

NOTICE No. _____ OF 2008

MPUMALANGA DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

**PUBLICATION OF MPUMALANGA LIQUOR LICENCING REGULATIONS FOR PUBLIC
COMMENTS**

I, Craig Novine Martin Padayachee, Member of the Executive Council for Economic Development and Planning, hereby publish Regulations made in terms of section 57 of the Mpumalanga Liquor Licencing Act, 2006 (Act No. 5 of 2006), for public comments.

Interested persons and institutions are invited to submit written submissions on the attached regulations, to reach the Department of Economic Development and Planning, by no latter than 27 June 2008.

All submissions must be addressed to:

The Head of the department
Department of Economic Development and Planning
Private nag x 11215
Nelspruit
1200

Attention: Mr TN Fakude
Tel: (013) 766 4100
Fax: (013) 7664614
Email: tnfakude@mpg.gov.za

**C N M PADAYACHEE
MEC FOR ECONOMIC DEVELOPMENT AND PLANNING**

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

REGULATION NOTICE

No. _____, 2008

MPUMALANGA LIQUOR LICENCING REGULATIONS, 2008

I, **C.N.M. Padayachee**, Member of the Executive Council for Economic Development and Planning hereby, under section 57 of the Mpumalanga Liquor Licencing Act, 2006 (Act No. 5 of 2006), make the regulations contained in the Schedule hereto after consultation with the Mpumalanga Liquor Authority and in consultation with the Executive Council of Mpumalanga, in order to further regulate the Liquor industry in the Province and to provide for matters connected therewith.

Given under my hand at Nelspruit this _____ day of _____, Two thousand and eight.

C.N.M. PADAYACHEE
MEMBER OF THE EXECUTIVE COUNCIL
FOR ECONOMIC DEVELOPMENT AND PLANNING

SCHEDULE

ANNEXURES

Annexure 1 – Licence application form in terms of section 35(1).

Annexure 2 – Advertisement inviting public comments in terms of section 35(2)(a).

Annexure 3 – Form containing comments of a relevant municipality in terms of section 35(2)(b).

Annexure 4 – Application fees in terms of section 35(3).

Annexure 5 – categories of applicants who may qualify for a reduced application fee as contemplated in section 35(9)

Annexure 6 – Licence certificate in terms of section 37.

Annexure 7 – Licence renewal application form in terms of section 38(1)(a).

Annexure 8 – Licence renewal certificate in terms of section 38(4).

Annexure 9 – Voluntary licence cancellation form in terms of section 41(1).

Annexure 10 – Controlling interest change form in terms of section 42(1).

Annexure 11 – Licence transfer form in terms of section 43(1).

Annexure 12 – Manager Appointment form in terms of section 45(1).

Annexure 13 – Manager Appointment form in terms of section 45(2).

Annexure 14 – Trading hours in terms of section 46.

Annexure 15 – Summons to appear in terms of section 51(1).

Annexure 16 – Appeal form in terms of section 58(1).

Definitions

1. In these regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act has that meaning.

Incentive scheme

2.(1) No liquor licence application fee as contemplated in section 35(9) of the Act, is payable by an applicant who duly applies for the first time for a liquor licence in terms of this Act: Provided that, in the instance that an applicant simultaneously applies for the first time for more than one liquor licence, such applicant is exempted from the payment of only the highest liquor licence application fee being applied for.

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

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

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

Form of application, certificates and other documents

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

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

Application for a liquor licence

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

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

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

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

(5) On approval of an application for a liquor licence, the Authority must duly register such a licence and must subsequently issue to the applicant a licence certificate made in the form as set out in Annexure 5 to the Schedule.

Renewal of a Liquor licence

5.(1) An application for the renewal of a licence shall be made to the Authority on the form set out in Annexure 6 to the Schedule.

(2) An application contemplated in subregulation (1) shall be made not less than 90 days before the date on which the licence concerned shall lapse, and be accompanied by the non-refundable renewal fee stated in Annexure 4 to the Schedule, which fee may be changed from time to time by the Member of Executive Council by notice in the *Provincial Gazette*.

