoer en 'n verslag indien ingevolge artikel 45(2) of 82(1) van die Wet deur gebruik te maak van Vorm KZNLA 5A of KZNLA 5B, onderskeidelik van Aanhangsel F1 en F2.

Prosedure vir aansoeker se reaksie op besware of vertoë ingevolge artikel 43(4) van Wet

8. 'n Aansoeker kan, nie later nie as sewe dae na ontvangs van 'n beswaar of vertoë ingevolge artikel 43(4) van die Wet, of 'n inspeksieverslag, sy of haar skriftelike reaksie, in triplikaat, indien by die plaaslike komitee.

Bewaarverhore deur plaaslike komitee ingevolge artikel 47(1) van Wet

9.(1) By ontvangs van die reaksie bedoel in regulasie 8 en indien –

- (a) die aangeleentheid duidelik is ten opsigte van die geskrewe vertoë; en

(b) dit moontlik is om die aangeleentheid te beslis ten opsigte van die dokumente voor die komitee,

kan die plaaslike komitee afsien van die hou van 'n beswaarverhoor, soos bedoel in artikel 47(1) van die Wet.

(2) Indien die plaaslike komitee 'n beswaarverhoor hou ingevolge artikel 47(1) van die Wet, moet die orde of prosedure plaasvind soos voorgeskryf in die riglyne.

(3) Indien die plaaslike komitee 'n beswaarverhoor hou volgens subregulasie (2) hierbo, moet hy so doen ter nakoming van artikel 47(2) van die Wet en moet die betrokke partye in kennis stel deur Vorm KZNLA 7 van Aanhangsel H1 te gebruik.

(4) Die kennisgewing bedoel in subregulasie (3) moet gegee word ten minste 14 dae voordat sodanige verhoor plaasvind.

(5) Die skriftelike kennisgewing afgelewer ingevolge artikel 47(4)(a) van die Wet kan afgelewer word per hand, geregistreerde pos of deur plaasvervangende diens.

Prosedure wat deur Drankowerheid gevolg moet word ingevolge artikel 48 van Wet

10.(1) Binne 14 dae na oorweging van die aansoek om 'n lisensie moet 'n plaaslike komitee 'n verslag, met ingeslote voorstelle, indien by die Drankowerheid.

(2) Alle verslae van die plaaslike komitee aan die Drankowerheid moet skriftelik wees en vergesel gaan van alle ondersteunende dokumentasie.

(3) Indien die plaaslike komitee versuim om sy werksaamhede te verrig weens –

(a) nie-funksionering of swak funksionering van die plaaslike komitee soos vereis word ingevolge artikel 41(5) van die Wet; of

(b) nalating om sy werksaamhede uit te voer ingevolge artikels 46(2) en 47(1) van die Wet,

moet die Drankowerheid die aangeleentheid oorweeg en afhandel as die finale gesag op die aansoek.

(4) Indien die Drankowerheid optree onder omstandighede bedoel in subregulasie (3), moet die Drankowerheid die verantwoordelike Lid van die Uitvoerende Raad inlig van sodanige versuim aan die kant van die plaaslike komitee.

(5) Die verantwoordelike Lid van die Uitvoerende Raad moet toepaslike stappe neem teen die lede van die plaaslike komitee ooreenkomstig die voorgeskrewe Gedragskode van toepassing op die plaaslike komitee, sowel as om op te tree in ooreenstemming met die bepalings van artikel 37 van die Wet.

Lisensiesertifikaat by toestaan van lisensie

11.(1) Indien 'n lisensie toegestaan word deur die Drankowerheid moet 'n lisensiesertifikaat in Vorm KZNLA 9 van Aanhangsel I, ingevolge artikel 23(2)(a) van die Wet, uitgereik word deur die Hoof-Uitvoerende Beampte.

(2) Die Drankowerheid kan 'n voorwaardelike kennisgewing van goedkeuring, bedoel in artikel 49(1) van die Wet, uitreik.

(3) Enige goedkeuring uitgereik ingevolge hierdie regulasie is nie oordraagbaar sonder vooraf goedkeuring deur die Drankowerheid nie.

Inspeksies

12. Indien die sekretaris van 'n plaaslike komitee, ingevolge artikel 45(1) van die Wet, 'n inspekteur, aangestel ingevolge artikel 81(1)(a) van die Wet, beveel om 'n inspeksie uit te voer, moet hy of sy so doen en 'n verslag indien by die plaaslike komitee deur Vorm KZNLA 5A van Aanhangsel F1 te voltooi binne 14 dae na die uitvoer van sodanige inspeksie.

Voorwaardelike goedkeuring ingevolge artikel 49 van Wet

13.(1) Sou die aansoeker versuim om die voorwaardes bedoel in artikel 49(1) van die Wet na te kom binne 18 maande vanaf die datum van die toestaan van die aansoek, verstryk die toestaan van die voorwaardelike aansoek en sodanige goedkeuring word beskou as nie toegestaan nie: Met dien verstande dat 'n skriftelike versoek om verlenging, bedoel in subregulasie (2), nie gemaak is nie.

(2) Die aansoeker bedoel in subregulasie (1) kan 'n skriftelike versoek aan die Drankowerheid rig om verlenging van die tydperk bedoel in subregulasie (1) een maand voor die verstryking van sodanige tydperk verwys na in subregulasie (1).

(3) Die bewyslas berus by die aansoeker om te verseker dat die aansoek om verlenging, verwys na in subregulasie (2), ontvang is deur die Drankowerheid een maand voor die verstryking van die voorwaardelike goedkeuring.

(4) Indien die aansoeker versuim om die tydraamwerke, bedoel in subregulasies (1) en (3), na te kom word sodanige goedkeuring beskou as verstreke.

(5) Die aansoeker moet verseker dat die tersaaklike besigheids- of handelslisensie, indien van toepassing, gewaarborg en ingedien is by die Drankowerheid binne die tydperk verwys na in subregulasies (1) en (3).

Spesiale voorwaardes vir kruideniersperseel ingevolge artikel 50(3) van Wet

14.(1) 'n Houer van 'n buiteverbruiklisensie, ten opsigte van 'n kruideniersperseel, moet verseker dat 'n aparte en afgebakende gebied binne die kruidenierswinkel opsygesit word vir die doel van die kleinhandelverkope van drank, ingevolge die Wet.

(2) Die gebied bedoel in subregulasie (1) moet duidelik aangedui word in rooi op die vloerplan van die winkel.

(3) Die gebied bedoel in subregulasie (1) moet insluit –

- (a) 'n aparte kassierspunt;
- (b) streng gekontroleerde ingang- en uitgangspunte;
- (c) 'n toepaslike uithangbord, vertoon by die ingang tot die drankafdeling binne die kruideniersperseel, wat die verbod op toegang van minderjariges aandui; en
- (d) 'n afsonderlike en geslote afgebakende gebied vir die kleinhandelverkope van drank met 'n enkele ingang- en uitgangspunt vir die geslote gebied.

(4) Enige strukturele wysigings, aanbouings, herkonstruksie of uitbreiding van, of aan, die afgebakende gebied van die vloerplan moet goedgekeur word deur die Drankowerheid ingevolge artikel 72(1) van die Wet.

(5) 'n Lisensiehouer moet verseker dat die kassiere en ander personeellede binne die afgebakende gebied opgelei is in die bepalings van die Wet, die dranklisensieringsvoorwaardes en om nie drank aan minderjariges te verkoop nie.

(6) Indien 'n lisensiehouer of 'n personeellid in diens van die lisensiehouer met goeie rede vermoed dat 'n klant minderjarig is moet sodanige lisensiehouer of personeellid in diens van die lisensiehouer vereis dat die klant positiewe identifikasie of bewys van ouderdom voorlê.

Meedeel van besluit ingevolge artikel 51(1) van Wet

15.(1) Indien die Drankowerheid besluit het om 'n lisensie toe te staan, moet die Hoof- Uitvoerende Beampte die aansoeker, binne 14 dae, inlig dat die lisensie uitgereik sal word by betaling van die aansoekfooi vermeld in Aangangsel B.

(2) By die meedeel van die besluit bedoel in subregulasie (1) moet die Hoof- Uitvoerende Beampte ook enige persoon wat beswaar gemaak het of verhoë gerig het, soos bedoel in artikel 51(1)(b) van die Wet, inlig van die reg om appèl aan te teken teen die besluit van die Drankowerheid deur die proses, soos bedoel in artikel 61 van die Wet, te volg.

(3) Indien appèl aangeteken is ingevolge artikel 61 van die Wet, moet die Drankowerheid die aansoeker inlig dat die lisensiesertifikaat nie uitgereik sal word nie totdat sodanige appèl afgehandel is en 'n bevinding uitgereik is ingevolge artikel 61(7) van die Wet.

DEEL III AANSOEKE OM SPESIALE GELEENTHEDE-PERMITTE INGEVOLGE ARTIKEL 52(1)(a) EN (b) VAN WET

Prosedure vir indiening van aansoek om spesiale geleentheid-permitte ingevolge artikel 52(1)(a) en (b) van Wet

16.(1) 'n Persoon wat aansoek doen om 'n spesiale geleentheid-permit ingevolge artikel 52(1)(a) en (b) van die Wet moet sodanige aansoek indien by die Drankowerheid deur Vorm KZNLA 1 van Aangangsel A te gebruik en die aansoekfooi om spesiale geleentheid-permitte, soos vermeld in Aangangsel B, te betaal.

(2) Die aansoek om 'n spesiale geleentheid-permit bedoel in subregulasie (1) moet ingedien word by die Drankowerheid op enige besigheidsgdag en binne 14 dae voor die geleentheid plaasvind.

(3) 'n Aansoek ingedien by die Drankowerheid, soos bedoel in subregulasie (1), word beskou as behoorlik ingedien wanneer alle nodige dokumentasie en inligting versoek in die vorm ingedien is by die Drankowerheid.

Aansoek om spesiale geleentheid-permit ingevolge artikel 52(3) van Wet

17.(1) Indien 'n aansoeker aansoek doen om 'n spesiale geleentheid-permit moet sodanige aansoek skriftelik, in drukskrif en in tripikaat, gedoen word deur Vorm KZNLA 1 van Aanhangel A te gebruik.

(2) Indien 'n aansoeker aansoek doen om 'n spesiale geleentheid-permit bedoel subregulasie (1), moet welke aansoeker –

(a) in die aansoek sodanige inligting, saam met die toepaslike dokumente, soos vereis in die aansoekvorm verskaf, ingesluit –

(i) 'n behoorlik getekende en voltooië aansoekvorm;

(ii) bewys van betaling van die aansoekfooi in die vorm van 'n bankkwitansie of 'n kwitansie uitgereik deur die Drankowerheid se betalingskassier;

(iii) 'n oorspronklike of gewaarmerkte afskrif van 'n toestemmingsbrief van die plaaslike munisipaliteit vir die spesiale geleentheid;

(iv) 'n gewaarmerkte afskrif of oorspronklike brief van skriftelike toestemming van die organiseerder van die spesiale geleentheid, wat toestemming verleen vir die aangeleentheid van die spesiale geleentheid-permit van die aansoeker vir die geleentheid;

(v) 'n breedvoerige sekuriteitsplan;

(vi) 'n oorspronklike of gewaarmerkte afskrif van die situasionele verslag deur die stasiebevelvoerder van die plaaslike SAPD;

(vii) waar van toepassing, bewys van publiserings ingevolge artikel 52(3)(f) van die Wet;

(viii) bewys van betekening ingevolge artikel 52(3)(g) van die Wet;

(ix) vir aansoeke wat verband hou met brandspiritus, 'n toepaslike sertifikaat uitgereik deur 'n tersaaklike munisipaliteit of 'n regeringsdepartement ingevolge enige wet of verordening wat die aansoeker toelaat om handel te dryf in daardie besondere produk op 'n wyse bedoel waar van toepassing; en

(x) enige ander dokument vereis ingevolge die Wet; en

(b) die naam van die persoon wat die drankverkope by die spesiale geleentheid sal bestuur verskaf; en

(c) onder eed verklaar of plegtig bevestig aan die einde van die vorm dat die inligting vervat daarin waar en juis is.

