

FINAL DRAFT FOR PUBLIC CONSULTATION – 17 JANUARY 2012

**DEPARTMENT OF ECONOMIC DEVELOPMENT AND TOURISM
REGULATION NOTICE**

No. 6 , 2010

KWAZULU-NATAL LIQUOR LICENSING REGULATIONS, 2012

I hereby make the Regulations contained in the Schedule hereto under section 99 of the KwaZulu-Natal Liquor Licensing Act, 2010 (Act No. 06 of 2010), in order to regulate liquor licensing matters in the Province.

Given under my Hand at Pietermaritzburg, this day of, Two thousand and Twelve

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M MABUYAKHULU

Member of the Executive Council of the Province of KwaZulu-Natal responsible for liquor licensing

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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 –

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

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

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

“**guidelines**” means a policy and procedural manual developed by the liquor authority subject to amendments from time to time when necessary to –

- (a) assist the Liquor Authority to carry out it’s 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; and
- (d) 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;

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

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

“**regulations**” include all the Annexures.

PART II APPLICATION FOR LIQUOR LICENCE IN TERMS OF SECTION 41

Lodgement of application to Liquor Authority for liquor license in respect of licence categories listed under sections 39 and 41 of the 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 must lodge such application with the Liquor Authority and must pay the application fee contemplated in Annexure B.

(2) The application contemplated in sub-regulation (1) must be lodged with the Liquor Authority on any business day excluding declared public holidays and weekends at an address provided for by the Liquor Authority in the application form.

(3) An application lodged with the Liquor Authority as contemplated in sub-regulation (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 license in respect of licence categories listed under sections 39 and 41 of the Act

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

(2) Every such application must, at the time lodged with the Provincial 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 and means of internal and external communications; and

(iii) the street and places to which such means of external communication lead;

(b) a description and size of the premises in square metres with reference to the rooms, services which includes kitchens, ablution facilities, store room, service areas, buildings, construction material, if the building is already in operation, colour photographs clearly depicting the above;

(c) 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 impact of liquor outlet in the area,

(cc) the capability of the applicant to run the outlet;

(ii) the number of people to be employed;

(iii) the social responsibility program proposal by the applicant;

(iv) the proximity of other licensed outlets, learning institutions and religious institutions, other public recreational facilities to the proposed premises;

(v) the security plan annexed hereto as Annexure S, which includes the impact assessment on the prevalence of crime as contemplated in section 48(6)(b)(i) of the Act;

(vi) the criteria as contained in section 48(6)(b) of the Act;

(vii) a valid and active tax clearance certificate; and

(viii) a police clearance certificate which is in the form of SAP69;

Procedure upon receipt of application by Liquor Authority in respect of applications lodged in terms of section 41 of the Act

4. Where the application for a licence lodged in terms of regulation 2 is incomplete, the Chief Executive Officer must forthwith issue a notice in Form KZNLA 2 contained in Annexure C to the applicant to remedy an incomplete application.

Procedure to be followed by the applicant upon receipt of a written notice from the

Local Committee in terms of section 42(1)(b) of the 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 (size being 5cm x 10cm) circulating in the area in which the proposed premises will be located, using Form KZNLA 3 contained in the Annexure D; and

(b) display a 1m x 1m notice board in a prominent place at the proposed premises, clearly showing the same information contained in Form KZNLA 3.

(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 100m using form KZNLA3 contained in Annexure D.

(2) The notice referred to in sub-regulation (5)(1)(a) must be published in a local newspaper and must contain the information requested in KZNLA 4 contained in Annexure E .

Procedure in relation to objections or representations in relation to section 43

6.(1) A person making representations or lodging objections 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.

Filing of inspection report in terms of section 45 of the 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 5 contained in Annexure F.

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

8. An applicant may, not later than 7 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 the local committee in terms of section 47(1) of the Act

9.(1) Upon receipt of the response contemplated in regulation 8, the Local Committee must consider holding an objection hearing in terms of 47(1) of the Act.

(2) Where the local committee decides to hold an objection hearing, the order or procedure will be as prescribed in the guidelines.

(3) Upon deciding to hold an objection hearing contemplated in section 47(2) of the Act, the local committee must notify affected parties using Form KZNLA 7 in Annexure H; and

(4) The notice contemplated in sub-regulation (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, registered post or by substituted service.