(3) If an application for the renewal of a licence is made less than 90 days before the date on which the licence concerned shall lapse, the Authority may require the applicant to pay, in addition to the non-refundable fee stated in Annexure 4 to the Schedule, an additional fee stated in Annexure 4 to the Schedule, prior to considering such application.

(4) On approval of an application for a liquor licence, the Authority must duly register such a licence and must subsequently issue to the applicant a licence certificate made in the form as set out in Annexure 7 to the Schedule.

Keeping of records by a licenced person.

6. As contemplated in section 39(4) of the Act, a licenced person must keep and maintain records of a licenced business pertaining to –

- (a) All licence certificates and conditions of each;
- (b) Annual renewal forms;
- (c) All managers' certificates for managers appointed in terms of regulation 10(2);
- (d) Records of each and every employee;
- (e) Copy of approved sketch plan of business premises;
- (f) Records of each and every single sale of R2 500,00 or more.

Voluntary cancellation of licence.

7.(1) A licenced person may, at any time, requests the Authority to cancel his, her or its licence with effect from a specified date by use of a request form as set out in Annexure 8 to the Schedule.

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

Change of controlling interest

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

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

Transfer of licence

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

(2) an application in (1) shall be accompanied by –

- (a) a copy of an advertisement inviting public comments in a local newspaper and the *Provincial Gazette*;
- (b) comments from the local municipality;
- (c) an application fee for the transfer of a licence,

as set out in regulation 4.

Management of business

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

(2) A natural person who is a licenced person may appoint another natural person who is not disqualified from being a licenced person, to manage and be responsible for the business to which such licence relates as set out in Annexure 13 to the Schedule.

Trading hours

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

Summons to appear

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

Appeals and reviews

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

ANNEXURE 1

[Form 1]

APPLICATION FORM

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

A. PERSONAL DETAILS

I _____,

ID Number:

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

an adult male / female* residing at address: _____,
being an address in the Republic of South Africa, hereby apply for a liquor licence, to trade under the
name _____, I make this application for myself / *on behalf of the
juristic person: _____. ***Delete whichever is
not applicable**

B. LICENCE TYPE

(Mark one appropriate box with an "X")

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

C. BUSINESS PREMISES

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

D. DECLARATION

I declare that I –

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

- (d) have not been convicted of contravening the Liquor Licensing Act for the past three years; and
- (e) have not been convicted of an offence the elements of which are inconsistent with the object of this Act for the past three years.

E. APPLICATION FEE

It is hereby confirmed that

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

Signature _____

Signed at _____ on the _____ day of _____ 20____.

Supporting documents to be attached:

- Comments by the Municipality including applicable terms and conditions, if any.*
- Sketch plan of the premises to be licenced.*
- Copy of advertised invitation for comments.*
- Comments received.*
- Certified copy of applicant's ID.*
- Proof of exemption from or payment of reduced application fees.*

ANNEXURE 2

[Form 2]

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

A. PERSONAL DETAILS

I _____,

ID Number:

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

an adult male / female* hereby invite written public comments concerning my application for a liquor licence to the Mpumalanga Liquor Authority to trade under the name _____ . I make this application for myself / *on behalf of the juristic person: _____ . ***Delete whichever is not applicable**

B. LICENCE TYPE

(Mark one appropriate box with an "X")

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

C. BUSINESS PREMISES

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

D. ADDRESSES TO WHICH COMMENTS MUST BE SUBMITTED

Comments should be made in writing and be addressed to the municipality concerned and a copy to the applicant, to reach the said addresses within thirty (30) days of this publication.

Municipality's address:

Applicant's address:

ANNEXURE 3

[Form 3]

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

A. COMMENTS OF THE MUNICIPALITY

Name of the Municipality: _____.

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

D and comments as follows:

Y N

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

Y N

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

Y N

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

Y N

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

Y N

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

Y N

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

Y N

the proposed business premises is in the Public interest;

Y N

the proposed business premises is currently under construction.

Y N

The Municipality supports the application

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

Recommended business hours, if application is supported.