(3) Sou die perseel waar die spesiale geleentheid bedoel in subregulasie (1) in 'n residensiële gebied geleë wees, moet die aansoeker kennis gee van die aansoek aan die publiek deur gebruik te maak van die prosedure bedoel in regulasie (5).

(4) Die aansoeker bedoel in subregulasie (1) moet 'n omvattende sekuriteitsplan bedoel in artikel 52(3)(h) van die Wet, en in ooreenstemming met die bepalings van regulasie 3(2)(d)(v), indien.

(5) Indien die aansoekvorm om 'n spesiale geleentheid-permit onvolledig is, moet die Drankowerheid onmiddelik 'n kennisgewing in Vorm KZNLA 2 van Aanhangsel C aan die aansoeker uitreik ten einde 'n onvolledige aansoek te voltooi.

(6) Die bewyslas berus by die aansoeker om te verseker dat –

(a) die aansoek om 'n spesiale geleentheid-permit volledig is; en

(b) die aansoek om die spesiale geleentheid-permit betyds ingedien word by die Drankowerheid vir oorweging.

(7) Die aansoek om die spesiale geleentheid-permit moet vergesel gaan van 'n behoorlik-voltooide situasionele verslag in Vorm KZNLA 21 van Aanhangsel U.

(8) Indien 'n aansoek om 'n spesiale geleentheid-permit volledig is moet die Drankowerheid, binne vyf dae vanaf ontvangs daarvan, die aansoek oorweeg in ooreenstemming met artikel 53 van die Wet.

(9) Indien die Drankowerheid 'n permit toestaan ingevolge artikel 53(2)(a) van die Wet moet hy so doen deur Vorm KZNLA 13 van Aanhangsel M te gebruik.

(10) Enige goedkeuring uitgereik ingevolge hierdie regulasie is nie oordraagbaar nie.

(11) Die aansoeker is verantwoordelik vir 'n fooi, bedoel in Aanhangsel B, vir elke dag van handeldrywing vir die duur van die spesiale geleentheid.

(12) Die fooi bedoel in subregulasie (11) is betaalbaar voor die uitreiking van die spesiale geleentheid-permit.

(13) Indien die aansoek bedoel in subregulasie (1) afgekeur word, moet die Drankowerheid die aansoeker inlig van sy of haar reg tot appèl teen die besluit van die Drankowerheid deur die proses bedoel in artikel 61 van die Wet te volg.

Besware of versoë ten opsigte van aansoek om spesiale geleentheid-permit ingevolge artikel 53(1)(a) van Wet

18.(1) In openbare belang, en saamgelees met die bepalings van artikel 52(3)(f);(g) en (h) van die Wet, moet die Drankowerheid, ingevolge artikel 53(1)(a) van die Wet, alle skriftelike versoë wat ontvang is oorweeg wanneer 'n volledige aansoek om 'n spesiale geleentheid-permit oorweeg word.

(2) Versoë bedoel in subregulasie (1) moet ontvang word nie later nie as vyf dae vanaf die datum waarop sodanige kennisgewing van die voorgenome spesiale geleentheid gepubliseer is in die koerant.

(3) Versoë, verwys na in subregulasie (2), moet ingedien word by die kantore van die Drankowerheid.

(4) Enige persoon wat versoë rig, soos bedoel in subregulasie (2), moet –

- (a) sy of haar volle name en adres voorsien;
- (b) 'n gewaarmerkte afskrif van die identiteitsdokument van 'n natuurlike persoon verskaf;
- (c) die aard van die persoon se belang in die aansoek verklaar; en
- (d) omvattende gronde vir versoë betreffende die aansoek om die spesiale geleentheid-permit verskaf.

(5) By ontvangs van skriftelike versoë soos bedoel in subregulasie (2), moet die Drankowerheid teweegbring dat 'n afskrif van sodanige versoë, per geregistreerde pos of deur 'n vervangende diens, afgelewer word aan die aansoeker waarin aanbeveel word dat sodanige aansoeker skriftelik moet antwoord op die skriftelike versoë, of voorleggings maak binne 48 uur vanaf ontvangs van die kennisgewing.

(6) Indien 'n appèl ingedien is ingevolge artikel 61 van die Wet, moet die Drankowerheid die aansoeker inlig dat die spesiale geleentheid-permit nie uitgereik sal word nie voor die appèl afgehandel is en 'n bevinding uitgereik is ingevolge artikel 61(7) van die Wet.

DEEL IV
AANSOEKE OM BETROKKE TE WEES IN MIKROVERWAARDIGING VAN DRANK
INGEVOLGE ARTIKEL 55(1) VAN WET

Aansoekprosedure om mikrovervaardiging van drank ingevolge artikel 55(1) van Wet

19.(1) 'n Persoon wat verlang om betrokke te wees in die mikrovervaardiging van drank soos bedoel in artikel 55(1) van die Wet moet –

- (a) 'n getekende en volledige aansoek skriftelik, saam met die toepaslike dokumente waar vereis, by die Drankowerheid indien deur van Vorm KZNLA 1 van Aanhangsel A gebruik te maak;
- (b) die fisiese adres van die fasiliteit waar die besigheid bedryf sal word aandui of 'n beskrywing van die ligging van die perseel ingevolge identifiseerbare bakens;
- (c) die vereiste besonderhede van die aansoeker voorsien; en
- (d) die aansoekfooi bedoel in Aanhangsel B betaal.

(2) Die aansoek bedoel in subregulasie (1) moet slegs op 'n Vrydag, uitgesluit amptelike openbare vakansies, ingedien word by die Drankowerheid, by 'n adres voorsien deur die Drankowerheid in die aansoekvorm.

(3) Die perseel, ten opsigte waarvan 'n lisensie om betrokke te wees in die mikrovervaardiging van drank verlang word, moet voldoen aan die voorgeskrewe vereistes van die standaard boueregulasies van 'n munisipaliteit waarin die besigheid geleë is.

(4) Elke sodanige aansoek moet, ten tye van indiening by die Drankowerheid, vergesel gaan van –

- (a) 'n perseelplan wat duidelik aandui –
 - (i) die dimensies van elke vertrek;
 - (ii) alle toonbanke, deure en vensters wat dien as middele van ingang en uitgang van die perseel; en
 - (iii) die straat en plekke waarheen sodanige ingange en uitgange lei; en
- (b) 'n beskrywing en grootte van die perseel in vierkante meter, met verwysing na die vertrekke, insluitend kombuise, ablusiefasiliteite, stoorkamers, diensareas van die perseel en konstruksiemateriaal;
- (c) met betrekking tot 'n perseel nog nie gebou nie of onder konstruksie –
 - (i) die besonderhede van sodanige voorgenome perseel, ingesluit 'n breedvoerige sketsplan van die perseel wat die kamers, geboue en konstruksiemateriaal aandui; en
 - (ii) ander toepaslike inligting; en
- (d) indien die perseel bedoel in paragrawe (a) en (b) alreeds bedryf word, kleurfoto's wat die fasiliteite, uiteengesit in paragrawe (a) en (b), duidelik weergee;
- (e) bewys van wettige okkupasie van die perseel in die vorm van 'n oorspronklike of gewaarmerkte afskrif van 'n titelakte, 'n huurooreenkoms in die naam van die aansoeker of

toestemming om die perseel te okkupeer uitgereik in die guns van die aansoeker deur die toepaslike owerheid;

(f) 'n oorspronklike of gewaarmerkte afskrif van 'n skriftelike toestemming van die perseeleienaar of die tersaaklike owerheid vir die aansoeker om die voorgenome besigheid vanaf die betrokke perseel te bedryf;

(g) 'n omvattende skriftelike voorlegging of motivering ter ondersteuning van die aansoek;

(h) vereistes in openbare belang, bedoel in artikel 57(5) van die Wet, wat moet insluit –

(i) die behoefte aan 'n mikrovervaardigingsfasiliteit in die gebied;

(ii) die ekonomiese impak van 'n mikrovervaardigingsfasiliteit op die gebied;

(iii) die vermoë van die aansoeker om die fasiliteit te bedryf ten opsigte van infrastruktuur- en bedryfskundigheid;

(iv) die getal persone wat in diens geneem sal word;

(v) die voorgenome sosiale verantwoordelikhedsprogram van die aansoeker;

(vi) die nabyheid van ander gelisensieerde afsetgebiede en mikrovervaardigingsfasiliteite, opvoedkundige- en godsdienstinstellings en ander openbare ontspanningsfasiliteite aan die voorgenome perseel;

(vii) 'n sekuriteitsplan soos bedoel in Aanhangsel T, ingesluit die beraming ten opsigte van misdaadvoorkomsimpak soos bedoel in artikel 57(5)(b)(i) van die Wet; en

(viii) die kriteria bedoel in artikel 57(4) en (5) van die Wet; en

(i) 'n geldige en werkende inkomstebelastingklaringsertifikaat uitgereik deur die Suid-Afrikaanse Inkomstedienste geldig vir een jaar vanaf die datum van indiening van die aansoek;

(j) 'n oorspronklike of gewaarmerkte afskrif van die bevestigingsertifikaat van Breedgebaseerde Swart Ekonomiese Bemagtiging, indien die aansoeker 'n regmatige besigheidsentiteit is;

(k) 'n oorspronklike of gewaarmerkte afskrif van die besigheids- of handelslisensie uitgereik deur die tersaaklike staatsorgaan ingevolge enige wet of munisipale verordening indien die perseel alreeds in bedryf is;

(l) 'n oorspronklike of gewaarmerkte afskrif van 'n sertifikaat uitgereik deur die SAPD, geldig soos op datum van indiening van die aansoek vir 'n tydperk van meer as drie maande vanaf die datum van uitreiking deur die SAPD;

(m) vir aansoeke wat verband hou met brandspiritus, 'n toepaslike sertifikaat uitgereik deur 'n tersaaklike munisipaliteit of 'n regeringsdepartement ingevolge enige wet of verordening wat die aansoeker toelaat om handel te dryf in daardie spesifieke produk op 'n wyse bedoel, waar van toepassing; en

(n) enige ander dokument vereis ingevolge van die Wet.

(5) Die Hoof- Uitvoerende Beampte moet –

- (a) alle aansoeke bedoel in subregulasie (1) ontvang;
- (b) die datum van ontvangs op elke aansoek aanbring;
- (c) 'n lys van aansoekers opstel en die lys hou en byhou as deel van die register bedoel in artikel 23(2)(b) van die Wet; en
- (d) by ontvangs van 'n aansoek, die aansoek kontroleer ten einde te bepaal of dit volledig is.

(6) Indien die Hoof- Uitvoerende Beampte bepaal dat die aansoek onvolledig is moet hy of sy, binne 14 dae na ontvangs van 'n aansoek, 'n kennisgewing uitreik waarin die aansoeker versoek word om die onvolledige aansoek binne 21 dae te voltooi.

(7) Waar 'n appèl ingedien is ingevolge artikel 61 van die Wet, moet die Drankowerheid die aansoeker inlig dat die lisensie nie uitgereik sal word nie voor die appèl afgehandel is en 'n uitslagsertifikaat uitgereik is ingevolge artikel 61(7) van die Wet.

Inspeksies ten opsigte van aansoek om betrokke te wees in mikrovervaardiging van drank ingevolge artikel 56(3) van Wet

20. Ingevolge artikel 56(3) van die Wet moet die inspekteur die inspeksie uitvoer en 'n verslag indien by die Drankowerheid deur Vorm KZNLA 5A van Aanhangsel F1 te gebruik.

Voorwaardelike goedkeurings ten opsigte van aansoek om betrokke te wees in mikrovervaardiging van drank ingevolge artikel 58 van Wet

21.(1) Sou die aansoeker versuim om te voldoen aan die voorwaardes bedoel in artikel 58 van die Wet binne 18 maande vanaf die datum van die toestaan van die aansoek, sal die voorwaardelike goedkeuring verstryk en welke goedkeuring sal beskou word as nie toegestaan nie: Met dien verstande dat 'n skriftelike versoek om verlenging, soos bedoel in subregulasie (2), nie gemaak is nie.

(2) Die aansoeker bedoel in subregulasie (1) kan 'n skriftelike versoek aan die Drankowerheid rig om verlenging van die tydperk, vermeld in subregulasie (1), een maand voor die verstryking van sodanige tydperk verwys na in subregulasie (1).