Business hours on Sunday : From _____ to _____;

Business hours on Monday : From _____ to _____;

Business hours on Tuesday : From _____ to _____;

Business hours on Wednesday : From _____ to _____;

Business hours on Thursday : From _____ to _____;

Business hours on Friday : From _____ to _____;

Business hours on Saturday : From 11 _____ to _____;

Business hours on public holidays : From _____ to _____.

Reasons for the recommended business hours: _____

B. PERSONAL PARTICULARS OF APPLICANT

Mr. / Ms. _____ ,

ID Number:

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

an adult male / female* who applied for a liquor licence, to trade under the name _____, on behalf of myself / *on behalf of a juristic person, being: _____ . ***Delete whichever is not applicable**

C. LICENCE TYPE APPLIED FOR

Category of licence applied for is: _____

D. BUSINESS PREMISES

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

Signature: _____

Signed at _____ on the _____ day of _____ 20 _____.

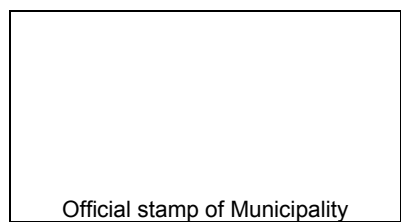
Authorized to sign for or on behalf of the Municipality:

Initials and Surname: _____

Resolution number, if applicable: _____

Signature: _____ date: _____

Capacity: _____



ANNEXURE 4

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

Licence type		Fees		
		Application	Transfer	Renewal
a	The retail sale of liquor for consumption on the premises where the liquor is sold.	R1 500,00	R700,00	R700,00
b	The retail sale of liquor for consumption off the premises where the liquor is sold.	R1 000,00	R500,00	R500,00
c	The retail sale of liquor for consumption on and off the premises where the liquor is sold.	R1 500,00	R700,00	R700,00
d	The retail sale of liquor in terms of a special liquor licence for consumption on and off the premises where the liquor is sold.	R1 500,00	R700,00	R700,00
e	The retail sale of liquor in terms of a special liquor licence in respect of a specified event.	R1 000,00	R500,00	R500,00
f	The micro-manufacture and the retail sale of such micro-manufactured liquor for consumption on and off the premises where such liquor is sold.	R2 000,00	R700,00	R700,00
g	The micro-manufacture and retail sale of traditional African beer for consumption on and off the premises where such traditional African beer is sold.	R1 000,00	R500,00	R500,00

ANNEXURE 5

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

On good cause shown, the following applicants may upon application, qualify to pay a reduced application fee as contemplated in section 35(9):

- Charitable organizations;
- Educational institutions.

ANNEXURE 6

[Form 4]

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

LICENCE NO. _____

Mr. / Ms. _____ is hereby certified as a licenced person
to conduct a liquor business under the trading name: _____

Licence category / type: _____

Licenced premises: _____

Licence valid from _____ to _____

Business hours:

Business hours on Sunday : From _____ to _____;

Business hours on Monday : From _____ to _____;

Business hours on Tuesday : From _____ to _____;

Business hours on Wednesday : From _____ to _____;

Business hours on Thursday : From _____ to _____;

Business hours on Friday : From _____ to _____;

Business hours on Saturday : From _____ to _____;

Business hours on public holidays : From _____ to _____.

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

Date of issue	Prescribed fees paid
_____	_____
_____	_____

Signature and designation of authorized person
Date: _____

Official stamp of the Mpumalanga
Liquor Authority

ANNEXURE 7

[Form 5]

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

A. PERSONAL DETAILS

I _____,

ID Number:

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

an adult male / female* residing at address: _____,
being an address in the Republic of South Africa, hereby apply for the renewal of my current liquor licence, **LICENCE NO.** _____ which licence is valid from _____ to _____ and was duly issued on _____ and which licence was most recently renewed on _____* for the period _____* to _____*, to trade under the name _____, I make this application for myself / *on behalf of the juristic person: _____.

***Delete whichever is not applicable**

B. LICENCE TYPE

(Mark one appropriate box with an "X")

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

C. BUSINESS PREMISES

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

D. DECLARATION

I declare that none of the material conditions applicable when the initial licence was granted or when the most recent renewal was granted, have changed and that I –

- (a) am not a minor;
- (b) am not an unrehabilitated insolvent;
- (c) am not the subject of a court order declaring me a person of unsound mind / mentally disordered / mentally defective;
- (d) have not been convicted of contravening the Liquor Licencing Act for the past three years;and
- (e) have not been convicted of an offence the elements of which are inconsistent with the object of this Act for the past three years.

I hereby confirm that the following material conditions applicable when the initial licence was granted or when the most recent renewal was granted, have changed (To be completed only if applicable): _____

Signature _____

Signed at _____ on the ____ day of _____ 20__.

ANNEXURE 8

[Form 6]

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

LICENCE NO. _____

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

Licence category / type: _____

Licenced premises: _____

and has fully complied with the provisions of the Mpumalanga Liquor Licencing Act, 2006, the Mpumalanga Liquor Authority hereby renews such licence to be valid from:

_____ to _____

Business hours:

Business hours on Sunday : From _____ to _____;

Business hours on Monday : From _____ to _____;

Business hours on Tuesday : From _____ to _____;

Business hours on Wednesday : From _____ to _____;

Business hours on Thursday : From _____ to _____;

Business hours on Friday : From _____ to _____;

Business hours on Saturday : From _____ to _____;

Business hours on public holidays : From _____ to _____.

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

Date of issue	Prescribed fees paid
_____	_____

Signature and designation of authorized person
Date: _____

ANNEXURE 9



[Form 7]

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

A. PERSONAL PARTICULARS

I _____,

ID Number:

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

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

*a manager of a liquor business trading under liquor licence no. _____, held by a juristic person: _____,

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

***Delete whichever is not applicable**

B. LICENCE TYPE

(Mark one appropriate box with an "X")

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

C. REASONS FOR CANCELLATION OF LICENCE

Signature of licence holder / Manager

Date: _____

ANNEXURE 10

[Form 8]

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

A. PERSONAL PARTICULARS

I _____,

ID Number:

Grid for ID number: 12 empty boxes

*being a holder of liquor licence number: _____,

*a manager of a liquor business trading under liquor licence no. _____, held by a juristic person: _____, trading under the name _____, hereby apply for the procurement of the controlling interest by another person / entity, being _____

(full names or particulars of registration) in the business to which the above-mentioned licence relates. The further particulars of the person who intends procuring the controlling interest, are as follows:

Sex:

Sex selection boxes: M | F

ID Number:

Grid for ID number: 12 empty boxes

*Delete whichever is not applicable

B. DECLARATION

I _____, being the person who intends procuring the controlling interest above, hereby declare that I am not disqualified to be a licenced person as contemplated in the Mpumalanga Liquor Licencing Act, 2006, and that I –

- (a) am not a minor;
(b) am not an unrehabilitated insolvent;
(c) am not the subject of a court order declaring me a person of unsound mind / mentally disordered / mentally defective;
(d) have not been convicted of contravening the Mpumalanga Liquor Licencing Act, 2006 for the past three years; and
(e) have not been convicted of an offence the elements of which are inconsistent with the object of this Act for the past three years.

C. NATURE OF CONTROLLING INTEREST

Four horizontal lines for text entry

Signature of person procuring controlling interest

Date: _____

Signature of licence holder / Manager

Date: _____

ANNEXURE 11

(As section 43(2) of the Act requires that the procedure as contemplated in section 35 of the Act be complied with *mutatis mutandis* in respect of the transfer of a liquor licence, applicants are required to complete all four Parts of this Annexure and to ensure that all requirements of section 35 are complied with. Compare also regulation 9.)