(3) Die bewyslas berus by die aansoeker om te verseker dat die aansoek om verlenging, vermeld in subregulasie (2), ontvang is deur die Drankowerheid een maand voor die verstryking van die voorwaardelike goedkeuring.

(4) Indien die aansoeker versuim om te voldoen aan die tydraamwerke bedoel in subregulasies (1) en (3) sal die voorwaardelike goedkeuring beskou word as verstreke.

(5) Die aansoeker moet verseker dat die toepaslike besigheids- of handelslisensie gewaarborg is en ingedien word by die Drankowerheid binne die tydperk verwys na in subregulasies (1) en (3).

Verbod op mikrovervaardiging van ongesonde konkoksies ingevolge artikel 92 van Wet

22. 'n Lisensiehouer in die kategorie van mikrovervaardiging van drank kan nie drank vervaardig nie, anders as dit wat goedgekeur is deur die betrokke regeringsdepartement en ter nakoming van die Wet op Drankprodukte, 1989 (Wet No. 60 van 1989), soos gewysig.

Vorm van versoë teen besluite van Drankowerheid ingevolge artikel 61(1) van Wet

23. Indien 'n persoon, geraak deur 'n besluit geneem deur die Drankowerheid, verlang om appèl aan te teken teen die besluit soos bedoel in artikel 61(1) van die Wet, moet sodanige persoon 'n kennisgewing van voorneme om te appelleer indien deur gebruik te maak van Vorm KZNLA 14 van Aanhangsel N.

Kennisgewing van lisensiesertifikaat of permit ingevolge artikel 62(1) van Wet

24. Indien 'n lisensie of permit toegestaan word deur die Drankowerheid moet die Hoof-Uitvoerende Beampte, na ontvangs van betaling van die voorgeskrewe lisensie- of permitfooi bedoel in Aanhangsel B, 'n lisensiesertifikaat of -permit in die aansoeker se naam uitreik deur Vorm KZNLA 9 van Aanhangsel I te gebruik.

Jaargelde ingevolge artikel 64 van Wet

25.(1) 'n Lisensiehouer moet, binne ses maande voor die verstryking van die geldigheid van die lisensie ingevolge artikel 64(2)(b) van die Wet –

- (a) aansoek doen om die hernuwing van sy lisensie deur gebruik te maak van vorm KZNLA 19 van Aanhangsel S; en

(b) die jaargelde betaal soos bedoel in Aanhangsel B op of voor die verstrykingsdatum van die lisensie.

(2) Die betaling van die jaargelde bedoel in subregulasie (1) konstitueer 'n hernuwing van 'n lisensie vir 'n tydperk van een jaar.

(3) By betaling van die jaargelde bedoel in subregulasie (1), moet die lisensiehouer die Drankowerheid voorsien van –

(a) 'n gewaarmerkte afskrif van die dranklisensie;

(b) 'n gewaarmerkte afskrif van die identiteitsdokument van die lisensiehouer;

(c) 'n oorspronklike of gewaarmerkte afskrif van 'n geldige, werkende inkomstebelastingklaringsertifikaat, geldig vir een jaar vanaf die datum van indiening van die aansoek; en

(d) 'n oorspronklike of gewaarmerkte afskrif van 'n sertifikaat uitgereik deur die SAPD geldig soos op die datum van indiening van die aansoek vir 'n tydperk van meer as drie maande vanaf die datum van uitreiking deur die SAPD.

(4) Die aansoek om hernuwing bedoel in subregulasie (3) word beskou as volledig wanneer alle dokumente vermeld in subregulasie (3) ingedien is.

(5) Die verantwoordelike Lid van die Uitvoerende Raad kan, deur kennisgewing in die *Koerant*, en na oorlegpleging met die Lid van die Uitvoerende Raad verantwoordelik vir Finansies, jaarliks die voorgeskrewe fooie vermeld in Aanhangsel B hersien.

Kansellasië van lisensie as gevolg van nie-handeldrywing ingevolge artikel 66(1) van Wet

26.(1) Voordat die Drankowerheid besluit om, by aansoek deur 'n belanghebbende, 'n lisensie te kanselleer ingevolge artikel 66(1) van die Wet moet die Drankowerheid die lisensiehouer in kennis stel van die voorgenome besluit.

(2) Die kennisgewing bedoel in subregulasie (1) moet duidelik aandui dat die lisensiehouer die reg het om 'n voorlegging te maak as rede waarom die lisensie nie gekanselleer behoort te word nie.

(3) Die kennisgewing bedoel in subregulasie (1) moet die tydraamwerk waarbinne, en aan wie, sodanige voorlegging gemaak moet word, vermeld.

(4) Sodra die Drankowerheid die voorleggings bedoel in subregulasie (3) ontvang het, kan hy besluit om 'n ondersoek te gelas of besluit oor die saak op grond van die inligting ontvang vanaf, of voorleggings gemaak deur, die lisensiehouer.

(5) Sodra 'n besluit geneem is deur die Drankowerheid, moet dit aan die lisensiehouer meegedeel word binne 14 dae nadat sodanige besluit geneem is.

(6) Die lisensiehouer het die reg om appèl aan te teken teen die besluit van die Drankowerheid deur die prosedure bedoel in artikel 61 van die Wet te volg.

Dood of onbevoegdheid van sekere gelisensieerde persone of aansoekers wat houers is van voorwaardelike goedkeuring of voornemende houers of permithouers ingevolge artikel 68 van Wet

27.(1) Onder omstandighede waar die belang in 'n gelisensieerde besigheid besit word deur 'n persoon onder kuratorskap of wat oorlede is, deur toepassing van die wet of andersins, oorgedra aan sy of haar boedel, of enige ander persoon wat aansoek doen ingevolge artikel 68(2)(a)(i) van die Wet moet, skriftelik, binne 30 dae vanaf die datum waarop sodanige dood of kuratorskap van toepassing is, skriftelik aansoek doen om 'n lisensie by die Drankowerheid.

(2) Die aansoeker bedoel in subregulasie (1) moet 'n aansoek, skriftelik, in triplikaat en in drukskrif, om 'n lisensie indien deur gebruik te maak van Vorm KZNLA 17A van Aanhangsel Q1 en moet –

- (a) sodanige inligting, soos aangevra in die aansoekform, verskaf; en
- (b) onder eed of plegtig verklaar, aan die einde van die vermelde vorm, dat die inligting daarin vervat waar en juis is.

(3) Die aansoek bedoel in subregulasie (1) moet insluit –

- (a) 'n afskrif van die dranklisensie;
- (b) 'n afskrif van die identiteitsdokument van die aansoeker bedoel in subregulasie (1);
- (c) 'n afskrif van die identiteitsdokument van 'n gelisensieerde persoon, of 'n aansoeker wat die houer is van voorwaardelike toestemming, of 'n voornemende lisensie- of permithouer wat gesekwestreer is, onder likwidasie of geregtelike bestuur geplaas is, of oorlede is;
- (d) 'n gewaarmerkte afskrif van die lisensiehouer se doodsertifikaat;
- (e) 'n gewaarmerkte afskrif van bewys dat die lisensiehouer onbevoeg, gelikwideer of onder geregtelike bestuur is;

(f) 'n oorspronklike of gewaarmerkte afskrif van 'n geldige en werkende inkomstebelastingklaringsertifikaat geldig vir een jaar vanaf die datum van indiening van die aansoek; en

(g) 'n oorspronklike of gewaarmerkte afskrif van 'n sertifikaat uitgereik deur die SAPD geldig soos op die datum van indiening van die aansoek vir 'n tydperk van meer as drie maande vanaf die datum van uitreiking deur die SAPD.

(4) Die aansoek bedoel in subregulasie (1) word beskou as volledig indien alle dokumentasie bedoel in subregulasie (3) ingedien is.

(5) Die bepalings van artikel 74 van die Wet is van toepassing, met die nodige veranderinge, rakende die aansoek bedoel in subregulasie (1).

Aanskaffing van finansiële belang ingevolge artikel 69(1) van Wet

28.(1) 'n Gelisensieerde persoon moet nie toelaat dat enige ander persoon 'n finansiële belang in die besigheid, waarop die lisensie van toepassing is, bekom nie tensy die Drankowerheid, ingevolge artikel 69(1) van die Wet, by skriftelike aansoek gedoen deur die gelisensieerde persoon deur gebruik te maak van Vorm KZNLA 17A van Aanhangsel Q1, toestemming gegee het dat die ander persoon daardie belang in daardie besigheid kan bekom.

(2) Die aansoek bedoel in subregulasie (1) moet vergesel gaan van –

(a) 'n geldige en werkende inkomstebelastingklaringsertifikaat van die persoon wat die finansiële belang bekom; en

(b) 'n oorspronklike of gewaarmerkte afskrif van 'n sertifikaat uitgereik deur die SAPD geldig soos op die datum van indiening van die aansoek vir 'n tydperk van meer as drie maande vanaf die datum van uitreiking deur die SAPD, wat aandui hetsy of nie die persoon wat die finansiële belang verkry skuldig bevind is aan enige kriminele oortredings.

(3) Indien die Drankowerheid besluit om die aanskaffing van 'n finansiële belang, bedoel in subregulasie (1), goed te keur, moet sodanige belang of aanskaffing nie die persentasie van belang van die lisensiehouer in die besigheid oorskry nie.

(4) Voordat die Drankowerheid besluit om die oordrag bedoel in subregulasie (2) goed te keur, kan die Drankowerheid die status van die voorgestelde persoon, wat die onderwerp is van die aansoek, ondersoek ten einde te verseker dat sodanige persoon nie onbevoeg is nie ingevolge artikel 40 van die Wet.

(5) By die ondersoek van die persoon bedoel in subregulasie (4), kan die Drankowerheid, met goeie beweegrede bewys, die publiek uitnoui om verhoë te rig ter ondersteuning van redes waarom die aanskaffing bedoel in subregulasie (1) nie goedgekeur kan word nie.

(6) Indien die Drankowerheid die aansoek bedoel in subregulasie (2) afkeur kan die aansoeker, of die persoon wat 'n finansiële belang bekom, appèl aanteken teen die besluit van die Drankowerheid deur die prosedure bedoel in artikel 61 van die Wet te volg.

Wysiging aan gelisensieerde perseel of aard van besigheid ingevolge artikel 72 van Wet

29.(1) 'n Lisensiehouer wat verlang om –

- (a) strukturele veranderinge aan die gelisensieerde perseel aan te bring; of
- (b) die aard van die besigheid te verander; of
- (c) die vloerplan te verander,

moet skriftelik aansoek doen om toestemming by die Drankowerheid deur Vorm KZNLA 16 van Aanhangsel P te gebruik.

(2) 'n Aansoek bedoel in subregulasie (1) moet vergesel gaan van –

- (a) 'n hersiene plan, met die wysigings van die perseel aangebring in rooi, tesame met die tersaaklike goedkeuring deur die betrokke owerheid;
- (b) 'n skriftelike voorlegging;
- (c) 'n beskrywing van die gelisensieerde perseel;
- (d) 'n gewaarmerkte afskrif van die identiteitsdokument van die lisensiehouer of memorandum van inlywing, indien 'n regs persoon;
- (e) bewys van betaling van die voorgeskrewe fooi soos bedoel in Aanhangsel B van die Bylae tot hierdie regulasies; en
- (f) waar van toepassing, toestemming van die eienaar van die perseel.

(3) 'n Aansoek bedoel in subregulasie (1) word beskou as behoorlik ingedien indien alle vereiste dokumentasie ingedien is by die Drankowerheid.

(4) By ontvangs van die aansoek bedoel in subregulasie (2) moet die Drankowerheid, binne 14 dae, 'n aangewese inspekteur uitstuur vir inspeksie van die gelisensieerde perseel en om 'n skriftelike inspeksieverslag binne 21 dae in te dien.

(5) Die Drankowerheid moet die aansoek ingedien ingevolge subregulasie (1) oorweeg en finaliseer binne 90 dae vanaf ontvangs van sodanige aansoek.

Berging van drank ingevolge artikel 73 van Wet

30.(1) 'n Lisensie- of permithouer wat verlang om drank te berg op 'n perseel anders as die gelisensieerde perseel moet 'n skriftelike versoek by die Drankowerheid indien vir oorweging deur Vorm KZNLA 15 van Aanhangsel O te gebruik.

(2) Die skriftelike versoek bedoel in subregulasie (1) moet vergesel gaan van –

- (a) 'n vloerplan van die perseel, goedgekeur deur die tersaaklike owerheid, vir bergingsdoeleindes;
- (b) die fisiese adres en beskrywing van die voorgenome bergingsperseel;
- (c) 'n skriftelike voorlegging of motivering vir addisionele bergingspasië;
- (d) 'n gewaarmerkte afskrif van die identiteitsdokument van die lisensie- of permithouer indien 'n natuurlike persoon, of memorandum van inlywing indien 'n regs persoon, wat aansoek doen;
- (e) bewys van betaling van die voorgeskrewe fooi bedoel in Aanhangsel B van die Bylae tot hierdie regulasies;
- (f) 'n gewaarmerkte afskrif van die geldige lisensie of permit; en
- (g) indien van toepassing, skriftelike toestemming deur die eienaar van die perseel waar die drank geberg sal word.

(3) 'n Versoek, soos bedoel in subregulasie (1), word beskou as behoorlik ingedien indien alle noodsaaklike dokumentasie ingedien is by, en die fooie betaal is aan, die Drankowerheid.

(4) By ontvangs van die versoek bedoel in subregulasie (1) moet die Drankowerheid, binne 14 dae, 'n aangewese inspekteur uitstuur vir –

- (a) inspeksie van die gelisensieerde perseel; en
- (b) indiening van 'n skriftelike verslag –
 - (i) binne 21 dae in die geval van lisensiehouers; of
 - (ii) binne vyf dae in die geval van permithouers.

(5) Die Drankowerheid moet die versoek ingedien ingevolge subregulasie (1) oorweeg en afhandel binne 'n redelike tydperk.

DEEL V
OORDRAG VAN LISENSIE AAN VOORNEMENDE HOUER
INGEVOLGE ARTIKEL 74 VAN WET

Prosedure vir oordrag van lisensie aan voornemende houer ingevolge artikel 74 van Wet

31.(1) 'n Lisensiehouer wat aansoek doen om oordrag van 'n dranklisensie aan 'n ander persoon ingevolge artikel 74 van die Wet moet sodanige aansoek by die Drankowerheid indien deur Vorm KZNLA 17A van Aanhangsel Q1 te gebruik en moet die voorgeskrewe fooi vir oordrag van 'n lisensie soos bedoel in Aanhangsel B betaal.

(2) Die aansoek om oordrag van 'n lisensie bedoel in subregulasie (1) moet slegs op 'n Vrydag, uitgesluit amptelike openbare vakansiedae, ingedien word by die Drankowerheid by 'n adres soos verskaf in die aansoekvorm deur die Drankowerheid.

(3) 'n Aansoek ingedien by die Drankowerheid, soos bedoel in subregulasie (1), word beskou as behoorlik ingedien indien alle vereiste dokumentasie en inligting, bedoel in artikel 41(2)(b)(ii)(iii)(iv) en artikel 74(2) van die Wet, ingedien is by die Drankowerheid.

Prosedure met betrekking tot onvolledige aansoek om oordrag van dranklisensie aan voornemende houer van lisensie ingevolge artikel 74 van Wet

32.(1) Indien 'n aansoek om oordrag van 'n dranklisensie onvolledig is, moet die Hoof- Uitvoerende Beampte onverwyld 'n kennisgewing uitreik, deur Vorm KZNLA 2 van Aanhangsel C te gebruik, aan sodanige aansoeker om die onvolledige aansoek te voltooi binne 14 dae.

(2) Indien die aansoeker versuim om te voldoen aan die kennisgewing bedoel in subregulasie (1) moet die Drankowerheid –

- (a) die aansoek om oordrag van 'n dranklisensie afkeur; en
- (b) die aansoeker skriftelik in kennis stel van sy besluit binne 14 dae nadat sodanige besluit geneem is.

Prosedure by toestaan van aansoek ten opsigte van oordrag van dranklisensie aan voornemende houer ingevolge artikel 74 van Wet

33.(1) Die Drankowerheid moet 'n aansoek om oordrag van 'n dranklisensie oorweeg en 'n beslissing bereik nie meer as 90 dae nie vanaf ontvangs van die aansoeker se antwoord op enige versoë of voorleggings ontvang.

(2) Indien 'n lisensie toegestaan is deur die Drankowerheid moet die Hoof- Uitvoerende Beampte, nadat betaling van die voorgeskrewe lisensiefooi bedoel in Aanhangsel B ontvang is, 'n lisensiesertifikaat in die naam van die aansoeker uitreik deur Vorm KZNLA 9 van Aanhangsel I te gebruik.

(3) Enige goedkeuring uitgereik ingevolge hierdie regulasie is nie oordraagbaar sonder vooraf goedkeuring deur die Drankowerheid nie.

DEEL VI
VERSKUIWING VAN LISENSIE VANAF GELISENSIEERDE PERSEEL NA ANDER PERSEEL
INGEVOLGE ARTIKEL 75 VAN WET

Prosedure vir verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel ingevolge artikel 75 van Wet

34.(1) 'n Persoon wat aansoek doen om verskuiwing van 'n lisensie vanaf 'n gelisensieerde perseel na 'n ander perseel ingevolge artikel 75 van die Wet moet –

- (a) sodanige aansoek by die Drankowerheid indien; en
- (b) die aansoekfooi bedoel in Aanhangsel B betaal.

(2) Die aansoek bedoel in subregulasie (1) moet slegs op 'n Vrydag, uitgesluit amptelike openbare vakansiedae, ingedien word by die Drankowerheid by 'n adres soos verskaf in die aansoekvorm deur die Drankowerheid.

(3) 'n Aansoek ingedien by die Drankowerheid, soos bedoel in subregulasie (1), word beskou as behoorlik ingedien indien all nodige dokumentasie en inligting, bedoel in artikels 41 – 51 of artikels 55 – 60 van die Wet, ingedien is by die Drankowerheid.

Vorm van aansoek om dranklisensie by Drankowerheid ten opsigte van verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel ingevolge artikel 75 van Wet

35.(1) 'n Aansoeker moet 'n aansoek indien, skriftelik en in triplikaat, om verskuiwing van 'n lisensie vanaf die gelisensieerde perseel na 'n ander perseel, soos bedoel in artikel 75 van die Wet, deur Vorm KZNLA 18 van Aanhangsel R te gebruik en moet –

- (a) in die vermelde aansoek sodanige inligting soos versoek in die vermelde aansoekvorm verskaf; en

(b) onder eed of plegtig verklaar, aan die einde van die vermelde vorm, dat die inligting vervat daarin waar en juis is.

(2) Bykomend tot die vereistes vermeld in artikel 41(2) van die Wet moet elke aansoek, ten tye van indiening by die Drankowerheid, vergesel gaan van –

(a) 'n perseelplan wat duidelik aandui –

(i) die dimensies van elke vertrek;

(ii) alle deure, vensters en toonbanke;

(iii) alle interne en eksterne inligtings- of kennisgewingborde; en

(iv) die straat en plekke waarheen welke ingange en uitgange lei; en

(b) 'n omvattende skriftelike voorlegging of motivering ter ondersteuning van die aansoek.

Prosedure deur Drankowerheid by ontvangs van aansoek om dranklisensie ten opsigte van verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel ingevolge artikel 75 van Wet

36.(1) Indien die aansoek om die verskuiwing van 'n dranklisensie vanaf 'n gelisensieerde perseel na 'n ander perseel, ingedien by die Drankowerheid ingevolge regulasie 34, onvolledig is, moet die Hoof- Uitvoerende Beamppte onverwyld 'n kennisgewing uitreik, deur Vorm KZNLA 2 van Aanhangsel C te gebruik, aan die aansoeker om 'n onvolledige aansoek binne 14 dae te voltooi.

(2) Indien die aansoek volledig is, moet die Hoof- Uitvoerende Beamppte, binne 14 dae vanaf ontvangs, die aansoek en alle meegaande dokumentasie aanstuur na die plaaslike komitee.

(3) By ontvangs van 'n aansoek, soos bedoel in subregulasie (2), moet die plaaslike komitee die aansoeker in kennis stel van ontvangs van die aansoek.

(4) Die aansoek en alle meegaande dokumentasie moet beskikbaar wees ter openbare insae –

(a) by die kantoor van die tersaaklike plaaslike komitee; en

(b) by die kantoor van die plaaslike stasiebevelvoerder.

(5) Enige persoon moet, binne 'n tydperk van 21 dae vanaf publiseringsdatum, toegelaat word om die aansoek na te gaan en 'n afskrif van die aansoek, soos bedoel in subregulasie (4), te maak by betaling van die voorgeskrewe fooi.

Kennisgewing van aansoek om dranklisensie by plaaslike komitee ten opsigte van verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel ingevolge artikel 75 van Wet

37.(1) By ontvangs deur die aansoeker van 'n skriftelike kennisgewing vanaf die plaaslike komitee, moet die aansoeker –

- (a) sodanige kennisgewing publiseer in minstens een koerant wat sirkuleer in die gebied waarin die beoogde perseel geleë sal wees deur Vorm KZNLA 3 van Aanhangel D te gebruik;
- (b) 'n 1 m x 1 m kennisgewingbord, wat duidelik dieselfde inligting vervat in Vorm KZNLA 3 van Aanhangel D vertoon, in 'n prominente plek ten toonstel op die beoogde perseel;
- (c) verseker dat die kennisgewing bedoel in paragraaf (b) sigbaar is vir verbygangers;
- (d) kennisgewing van die aansoek beteken op 'n lid van die huishouding ouer as 16 jaar vir elk van die geokkupeerde wonings binne 'n radius van 100 meter vanaf die voorgename perseel, slegs indien die voorgename perseel in 'n residensiële area geleë is;
- (e) tegelykertyd met die publisering van die aansoek in die koerant, 'n afskrif van die aansoek indien by die plaaslike kantoor van die stasiebevelvoerder van die Suid-Afrikaanse Polisie in wie se jurisdiksiegebied die voorgename perseel geleë is of sal wees; en
- (f) bewys van nakoming indien by die plaaslike komitee binne sewe dae vanaf die publiseringsdatum en kennisgewing.

(2) 'n Plaaslike koerant moet Vorm KZNLA 3 van Aanhangel D gebruik vir die publisering van die kennisgewing bedoel in subregulasie (1)(b).

(3) Die plaaslike komitee moet die aansoeker inlig dat, bo en behalwe die publisering van die kennisgewing ingevolge subregulasie (1), moet die aansoeker ook teweegbring dat 'n afskrif van sodanige kennisgewing per geregistreerde pos gestuur word of afgelewer word aan –

- (a) die persoon of liggaam huidiglik in beheer van die woning geormerk vir besigheid;
- (b) die geregistreerde eienaar van die grond en die inwoner van die woning wat geormerk is vir besigheid;
- (c) die munisipale bestuurder van die munisipaliteit vir die gebied waarin die woning, wat geormerk is vir besigheid, geleë is; en
- (d) alle belanghebbendes, bekend aan die plaaslike komitee, in die algemene gebied waarin die woning wat geormerk is vir besigheid geleë is, en sodanige belanghebbendes aanbeveel om skriftelike verhoë of voorleggings betreffende die voorgename toestaan van die lisensie in te dien.

Besware of versoë ten opsigte van aansoek om verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel ingevolge artikel 75 van Wet

38.(1) Enige persoon kan, skriftelik, en nie later nie as 21 dae nadat die aansoeker kennis gegee het van die aansoek om verskuiwing van 'n lisensie vanaf gelisensieerde perseel –

- (a) beswaar aanteken teen; of
- (b) versoë rig óf teen die toestaan óf afkeur van die aansoek, en moet 'n afskrif daarvan beteken aan –
 - (i) die plaaslike komitee; en
 - (ii) die aansoeker of sy of haar verteenwoordiger wat die aansoek voorberei het; en
- (c) afdoenbare bewys van betekening deur die aansoeker aan die plaaslike komitee verskaf.