[Form 9]

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

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

1. (a) Full names of applicant: _____
- (b) Liquor Licence Number: _____
- (c) Identity No. / Registration No. _____
- (d) Residential Address or address of registered office: _____

- (e) Business Address: _____
- (f) Postal Address: _____
- (g) Contact / Business telephone number: _____
2. If applicant is not a natural person state name, identity number and address of each shareholder / member / partner or beneficiary: _____

3. Name under which the licenced business is being conducted _____

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

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

Signature of current licence holder

Date: _____

PART B**INFORMATION RELATING TO THE APPLICANT WHO IS THE PROSPECTIVE LICENCE HOLDER**

1. (a) Full names of applicant: _____
- (b) Liquor Licence Number of the current licence holder: _____
- (c) Identity No. / Registration No. _____
- (d) Residential Address or address of registered office: _____

- (e) Business Address: _____
- (f) Postal Address: _____
- (g) Business telephone number: _____
2. If applicant is not a natural person state name, identity number and address of each shareholder / member / partner or beneficiary: _____

3. I, _____, being the person applying for the transfer of the above-mentioned liquor licence, hereby declare that I am not disqualified to be a licenced person as contemplated in the Mpumalanga Liquor Licencing Act, 2006, and that I –
 - (a) am not a minor;
 - (b) am not an unrehabilitated insolvent;
 - (c) am not the subject of a court order declaring me a person of unsound mind / mentally disordered / mentally defective;
 - (d) have not been convicted of contravening the Mpumalanga Liquor Licencing Act, 2006 for the past three years; and
 - (e) have not been convicted of an offence the elements of which are inconsistent with the object of this Act for the past three years.
4. Trading name under which the business is to be conducted: _____.
5. Will the applicant, upon approval of this application, have the right to occupy the premises referred to in paragraph 4(a) of Part A of the application? _____ (Y / N).
6. It is hereby confirmed that the non-refundable transfer fee of R _____ is included herewith in the form of _____ (indicate whether cheque / cash / etc.)

Signature of prospective licence holder

Date: _____

Supporting documents to be attached:

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

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

Copy of advertised invitation for comments.

Comments received.

Certified copy of applicant's ID.

Proof of exemption from or payment of reduced fees.

PART C

[Form 10]

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

A. PERSONAL DETAILS

I _____,

ID Number:

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an adult male / female* hereby invite written public comments concerning my application to the Mpumalanga Liquor Authority for the transfer of liquor licence number: _____ trading under the name _____, on the business premises indicated below, to myself. I make this application for myself / *on behalf of the juristic person: _____. ***Delete whichever is not applicable**

B. LICENCE TYPE

(Mark one appropriate box with an "X")

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

C. BUSINESS PREMISES

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

_____.

D. ADDRESSES TO WHICH COMMENTS MUST BE SUBMITTED

Comments should be made in writing and be addressed to the municipality concerned and a copy to the applicant, to reach the said addresses within thirty (30) days of this publication.

Municipality's address:

Applicant's address:

PART D

[Form 11]

**MUNICIPALITY COMMENT FORM IN TERMS OF SECTION 43(2)
OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006**

A. COMMENTS OF THE MUNICIPALITY

Name of the Municipality: _____.

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

D and comments as follows:

Y N

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

Y N

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

Y N

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

Y N

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

Y N

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

Y N

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

Y N

the proposed business premises is in the Public interest;

Y N

the proposed business premises is currently under construction.

Y N

The Municipality supports the application for the transfer concerned.

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

Recommended business hours, if application is supported.

Business hours on Sunday : From _____ to _____;

Business hours on Monday : From _____ to _____;

Business hours on Tuesday : From ²⁴ _____ to _____;
Business hours on Wednesday : From _____ to _____;
Business hours on Thursday : From _____ to _____;
Business hours on Friday : From _____ to _____;

Business hours on Saturday : From _____ to _____;
Business hours on public holidays : From _____ to _____.

Reasons for the recommended business hours: _____

B. PERSONAL PARTICULARS OF APPLICANT

Mr. / Ms. _____ ,

ID Number:

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an adult male / female* who applied for the transfer of liquor licence number: _____,
trading under the name _____, on behalf of myself / *on
behalf of a juristic person, being: _____. ***Delete whichever
is not applicable**

C. LICENCE TYPE APPLIED FOR

Category of licence applied for is: _____

D. BUSINESS PREMISES

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

Signature: _____

Signed at _____ on the _____ day of _____ 20 _____.