(2) 'n Persoon wat versoë rig of besware aanteken, soos bedoel in subregulasie (1), moet –

- (a) sy of haar volle name en adres verskaf;
- (b) sy of haar identiteitsnommer of, indien 'n maatskappy of beslote korporasie, sy registrasienommer verskaf;
- (c) indien van toepassing, die naam en adres van sy of haar verteenwoordiger vermeld;
- (d) die aard van die persoon se belang in die toestaan of weiering van die aansoek vermeld; en
- (e) omvattende gronde vir besware teen, of ter ondersteuning van, die aansoek verskaf.

(3) By ontvangs van geskrewe versoë, soos bedoel in subregulasie (2), moet die plaaslike komitee teweegbring dat 'n afskrif van welke versoë, per geregistreerde pos of aflewering, aan die aansoeker gestuur word waarin sodanige aansoeker aanbeveel word om skriftelik te antwoord op die skriftelike versoë of voorleggings betreffende die besware of versoë.

Indiening van inspeksieverslag ten opsigte van aansoek om verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel ingevolge artikel 75 van Wet

39. Nie later nie as 14 dae nadat die sekretaris van die plaaslike komitee die aansoek ingevolge artikel 44(1) van die Wet bestudeer het, moet 'n inspekteur, aangestel ingevolge artikel 81(1)(a) van die Wet, 'n inspeksie uitvoer en 'n verslag indien deur gebruik te maak van Vorm KZNLA 5A van Aanhangsel F1.

Reaksie van aansoeker ten opsigte van aansoek om oordrag van lisensie vanaf gelisensieerde perseel na ander perseel ingevolge artikel 74 van Wet

40. 'n Aansoeker moet, nie later nie as sewe dae na ontvangs van 'n beswaar of vertoë ingevolge artikel 43(1) van die Wet of 'n inspeksieverslag, sy of haar skriftelike antwoord, in duplikaat, indien by die plaaslike komitee.

Beswaarverhore ten opsigte van aansoek om verskuiwing van lisensie vanaf gelisensieerde perseel na ander perseel ingevolge artikel 75 van Wet

41.(1) By ontvangs van die antwoord bedoel in regulasie 38(3), en indien –

- (a) die aangeleentheid duidelik is ten opsigte van die geskrewe vertoë; en
- (b) die aangeleentheid beslis kan word ten opsigte van die dokumentasie voor die komitee,

kan die plaaslike komitee afsien van die hou van 'n beswaarverhoor soos bedoel in artikel 47(1) van die Wet.

(2) Indien die plaaslike komitee 'n beswaarverhoor hou ingevolge artikel 47(1) van die Wet sal die orde of die prosedure wees soos voorgeskryf in die riglyne.

(3) Indien die plaaslike komitee 'n beswaarverhoor hou volgens subregulasie (2), moet hy –

- (a) so doen ter nakoming van artikel 47(2) van die Wet; en
- (b) partye daardeur geraak in kennis stel deur Vorm KZNLA 7 van Aanhangel H1 te gebruik.

(4) Die kennisgewing bedoel in subregulasie (3) moet gemaak word ten minste 14 dae voor sodanige verhoor plaasvind.

(5) Die skriftelike kennisgewing kan, ingevolge artikel 47(4)(a) van die Wet, per hand, per pos of deur vervangende diens afgelewer word.

Aanstuur van dokumente aan Drankowerheid ten opsigte van aansoek om oordrag van dranklisensie aan voornemende lisensiehouer ingevolge artikel 75 van Wet

42. Binne 14 dae na oorweging van die aansoek om 'n lisensie, moet 'n plaaslike komitee by die Drankowerheid indien –

- (a) 'n verslag met aanbevelings;
- (b) die aansoek; en
- (c) enige afskrifte van dokumente ingehandig ingevolge hierdie regulasies.

Prosedure by toestaan van aansoek om verskuiwing van dranklisensie vanaf gelisensieerde perseel na ander perseel ingevolge artikel 75 van Wet

43.(1) Indien 'n aansoek betreffende die perseel wat geskik is vir die doel van die besigheid wat daarop bedryf sal word toegestaan word deur die plaaslike komitee, moet 'n lisensie, soos bedoel in Vorm KZNLA 9 van Aanhangsel I, ingevolge artikel 23(2)(a) van die Wet, uitgereik word deur die Hoof- Uitvoerende Beampte.

(2) Indien 'n aansoek toegestaan word ten opsigte van 'n onvoltooide perseel, moet 'n skriftelike kennisgewing of voorwaardelike goedkeuring uitgereik word deur die Hoof- Uitvoerende Beampte.

(3) Enige goedkeuring uitgereik ingevolge hierdie regulasie is nie oordraagbaar sonder vooraf goedkeuring deur die Drankowerheid nie.

(4) Indien appèl ingedien is ingevolge artikel 61 van die Wet, moet die Drankowerheid die aansoeker inlig dat die lisensie nie uitgereik sal word voor die appèl afgehandel is en 'n uitslagsertifikaat uitgereik is nie, ingevolge artikel 61(7) van die Wet.

Aanstelling van bestuurder van gelisensieerde perseel ingevolge artikel 77 van Wet

44.(1) 'n Aanstellingsertifikaat as bestuurder van die gelisensieerde perseel kan slegs uitgereik word aan 'n persoon, aangestel deur 'n gelisensieerde persoon ingevolge artikel 77(2) van die Wet, deur die Drankowerheid sodra die Drankowerheid tevrede is dat die voorgename bestuurder nie gediskwalifiseer of onbevoeg is ingevolge artikel 77(1)(a) van die Wet nie.

(2) Ten einde vir die Drankowerheid om sy mandaat uit te voer ingevolge subregulasie (1), moet die lisensiehouer die volgende verskaf –

(a) 'n behoorlik voltooide en getekende aansoekvorm vir die aanstelling van 'n bestuurder in ooreenstemming met Vorm KZNLA 8 van Aanhangsel H2;

(b) bewys van betaling van die toepaslike aansoekfooi soos uiteengesit in Aanhangsel B;

(c) 'n gewaarmerkte afskrif van die identiteitsdokument van die voorgename bestuurder vir aanstelling;

(d) 'n oorspronklike of gewaarmerkte afskrif van 'n skriftelike indiensnemingskontrak;

(e) indien die voorgename bestuurder 'n buitelandse burger is, 'n gewaarmerkte afskrif van 'n geldige en werkende werkspermit, uitgereik deur die tersaaklike regeringsdepartement of regeringsagentskap; en

(f) 'n oorspronklike of gewaarmerkte afskrif van 'n sertifikaat uitgereik deur die SAPD geldig soos op die datum van indiening van die aansoek vir 'n tydperk van meer as drie maande vanaf die datum van uitreiking deur die SAPD.

(3) Die Drankowerheid moet die aansoek bedoel in subregulasie 2(a) oorweeg en 'n besluit neem om die aansoek toe te staan of te weier binne 30 dae nadat die ten volle voltooide aansoek ontvang is.

(4) Die aansoek ingevolge hierdie regulasie kan ingedien word op dieselfde tyd as die aansoek om 'n nuwe dranklisensie of 'n aansoek om hernuwing van 'n bestaande lisensie, waar van toepassing.

(5) Die fooie betaalbaar is per bestuurder, nieëenstaande die getal aansoeke om aanstellings van bestuurders waarvoor tegelykertyd aansoek gedoen word.

(6) Die persoon aldus aangestel om die besigheid van die dranklisensiehouer te bestuur is onderhewig aan dieselfde verpligtinge, voortspruitend uit die Wet en hierdie regulasie, as die betrokke lisensiehouer.

(7) Nieteenstaande die aanstelling van 'n bestuurder, bly die lisensiehouer verantwoordelik ten opsigte van aangeleenthede wat voortspruit uit die lisensie en die gelisensieerde perseel.

(8) Die aanstelling van die bestuurder is geldig vir die tydperk van die dranklisensie.

(9) Die aanstelling van die bestuurder verval wanneer –

- (a) die dranklisensie verstryk;
- (b) die dranklisensie óf opgeskort, herroep, teruggetrek óf gekanselleer word; en
- (c) die bestuurder bedank, ontslaan word of diens verlaat.

Tariewe betaalbaar deur Drankowerheid aan getuies by appèl- of hersieningsprosedures ingevolge artikel 99 van Wet

45. Die Drankowerheid moet tariewe of toelae, betaalbaar aan getuies in appèlprosedures, betaal in ooreenstemming met die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), en tarieftoelae betaalbaar aan getuies in siviele sake ingevolge die toepaslike bepalings van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959).

Prosedure vir indiening van klagte by Drankowerheid (Artikel 99(1)(o) van Wet)

46.(1) 'n Persoon wat 'n klagte indien ingevolge artikel 99(1)(o) van die Wet moet –

- (a) sodanige klagte indien by die Drankowerheid deur gebruik te maak van vorm KZNLA 22 van Aanhangsel V; en
- (b) sodanige klagte indien by die plaaslike komitee of die SAPD, deur gebruik te maak van die vorm verwys na in subregulasie (1)(a).

(2) Die klaer bedoel in subregulasie (1), moet die inligting en/ of dokumentasie voorsien, indien enige, om hul klagte te ondersteun.

(3) By ontvangs van die klagte deur die Hoof- Uitvoerende Beampte van die Drankowerheid, die stasiebevelvoerder van die plaaslike SAPD of die voorsitter van die plaaslike komitee, moet 'n kennisgewing, wat hom of haar inlig van die klagte teen hom of haar en sy of haar perseel, aan die lisensiehouer gestuur word.

(4) Die lisensiehouer moet, binne 'n tydperk van sewe werksdae, 'n vertoë rig aan die Hoof- Uitvoerende Beampte betreffende die bewerings van die klagte teen hom of haar.

(5) Indien die lisensiehouer versuim om sodanige vertoë te rig, binne die tydperk bedoel in subregulasie (4), kan die Hoof- Uitvoerende Beampte van die Drankowerheid toestemming gee vir die klagte om ondersoek te word.

(6) Indien die ingesamelde bewyse van geen betekenis is nie of daar geen bewyse gevind kon word wat die klagte rugsteun nie, moet die Hoof- Uitvoerende Beampte die klagte verwerp en die klaer van die uitslag in kennis stel.

(7) Indien die bewyse 'n oortreding van die Wet staaf, moet die Hoof- Uitvoerende Beampte 'n nakomingskennisgewing aan die lisensiehouer stuur.

(8) Indien die lisensiehouer versuim om te voldoen aan die voorwaardes van die nakomingskennisgewing, bedoel in subregulasie (7), kan die Hoof- Uitvoerende Beampte die lisensie opskort of herroep.

Aansoek om Tydelike Amnestieregistrasie (artikel 99 van Wet)

47.(1) Die Drankowerheid kan tydelike amnestie toestaan slegs aan voorafbestaande en geldige lisensiehouers gelisensieer ingevolge die Drankwet, 1989 (Wet No. 27 van 1989), vir die volgende kategorieë waaronder sodanige gelisensieerde persele nou val ingevolge hierdie Wet –

- (a) 'n gelisensieerde perseel geleë binne 'n gebied, met 'n omtrek van 500 meter, vanaf opvoedkundige- en godsdienstige instellings; en
- (b) geriefswinkels met 'n franchiselisensie toegeken aan 'n diensstasie wat petrol, diesel en ander petroleumprodukte aan die publiek verkoop.

(2) Lisensiehouers wat in aanmerking kom vir oorweging van sodanige aansoek om amnestie moet aansoek doen, binne ses maande vanaf die promulgering van die Wet, by die Drankowerheid deur Vorm KZNLA 23 van Aangangsel W1 te voltooi.

(3) 'n Voltooide aansoek met al die vereiste dokumente, wat die vereistes uiteengesit in regulasies 2 en 3 nakom, kan deur die Drankowerheid aanvaar word vir oorweging.

(4) Binne 14 dae vanaf ontvangs van die aansoek bedoel in subregulasie (3), kan die Drankowerheid, sodra hy tevrede is dat aan alle vereistes voldoen is, 'n amnestieregistrasie toestaan deur 'n sertifikaat, bedoel in Vorm KZNLA 24 van Aangangsel W2, uit te reik aan die aansoeker.

(5) Die lisensiehouer moet, tegelykertyd met die indiening van die aansoek bedoel in subregulasie (2), aansoek doen om verskuiwing van die lisensie, soos bedoel in regulasie 34.

(6)(a) 'n Amnestieregistrasiesertifikaat, uitgereik kragtens subregulasie (4) is, onderhewig aan die jaarlikse hernuwing bedoel in subregulasie (8), geldig vir 'n tydperk van drie jaar, wat bereken word vanaf die publiseringsdatum van hierdie regulasies.

(b) Die amnestieregistrasiesertifikaat verval en word van geen krag en effek sodra die aansoek om verskuiwing, bedoel in regulasie 34, afgehandel is deur die Drankowerheid en 'n uitslagsertifikaat uitgereik is aan die lisensiehouer.

(7) Die houer van 'n amnestieregistrasie moet, vir solank as wat daardie amnestieregistrasie van krag bly, alle soortlyke regte geniet en onderhewig wees aan dieselfde beperkings as dié wat hy of sy geniet het ingevolge die oorspronklike lisensie.

(8) Die houer van 'n amnestieregistrasie moet jaarliks hernuwing van daardie registrasie indien tesame met die aansoek om jaarlikse hernuwing van sy of haar lisensie.

(9) 'n Jaarlikse hernuwing bedoel in subregulasie (8) moet skriftelik en gerig wees aan die Drankowerheid, en vergesel gaan van 'n gewaarmerkte afskrif van die sertifikaat uitgereik soos bedoel in Vorm KZNLA 24 van Aanhangsel W2 en –

- (a) jaarliks ingedien word by die Drankowerheid voor of op die verjaardatum waarop daardie amnestieregistrasie vir die eerste keer uitgereik was; en
- (b) vergesel gaan van 'n betalingsbewys van 'n hernuwingsfooie soos uiteengesit in Aanhangsel B van hierdie Regulasies.

(10) Die Drankowerheid moet, by ontvangs van die jaarlikse hernuwingsfooie bedoel in subregulasie (9), onmiddelik 'n stempelafdruk op daardie vorm aanbring wat daardeur aandui dat die amnestieregistrasie hernu is en 'n afskrif van die gestempelde, jaarlikse hernuwing aan die geskikte persoon terugbesorg.

(11) 'n Amnestieregistrasie wat nie hernu is in ooreenstemming met die bepalings van subregulasie (9) nie, verval onmiddelik op die dag wat direk volg op die verjaardatum van uitreiking van daardie amnestieregistrasie en is van geen verdere krag of effek nie.

(12) Lisensiehouers wat onder die kategorië bedoel in subregulasie (1) val, en versuim om 'n aansoek om amnestie in te dien binne die vereiste tydperk soos bedoel in subregulasie (2), sal aanspreeklik gehou word as lisensiehouers ingevolge die bepalings van die Wet.

DEEL VII GEDRAGSKODE VIR LEDE VAN DRANKOWERHEID

Algemene gedrag van lede van die Drankowerheid ingevolge artikel 99(1)(t) van Wet

48. 'n Lid van die Drankowerheid moet –

- (a) die werksaamhede van sy amp te goeder trou, eerlik, deursigtig en met die nodige toewyding uitvoer;
- (b) te alle tye optree in die beste belang van die Drankowerheid en op sodanige wyse dat die geloofwaardigheid en integriteit van die Drankowerheid nie gekompromitteer word nie;
- (c) strewe daarna om vertrouwd te wees met alle statutêre en ander voorskrifte van toepassing op sy of haar gedrag en sodanige voorskrifte ook nakom;
- (d) saamwerk met openbare instellings ingestel deur wetgewing en die Grondwet ter bevordering van openbare belang;
- (e) die publiek dien op 'n onbevooroordeelde en regverdigte wyse ten einde vertroue in die Drankowerheid te kweek;

- (f) behulpsaam en redelikerwys toeganklik wees in sy of haar omgang met die publiek en lede van die publiek te alle tye behandel as klante wat geregtig is op hoë diensstandaarde;
- (g) nie onregverdiglik diskrimineer teen enige lid van die publiek op grond van ras, geslag, etniese of sosiale oorsprong, kleur, seksuele oriëntasie, ouderdom, gestremdheid, godsdiens, politieke oortuiging, gewete, geloof, kultuur of taal nie;
- (h) nie sy of haar amp misbruik ten einde vooroordeel of selfbelang te bevorder nie;
- (i) die publiek se reg tot toegang van inligting erken, uitgesluit inligting wat uitdruklik beskerm word deur wetgewing;
- (j) daarna streef om die doelwitte van die Drankowerheid op koste-effektiewe wyse en in openbare belang te bereik;
- (k) stiptelik wees in die uitvoer van sy of haar pligte;
- (l) eerlik en aanspreeklik wees tydens die hantering van openbare fondse;
- (m) die Drankowerheid se eiendom en ander hulpbronne doelmatig, doeltreffend en slegs vir amptelike doeleindes gebruik;
- (n) sy of haar verantwoordelike uitvoer op 'n professionele en bekwame wyse; en
- (o) nie betrokke wees by enige handeling wat in konflik is met, of inbreuk maak op, die uitvoer van sy of haar amptelike pligte nie.

Belonings, geskenke en gunste

49. 'n Lid van die Drankowerheid kan nie enige beloning, geskenk of guns aanvra, versoek of aanvaar om –

- (a) op 'n spesifieke wyse te stem of nie te stem nie vir enige aangeleentheid voor die Drankowerheid of voor 'n komitee waarvan daardie persoon lid is nie;
- (b) die Drankowerheid of enige ander komitee te beïnvloed rakende die uitvoer van enige bevoegdheid, werksaamheid of plig nie;
- (c) 'n vertoë tot die Drankowerheid te rig nie; of
- (d) vertroulike of bevoorregte inligting bekend te maak nie.

Ongemagtigde openbaarmaking van inligting

50.(1) 'n Lid van die Drankowerheid kan nie, sonder die toestemming van die Drankowerheid, enige bevoorregte of vertroulike inligting van die Drankowerheid aan 'n derde party bekend maak nie.

(2) Vir die doeleindes van hierdie regulasie, sluit “bevoorregte of vertroulike inligting” in, maar is nie beperk nie tot, enige inligting –

- (a) bepaal deur die Drankowerheid as bevoorreg of vertroulik;
- (b) bespreek in 'n geslote sessie van die Drankowerheid;
- (c) waarvan die bekendmaking 'n persoon se reg op privaatheid sal skend; of
- (d) verklaar as bevoorreg, vertroulik of geheim ingevolge die reg.

(3) Hierdie regulasie doen nie afbreuk aan die reg om toegang tot inligting van enige persoon ingevolge Nasionale wetgewing nie.

Ingryping in Administrasie

51. 'n Lid van die Drankowerheid kan nie, tensy so bepaal deur wetgewing –

- (a) inmeng in die bestuur of administrasie van die Drankowerheid nie, tensy so gelas deur die Drankowerheid;
- (b) enige instruksie gee, of bedoel om te gee, aan enige werknemer van die Drankowerheid nie, tensy gemagtig deur die Drankowerheid om so te doen;
- (c) die implementering van enige besluit van die Drankowerheid dwarsboom of poog om dit te dwarsboom nie; of
- (d) enige gedrag aanmoedig of daaraan deelneem wat wanadministrasie van die Drankowerheid sal meebring nie.

Plig van Voorsitter van Drankowerheid

52.(1) Sou die voorsitter van die Drankowerheid, met redelike vermoede, van mening wees dat 'n bepaling van die Gedragskode geskend is, moet die voorsitter –

- (a) 'n ondersoek na die beweerde skending gelas;
- (b) die lid 'n redelike geleentheid gee om skriftelik te antwoord betreffende die beweerde skending; en
- (c) die aangeleentheid rapporteer by 'n vergadering van die Drankowerheid nadat paragrawe (a) en (b) nagekom is.

(2) Die voorsitter moet, binne 'n redelike tyd, die uitslag van die ondersoek aan die verantwoordelike Lid van die Uitvoerende Raad rapporteer.

(3) Die voorsitter moet verseker dat elke lid kennis dra van die Gedragskode by ampsaanvaarding.

Skending van Gedragskode

53.(1) Die Drankowerheid kan –

- (a) ondersoek instel, aankla, 'n oordeel vel en 'n bevinding maak rakende enige beweerde skending van 'n bepaling van die Gedragskode; of
- (b) 'n spesiale komitee instel vir die hantering van enige beweerde skending van 'n bepaling van die Gedragskode –
 - (i) om ondersoek in te stel na en 'n bevinding te maak op enige beweerde skending van die Gedragskode; en
 - (ii) om toepaslike aanbevelings aan die verantwoordelike Lid van die Uitvoerende Raad te maak.

(2) Sou die Drankowerheid of 'n spesiale komitee bevind dat 'n lid skuldig is aan die skending van 'n bepaling van die Gedragskode, kan die Drankowerheid –

- (a) 'n formele waarskuwing aan die lid uitreik;
- (b) die lid uit die amp skors vir 'n tydperk soos bepaal deur die Drankowerheid; of
- (c) die lid uit sy amp ontslaan.

(3)(a) Enige lid wat gewaarsku, geskors of ontslaan is ingevolge paragraaf (a), (b) of (c) van subregulasie (2) kan, binne 21 dae vanaf kennisgewing van die besluit van die Drankowerheid, skriftelik appèl aanteken by die Lid van die Uitvoerende Raad, waarin die redes waarop die appèl gegrond is uiteengesit is.

(b) Die appellant moet 'n afskrif van die kennisgewing van appèl aan die Drankowerheid verskaf.

(c) Die Drankowerheid kan, binne 14 dae vanaf ontvangs van die appèl vermeld in paragraaf (b), enige skriftelike verdoë wat verband hou met die appèl rig aan die Lid van die Uitvoerende Raad.

(d) Die verantwoordelike Lid van die Uitvoerende Raad kan, nadat die appèl oorweeg is, die besluit van die Drankowerheid bevestig, tersyde stel of wysig en die appellant, asook die Drankowerheid, inlig rakende die uitslag van die appèl.

(4) Die verantwoordelike Lid van die Uitvoerende Raad kan 'n persoon of komitee aanstel om 'n beweerde skending van 'n bepaling van die Gedragskode te ondersoek en 'n aanbeveling te maak ten opsigte van die toepaslike strafbepaling ingevolge subregulasie (2).

(5) Die verantwoordelike Lid van die Uitvoerende Raad kan bepaal dat enige deel, of die geheel, van artikels 3 – 11 van die KwaZulu-Natal Wet op Kommissies, 1999 (Wet No. 3 van 1999), van toepassing is op 'n ondersoek ingevolge subregulasie (4).

(6) Sou die verantwoordelike Lid van die Uitvoerende Raad van mening wees dat die lid 'n bepaling van die Gedragskode geskend het en dat sodanige oortreding 'n skorsing of ontheffing van amp regverdig, kan die Lid van die Uitvoerende Raad –

(a) die lid vir 'n tydperk skors op voorwaardes bepaal deur die Lid van die Uitvoerende Raad; of

(b) die lid uit amp ontslaan.

(7) Enige ondersoek ingevolge hierdie regulasie moet in ooreenstemming wees met die reëls van natuurlike geregtigheid.

(8) Die Gedragskode is van toepassing op lede van die plaaslike komitees, met die nodige veranderinge.

DEEL VIII ALGEMENE BEPALINGS

Aanstelling van inspekteurs ingevolge artikel 81(1) van Wet

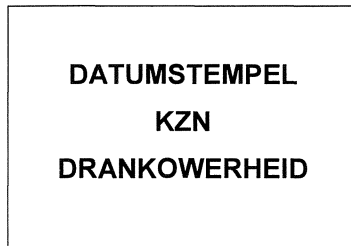
54. Elke inspekteur aangestel deur die verantwoordelike Lid van die Uitvoerende Raad, ingevolge artikel 81 van die Wet, word voorsien van 'n sertifikaat soos bedoel in Vorm KZNLA 6 van Aanhangsel G.