Authorized to sign for or on behalf of the Municipality:

Initials and Surname: _____

Resolution number, if applicable: _____

Signature: _____ date: _____

Date: _____

ANNEXURE 14

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

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

WEEK DAY	TRADING HOURS
Sunday	10:00 am to 24:00 pm
Monday	10:00 am to 24:00 pm
Tuesday	10:00 am to 24:00 pm
Wednesday	10:00 am to 24:00 pm
Thursday	10:00 am to 24:00 pm
Friday	10:00 am to 24:00 pm
Saturday	10:00 am to 24:00 pm
Public holidays	10:00 am to 24:00 pm

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

WEEK DAY	TRADING HOURS
Sunday and Public holidays	10:00 am to 17:00 pm
Monday	08:00 am to 20:00 pm
Tuesday	08:00 am to 20:00 pm
Wednesday	08:00 am to 20:00 pm
Thursday	08:00 am to 20:00 pm
Friday	08:00 am to 20:00 pm
Saturday	08:00 am to 20:00 pm

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

WEEK DAY	TRADING HOURS
Sunday	10:00 am to 24:00 pm
Monday	10:00 am to 24:00 pm
Tuesday	10:00 am to 24:00 pm
Wednesday	10:00 am to 24:00 pm
Thursday	10:00 am to 24:00 pm
Friday	10:00 am to 24:00 pm
Saturday	10:00 am to 24:00 pm
Public holidays	10:00 am to 24:00 pm

(D) The retail sale of liquor in terms of a special liquor licence for consumption on and off the premises where the liquor is sold.

WEEK DAY	TRADING HOURS
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Sunday and Public holidays	10:00 am to 02:00 am
Monday	10:00 am to 02:00 am
Tuesday	10:00 am to 02:00 am
Wednesday	10:00 am to 02:00 am
Thursday	10:00 am to 02:00 am
Friday	10:00 am to 02:00 am
Saturday	10:00 am to 02:00 am

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

WEEK DAY	TRADING HOURS
Sunday and Public holidays	10:00 am to 04:00 am
Monday	10:00 am to 04:00 am
Tuesday	10:00 am to 04:00 am
Wednesday	10:00 am to 04:00 am
Thursday	10:00 am to 04:00 am
Friday	10:00 am to 04:00 am
Saturday	10:00 am to 04:00 am

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

WEEK DAY	TRADING HOURS
Sunday and Public holidays	10:00 am to 24:00 pm
Monday	10:00 am to 24:00 pm
Tuesday	10:00 am to 24:00 pm
Wednesday	10:00 am to 24:00 pm
Thursday	10:00 am to 24:00 pm
Friday	10:00 am to 24:00 pm
Saturday	10:00 am to 24:00 pm

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

WEEK DAY	TRADING HOURS
Sunday and Public holidays	10:00 am to 24:00 pm
Monday	10:00 am to 24:00 pm
Tuesday	10:00 am to 24:00 pm
Wednesday	10:00 am to 24:00 pm
Thursday	10:00 am to 24:00 pm
Friday	10:00 am to 24:00 pm
Saturday	10:00 am to 24:00 pm

ANNEXURE 15

[Form 14]

**SUMMONS IN TERMS OF SECTION 51(1)
OF THE MPUMALANGA LIQUOR LICENCING ACT, 2006**

TO: Mr. / Ms. _____

Full Names:	
Address:	
Sex:	ID No:

By virtue of the powers vested in the Chairman of the Mpumalanga Liquor Authority in terms of section 51(1) of the Mpumalanga Liquor Licencing Act, 2006, you are hereby directed to be present and personally give evidence / produce the documents or any other thing indicated in the annexure hereto at the meeting of the Authority which relates to the following matter/s: _____

And which meeting will be held at the date, time and place indicated below:

Date	Time	Place

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

Place of issue: _____;

Chairperson of Authority: _____;

Date: _____.

[For official use only]

I, _____ hereby certify that I have served this summons upon the above-mentioned person by:

- *(a) delivering a true copy to Mr./Ms. _____ personally; or
- *(b) delivering, as he / she could not be found, a true copy to Mr./Ms. _____ apparently over the age of 16 and apparently residing or employed at the place of residence / employment / business* of the above-mentioned person at: _____

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

Time: _____ Day: _____ Month: _____ 20__.

***Delete whichever is not applicable**