Kort titel

55. Hierdie Regulasies word die KwaZulu-Natal Regulasies op Dranklisensiëring, 2013 genoem.

**AANHANGSEL A
AANSOEKVORM**
KwaZulu-Natal Wet op Dranklisensiering, 2010
(Wet No. 6 van 2010)

KZNLA 1



Bedrag: R

Kwitansieno.:

Datum:

INSTRUKSIES

1. Lees hierdie instruksies en elke vraag noukeurig voordat u dit beantwoord en volg enige spesifieke instruksie wat gegee mag word ten opsigte van sekere vrae.
2. Antwoord elke vraag volledig. Indien u versuim om enige vraag te beantwoord of onvolledige antwoorde verskaf of versuim om alle bykomende inligting en dokumentasie in te dien soos vereis, kan u aansoek verwerp word.
3. Indien 'n vraag nie op u van toepassing is nie, skryf NVT (vir "Nie Van Toepassing") in die betrokke spasie. Indien daar niks is om bekend te maak rakende 'n sekere vraag nie, skryf "Geen" in die betrokke spasie. Indien 'n wysiging gemaak word aan 'n antwoord, teken u volle handtekening langs die wysiging.
4. Alle antwoorde in die vorms, buiten handtekeninge, moet getik of netjies in blokskrif, hoofletters en swart ink voltooi word. Na voltooiing moet elke bladsy van hierdie vorm ten volle geteken word in die spasie voorsien aan die einde van elke bladsy.
5. Aansoekvorms moet voltooi word deur die aansoeker of 'n persoon aangewys deur die aansoeker.
6. Alle oorspronklike voltooide aansoekvorms en alle bykomende inligting en dokumentasie, soos vereis, moet gewaarmerkte afskrifte wees, plus een afskrif van alle bladsye, ingesluit alle ondersteunende dokumentasie, moet ingedien word.
7. Indien u bykomende spasie benodig om enige vraag te beantwoord, maak asseblief gebruik van bykomende bladsye, en verseker verder dat die nommer(s) van die vraag(vrae) wat u beantwoord duidelik aangedui is op hierdie bykomende bladsye en verseker dat die bykomende inligting se kruisverwysing met die betrokke vrae duidelik is.
8. Alle datums moet in die volgende formaat wees: Dag/Maand/Jaar.
9. Alle aansoeke moet vergesel gaan van die vereiste afskrif van die betalingskwitansie van die aansoekfooi.
10. Alle aansoeke moet ingedien word by die volgende adres:

<p>Kantoor van die Hoof- Uitvoerende Beampte Dorothy Nyembestraat 22 1ste Vloer, Marinegebou Durban 4000 Tel: (031) 302 0600/38 Faks: 086 627 4734 Webwerf: www.kznlqa.co.za</p>

AANSOEK OM LISENSIE INGEVOLGE ARTIKEL 41(1)

(DEEL A) Binneverbruik op perseel ingevolge artikel 39(a)	
Buiteverbruik weg van perseel ingevolge artikel 39(b)	
(DEEL B) Spesiale geleentheid-permit ingevolge artikel 39(c)	
(DEEL C) Mikro-vervaardiging ingevolge artikel 39(d)	

(Dui die kategorie van aansoek om lisensie van voorgenome aansoek aan deur die relevante blokke met 'n X te merk)

INHOUDSOPGAWE Beskrywing van dokument

Aanhangsels:

- | | |
|--|----------------------|
| (i) Aansoek | KZNLA 1 Aanhangsel A |
| (ii) Breedvoerige geskrewe voorleggings of motivering ingevolge artikel 41(2) | A |
| (iii) Plan van die perseel met dimensies ingevolge artikel (41)(2)(e) | B |
| (iv) Beskrywing en foto's van die perseel | C |
| (v) Dokumentasie vereis om aansoek te vergesel ingevolge artikel(41)(2)(a – l), soos per regulasie 3 | |

Aansoek voorberei deur:

1. **Aansoeker**
2. **Persoon wat optree namens die aansoeker**
(*heg volmag aan*)
3. **Indien nommer 2 van toepassing is, verskaf asseblief die volgende besonderhede:**
 - (a) **Persoon se naam en van:**
 -
 - (b) **Posadres:**
 -
 - (c) **Kontakbesonderhede:**
 - (d) **Selnommer:**
 - (e) **Landlynommer:**
 - (f) **Faksnommer:**

(g) E-posadres:

<u>BESONDERHEDE VAN AANSOEKER</u>			
1.(a) Aansoeker se volle name en van:			
(b) Ouderdom van aansoeker:			
(c) Identiteitsnommer/ Maatskappyregistrasienuommer van aansoeker:			
(d) Residensiële adres van aansoeker:			
(e) Besigheidsadres van aansoeker:			
(f) Posadres van aansoeker:			
(g) Distriksmunisipaliteit:			
(h) Plaaslike munisipaliteit:			
(i) Besigheidskontakbesonderhede:			
Sel:	Tel.:	Faks:	E-pos:
2.(a) Is aansoeker 'n persoon wat –			
(i) in the Republiek, of elders, in die voorafgaande 10 jaar gevonnissen is tot tronkstraf vir enige misdryf sonder die opsie van 'n boete;			<input type="checkbox"/> Ja <input type="checkbox"/> Nee
(ii) in die voorafgaande 10 jaar, skuldig bevind is aan 'n oortreding ingevolge die Drankwet, 1989 (Wet No. 27 van 1989), of die Wet op Dranklisensiering, 2010 (Wet No. 6 van 2010), ongeag die vonnis opgelê, en was, binne drie jaar na die skuldigbevinding, weer skuldig bevind aan 'n oortreding ingevolge enige van die twee voorafgenoemde Wette, en was daarop gevonnissen tot 'n boete van minstens R200 of tot tronkstraf sonder die opsie van 'n boete;			<input type="checkbox"/> Ja <input type="checkbox"/> Nee
(iii) 'n Suid-Afrikaanse burger is;			<input type="checkbox"/> Ja <input type="checkbox"/> Nee

(iv) indien nie, dui die land van herkoms aan en dien 'n geldige werks- of besigheidspermit uitgereik deur Binnelandse Sake in;

.....;

(v) 'n ongerehabiliteerde insolvent is;

Ja	Nee
----	-----

(vi) minderjarig is;

Ja	Nee
----	-----

(vii) die eggenoot/e is van 'n persoon bedoel in subparagraawe (i), (ii) or (iv); of

Ja	Nee
----	-----

(viii) opgeneem is ingevolge die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), of die Wet op Geestesgesondheidsorg 2002, (Wet No. 17 van 2002)?

Ja	Nee
----	-----

3.(a) Indien die aansoeker 'n wettige geregistreerde maatskappy, beslote korporasie, vennootskap, koöperatiewe vereniging, assosiasie of trust is, dui aan of 'n persoon bedoel in subparagraaf (a) –

(i) 'n beherende belang het in sodanige maatskappy, beslote korporasie, koöperatiewe vereniging, assosiasie of trust;

Ja	Nee
----	-----

(ii) 'n vennoot is in sodanige vennootskap; of

Ja	Nee
----	-----

(iii) die hoof-begunstigde is van sodanige trust.

Ja	Nee
----	-----

(b) Indien enige van die vrae in subparagraaf (a) bevestigend beantwoord is, verskaf die regsdocumentasie vir die daarstelling van die spesifieke regsentiteit verwys na in (a) hierbo; tesame met die beslissing, geteken deur al die lede van sodanige entiteit wat hierdie aansoek goedkeur.

(Gebruik 'n aanhangsel indien nodig)

4.(a) Dui die naam, identiteitsnommer en adres van elke persoon, ingesluit die aansoeker, aan

wat enige finansiële belang het in die besigheid en in elke geval die aard en omvang van sodanige belang. Indien die aansoeker 'n openbare maatskappy, statutêre instelling of 'n koöperatiewe vereniging is, soos bedoel in die Wet op Koöperatiewe Verenigings, 1981 (Wet No. 91 van 1981), sal dit voldoende wees indien slegs die naam en posadres van sodanige maatskappy, statutêre instelling of koöperatiewe vereniging, na gelang van die geval, die naam van elke direkteur (indien enige) daarvan en die aard en omvang van die finansiële belang van sodanige maatskappy, statutêre instelling of koöperatiewe vereniging verskaf word en nie ook die belange van individuele lede van sodanige maatskappy, statutêre instelling of koöperatiewe vereniging nie.

(Gebruik 'n aanhangsel indien nodig)

(b) Dui die finansiële belang van die aansoeker in die drankbedryf in die Republiek van Suid-Afrika aan en, indien die aansoeker 'n privaatmaatskappy, beslote korporasie, vennootskap of trust is, ook dié van elke aandeelhouer, lid of vennoot daarvan of begunstigde van die trust. (Indien die aansoeker of die vermelde aandeelhouer, lid, vennoot of begunstigde geen sodanige belang het nie, moet hierdie feit spesifiek genoem word.)

(Gebruik 'n aanhangsel indien nodig)

BESONDERHEDE VAN AANSOEK

1. Ligging van perseel: fisiese adres of identifiseerbare bakens:

(a) Residensiël:

(b) Kommersiël-gesoneerde gebied:

(c) Stedelik:

(d) Landelik:

2. Dui die nabyheid van die voorgenome perseel in terme van meters aan:

(a) Opvoedkundige instellings:

(b) Godsdienstinstellings:

(c) Ander gelisensieerde persele:

3. Wat is die status van die aansoeker ten opsigte van SEB-gradering?

(Toepaslike sertifikate moet aangeheg word).....

.....

4. Besonderhede met betrekking tot die totale getal werkseleentheid wat geskep sal word, ingevolge die voorgenome perseel, moet verskaf word:

.....

5. Verskaf 'n beskrywing van sosiale verantwoordelikhedsprogramme met betrekking tot alkoholverbruik wat onderneem sal word deur die voorgename aansoeker om 'n lisensie:

6. Bewys van 'n geldige en huidige inkomstebelastingklaringsertifikaat moet aangeheg word ten tye van indiening van hierdie aansoek.

7. Is die aansoek in openbare belang?

 Ja

 Nee

(Indien ja, verskaf motivering soos bedoel in artikel 48(6) van die Drankwet.)

8. Is die struktuur van die perseel voltooi?

 Ja

 Nee

(Indien ja, dien 'n geldige besigheidslisensie in.)

9. Okkupeer u die perseel regmatig?

 Ja

 Nee

(Indien ja, lewer bewys daarvan.)

10. Is u die eienaar van die voorgename perseel waarop u beplan om drank te verkoop? (Indien nie, word toestemming van die eienaar van die perseel of tersaaklike owerheid vereis om handel te dryf in drank en bewys moet ingedien word.)

 Ja

 Nee

11. Het u 'n sekuriteitsplan vir die voorgename perseel?

 Ja

 Nee

(Indien ja, heg bewys aan.)

12. Het u betaal vir u aansoek?

 Ja

 Nee

(Indien ja, heg bewys aan.)

13. Het u 'n breedvoerige sketsplan vir die voorgename perseel, ingesluit die stoor van drank? (Indien ja, heg bewys aan.)

 Ja

 Nee

14. Het u addisionele stoorplek?

 Ja

 Nee

(Indien ja, heg 'n sketsplan met dimensies aan.)

Indien die perseel bestuur sal word deur 'n persoon anders as die aansoeker, moet die

aansoekvorm vergesel gaan van 'n aansoek ingevolge artikel 77(1)(d) en Vorm KZNLA 8 van Aanghangsel H2.

DEEL A: VERBRUIK

BINNEVERBRUIK

BUITEVERBRUIK

4. BESONDERHEDE VAN DIE VOORGENOME PERSEEL

(1) Naam waarin besigheid bedryf sal word:

.....

(2) Dui aan vir watter tipe perseel aansoek gedoen word ingevolge artikel 39(a):

.....

(3) Dui die fisiese adres aan van die perseel waar besigheid bedryf sal word of 'n beskrywing van die ligging van die perseel ingevolge identifiseerbare bakens soos vereis word ingevolge artikel 41(2)(a):

.....

.....

(4) Beskryf die ligging van die perseel waar besigheid bedryf sal word ingevolge die erf-, straat- of plaasnommer:

.....

.....

(5) In watter distriks- of metropolitaanse gebied is die perseel verwys na in subparagraf (4) geleë?

.....

(6) Dui aan op watter gedeelte van die perseel die verkoop van drank sal plaasvind.

.....

(7) Is aansoek gedoen ten opsigte van 'n perseel wat –

(a) nog nie opgerig is nie;

 Ja

 Nee

(b) alreeds opgerig is, maar aanbouings of wysigings benodig om dit geskik te maak vir die doel van die voorgenome besigheid;

 Ja

 Nee

(c) alreeds opgerig is en, na die mening van die aansoeker, geen verdere aanbouings of wysigings benodig ten einde dit geskik te maak vir sodanige besigheid nie; of

 Ja

 Nee

(d) 'n besigheidslisensie, uitgereik deur die tersaaklike plaaslike owerheid, is aangeheg ten einde die fisiese ligging van die voorgenome perseel aan te dui?

 Ja

 Nee

(Bewys moet aangeheg word)

(8) Indien paragraaf 7(a) or (b) van toepassing is, dui aan –

(a) die datum waarop sodanige oprigtings, aanbouings of wysigings 'n aanvang sal neem:; en

(b) die tydperk wat benodig sal word vir die oprigting, aanbouings of wysigings:

.....

(9)(a) Is aansoek gedoen om enige beslissing, toestemming, goedkeuring of magtiging wat toegestaan kan word deur die KwaZulu-Natal Drankowerheid (byvoorbeeld ander besigheid of proe-fasiliteite)?

 Ja

 Nee

(b) Indien wel, verskaf volle besonderhede met verwysing na die artikel ingevolge waarvan die aansoek gedoen is.

.....

.....
(Verskaf breedvoerige motivering – gebruik 'n aanhangsel indien nodig)

(10) In die geval van 'n lisensie vir binneverbruik vir die perseel van 'n klub, heg 'n afskrif van die reëls/ grondwet van die klub, gesertifiseer deur die president, voorsitter of sekretaris aan.

Ek verklaar/ bevestig plegtig dat die inligting verskaf in hierdie aansoek en in die dokumente hierby aangeheg, waar en juis is.

.....
 Datum

.....
 Handtekening (van aansoeker of persoon
 gemagtig om aansoek te teken)

Ek sertifiseer dat hierdie verklaring voor my onder eed afgelê/ plegtig verklaar en geteken is te

..... op hierdie dag van, 20.....

deur die aansoeker/ persoon gemagtig om die aansoek te teken en wat bevestig dat –

- (a) hy/sy die inhoud van hierdie verklaring ken en verstaan;
- (b) hy/sy geen beswaar het teen die aflê van die voorgeskrewe eed/ plegtige verklaring nie; en
- (c) hy/sy die voorgeskrewe eed/ plegtige verklaring as bindend tot sy/haar gewete beskou,

en dat die volgende woorde deur hom/haar geuiter is –

“Ek sweer dat die inhoud van hierdie verklaring waar is, so help my God.”/ “Ek verklaar plegtig dat die inhoud van hierdie verklaring waar is.”

.....
 Kommissaris van Ede

.....
 Plegtige Verklaring

Volle name en van:

Besigheidsadres:

.....

Benoeming:

Gebied waarvoor aanstelling beklee word:

Amp beklee indien aanstelling *ex officio* is:

DEEL B: SPESIALE GELEENTHEDE

BESONDERHEDE VAN AANSOEK OM SPESIALE GELEENTHEDE-PERMIT

(1) Dui die tipe drank aan wat die aansoeker van voorneme is om te verkoop volgens goedgekeurde permit:

.....

(2) Dui die stoorplek aan en verskaf 'n plan:

.....

(3) Dui die naam van die spesiale geleentheid aan:

(4)(a) Beskryf die fisiese adres van die perseel waar die besigheid bedryf sal word met verwysing na die erf-, straat- of plaasnommer, asook 'n beskrywing van die perseel ingevolge identifiseerbare bakens:

.....

.....

.....

(b) In watter distriks- of metropolitaanse gebied is die perseel verwys na subparagraaf (a)

gelêe?.....

(5) Sal die aansoeker die reg hê om die perseel te okkupeer, ingesluit sodanige plek op 'n ander perseel waarop enige goedkeuring uitgeoefen moet word, vir die doel

van die lisensie waarvoor aansoek gedoen word?

 Ja

 Nee

(6) Duur van die spesiale geleentheid:

(7) Begin- en einddatum van die spesiale geleentheid:

.....

(8) Daaglikse openings- en sluitingstyd van die geleentheid:

.....

(9) Naam van die persoon wat verantwoordelik sal wees vir die verkoop van drank by die spesiale

geleentheid:

(10) Identiteitsnommer van persoon verwys na in (9) hierbo (*heg 'n gewaarmerkte afskrif van die ID aan*):

(11) Kontakbesonderhede van die persoon wat die geleentheid bestuur:

.....

DEEL C: MIKROVERVAARDIGING

(1) Dui die tipe drank aan wat aansoeker beoog om te vervaardig:

(2) Dui die beoogde hoeveelheid drank aan wat per jaar vervaardig sal word:

.....

(3) Indien aansoek gedoen word om 'n mikrovervaardigerslisensie –

(a) is die aansoeker 'n persoon wat –

(i) betrokke is by wynbou; of

 Ja

 Nee

(ii) enige ander gegiste drankie vervaardig?

 Ja

 Nee

(4)(a) Is aansoek gedoen ten opsigte van 'n perseel wat –

(i) nog nie opgerig is nie;

 Ja

 Nee

(ii) alreeds opgerig is, maar benodig aanbouings of wysigings om

 Ja

 Nee

53

dit geskik te maak vir die doel van die voorgenome besigheid; of

(iii) alreeds opgerig is en, na die mening van die aansoeker, geen verdere aanbouings of wysigings benodig, ten einde dit geskik te maak vir sodanige besigheid nie.

 Ja

 Nee

(5) Indien paragraaf 4(a)(i) of (ii) van toepassing is, dui aan –

(a) die datum waarop sodanige oprigtings, aanbouings of wysigings 'n aanvang sal neem:

.....; en

(b) die tydperk benodig vir die oprigting, aanbouings of wysigings:

.....

(6)(a) Is aansoek gedoen om enige beslissing, toestemming, goedkeuring of magtiging wat toegestaan kan word deur die KwaZulu-Natal Drankowerheid (byvoorbeeld ander besigheid of proe-fasiliteite)?

 Ja

 Nee

(b) Indien wel, verskaf volle besonderhede met verwysing na die artikel ingevolge waarvan die aansoek gedoen word

.....

.....

(Gebruik 'n aanhangsel indien nodig)

Ek verklaar/ bevestig plegtig dat die inligting verskaf in hierdie aansoek en in die dokumente hierby aangeheg, waar en juis is.

.....

Datum

.....

Handtekening *(van aansoeker of persoon gemagtig om aansoek te teken)*

Ek sertifiseer dat hierdie verklaring voor my onder eed afgelê/ plegtig verklaar en geteken is te

..... op hierdie dag van, 20.....

deur die aansoeker/ persoon gemagtig om die aansoek te teken en wat bevestig dat –

- (a) hy/sy die inhoud van hierdie verklaring ken en verstaan;
- (b) hy/sy geen beswaar het teen die aflê van die voorgeskrewe eed/ plegtige verklaring nie; en
- (c) hy/sy die voorgeskrewe eed/ plegtige verklaring as bindend op sy/haar gewete beskou,

en dat die volgende woorde deur hom/haar geuit is –

“Ek sweer dat die inhoud van hierdie verklaring waar is, so help my God.”/ “Ek verklaar plegtig dat die inhoud van hierdie verklaring waar is.”

.....

Kommissaris van Ede

.....

Plegtige Verklaring

Volle name en van:

Besigheidsadres:

.....

Benoeming:

Gebied waarvoor aanstelling beklee word:

Amp beklee indien aanstelling *ex officio* is:

**VORM OM TE VOLTOOI TEN OPSIGTE VAN DIE NABYHEID VAN VOORGENOME PERSEEL
AAN ENIGE OPVOEDKUNDIGE OF GODSDIENSTIGE INSTELLING
OF PLEK VAN AANBIDDING
(NOMMERS 2 EN 6 VAN DIE INSTRUKSIES IS VAN TOEPASSING)**

Naam van die instelling: spesifiseer hetsy 'n Opvoedkundige/ Godsdiensstige Instelling of Plek van Aanbidding	Fisiese adres	Kontakbesonderhede	Nabyheid aan voorgestelde of voltooide perseel

AANHANGSEL B
KWAZULU-NATAL DRANKLISENSIËRINGSFOOIE
 KwaZulu-Natal Wet op Dranklisensiëring, 2010
 (Wet No. 6 van 2010)

<u>DEEL A – PRIMÊRE AANSOEKE</u>				
Kategorieë ingevolge artikel 39 van KZN Wet op Dranklisensiëring, 2010	Tipe Aansoek	Aansoek- fooi	Lisensie- uitreikings- fooie	Lisensie- hernuwings- fooie
Binneverbruik	Akkommodasie	R1 500,00	R2 400,00	R2 400,00 per annum
	Restourant	R1 500,00	R2 400,00	R2 400,00 per annum
	Klub	R1 500,00	R1 200,00	R1 200,00 per annum
	Nagklub	R1 500,00	R4 800,00	R4 800,00 per annum
	Dobbelary- perseel	R1 500,00	R4 800,00	R4 800,00 per annum
	Sportgrond	R1 500,00	R4 800,00	R4 800,00 per annum
	Kroeg	R1 500,00	R4 800,00	R4 800,00 per annum
	Kantien	R1 500,00	R1 000,00	R1 000,00 per annum
	Teater	R1 500,00	R2 400,00	R2 400,00 per annum

Buiteverbruik	Drankwinkel	R1 500,00	R4 800,00	R4 800,00 per annum
	Kruidenierswyn	R1 500,00	R2 400,00	R2 400,00 per annum
Mikro-vervaardiging	Mikro-vervaardiging	R1 500,00	R9 700,00	R9 700,00 per annum
Spesiale Geleenthede	Spesiale Geleenthede-permit	R1 000,00	R1 000,00 per dag	–

DEEL B – SEKONDÊRE AANSOEKE

Tipe Sekondêre Aansoek	Aansoekfooi	Lisensie-uitreikingsfooi	Lisensie-hernuwingsfooi
Oordrag van 'n lisensie	R1 000,00	Soos per tipe aansoek aangedui in Deel A	
Oordrag van 'n lisensie	R1 000,00		
Oordrag van finansiële belange	R500,00	R1 000,00	–
Aanstelling van bestuurder	R500,00	R1 000,00	–
Strukturele wysigings	R500,00	R1 000,00	–
Berging weg van perseel	R500,00	R1 000,00	–
Proe	R500,00	R1 000,00	–
Enige afskrifte van alle dokumentasie	R300,00	–	–
Appelle	R500,00	–	–

AANHANGSEL C
KENNISGEWING VAN ONVOLLEDIGE AANSOEK
KwaZulu-Natal Wet op Dranklisensiering, 2010
(Wet No. 6 van 2010)

KZNLA 2

Ons verwysing:

Navrae:

Datum:

[Adres van aansoeker]

Geagte Mnr./Me.

AANSOEK INGEVOLGE [TERSAAKLIKE ARTIKEL] VAN DIE KWAZULU-NATAL WET OP DRANKLISENSIERING, 2010 (WET NO. 6 VAN 2010) – [NAAM VAN AFSETGEBIED] – [DISTRİK]

Die aansoek ingedien op [Datum] verwys.

U aansoek is gekontroleer vir administratiewe nakoming en die volgende beslissende vereistes is nie nagekom nie:

Artikel/Regulasie:

[Haal die artikel van die Wet/ Regulasie aan]

Indien u van mening is dat u wel die bogenoemde bepalings nagekom het, soos voorgeskryf, word u die geleentheid gegun om bewys daarvan te lewer daarvan binne **10 DAE** vanaf datum van hierdie kennisgewing.

Versuim om die bogenoemde uitstaande vereistes na te kom en in te dien sal lei daartoe dat u aansoek 'n onvolledige aansoek sal wees en nie verder geprosesseer sal word vir goedkeuring nie.

KWAZULU-NATAL DRANKOWERHEID