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

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

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

Licence certificate upon granting of licence

11.(1) Where a licence is granted by the Liquor Authority, a licence certificate in Form KZNLA 8 of Annexure I, must in terms of section 23(2)(a) of the Act, be issued by the Chief Executive Officer.

(2) The Chief Executive Officer may issue a conditional approval notice in terms of section 49(1) of the Act.

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

Inspections

12.(1) 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 must do so and submit a report by completing form KZNLA 5 of Annexure F to the local committee within 14 days after conducting such an inspection.

Conditional approvals (section 49 of the 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 will lapse and such approval will be deemed not to have been granted: Provided that a written request for extension contemplated in sub regulation (2) has not been made.

(2) The applicant contemplated sub regulation (1) may make a written request to the Liquor Authority for an extension of the period contemplated in sub regulation (1) one month prior to the expiry of such period referred to sub-regulation (1).

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

(4) If the conditions have not been met in terms of the period referred to in sub regulation (1) and (3), it is deemed that such conditional approval has 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 sub-regulations (1) and (3).

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

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

(2) The area contemplated in sub-regulation (1) must be clearly marked in red in the floor plan of the entire store.

(3) The area contemplated in sub-regulation (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 grocery's store prohibiting entry of persons below the age of 18.

(4) Any alterations to the demarcated area from 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 terms of sale of liquor to underage consumers.

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

Communication of decision (section 51(1) of the Act)

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

(2) In communicating the decision contemplated in sub-regulation (1) the relevant provisions of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000), apply with the necessary changes in as far as the persons who objected in terms of section 51(1)(b) of the Act are concerned.

PART III APPLICATIONS FOR SPECIAL EVENTS PERMIT (SECTION 52(1)(a) AND (b) OF THE ACT)

Procedure for lodgment of application for special events permit (section 52(1)(a) and (b) of the 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 and must pay the application fee for special events permits contemplated in Annexure B.

(2) The application for a special events permit contemplated in sub-regulation (1) must be

lodged with the Liquor Authority on any business day and within 14 days prior to the date of the event provided for by the Liquor Authority in the application form.

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

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

17.(1) where an applicant applies for special events permit such application must be in writing (in block letters), in triplicate, using Form KZNLA 1 contained in the Annexure A.

(2) Where the applicant applies for the special events permit contemplated in sub-regulation (1) such applicant must –

(a) furnish in the said application such information as is solicited in the said application Form;

(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 said Form that the information contained therein, is true.

(3) If the premises where the special event contemplated in sub-regulation (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 sub-regulation (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)(c)(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 to the applicant to remedy an incomplete application.

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

(a) that the application for a special events permit is complete; and

(b) that the application for the special event is submitted to Liquor Authority timeously for adjudication.

(7) the application for a special events permit should be accompanied by a duly completed Situational report annexed hereto, as Annexure T

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

(9) Where the Liquor Authority grants the permit in terms of section 53(2)(a) of the Act, it must do so using form KZNLA12 in 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 sub-regulation (3) is payable prior to the issue of the special event permit.

(13) Where the application contemplated in sub-regulation (1) is approved or rejected, the relevant provisions of the Promotion of the Administrative Justice Act, 2000 (Act No. 2 of 2000) must apply with the necessary changes.

Objections or representations in respect of application for special events permit (S52(3)(f) of the Act,)

18.(1) Not later than five days after the application has been laid open for public inspection at the offices of the Station Commissioner, at the local South African Police Services, any person may and in writing –

(a) object to; or

(b) make representations for or against the granting or refusal of the special events permit and must serve a copy thereof to –

(i) the Liquor Authority ; and

(ii) the applicant or his or her representative who prepared the application and

provide conclusive proof of service to the applicant and to the Liquor Authority.

(2) A person making representations or lodging objections contemplated in sub-regulation (1) must set out –

(a) his or her full name and address;

(b) a certified copy of identity document for a natural person or,

- (c) if the applicant is a juristic person a certified copy of Incorporating documents bearing the registration number;
- (d) where applicable, if the proposed facility will be managed by a person other than the applicant then furnish the details as is contained in sub-regulation 2(a) and (b) above;
- (e) the nature of the person's interest in the application; and
- (f) comprehensive grounds for objections to, or support of, the application.

(3) Upon receipt of written representations contemplated in sub-regulation (1)(b), 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.

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

Application procedure for micro-manufacture of liquor section 55(1) of the 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 an application with the Liquor Authority in writing, using form KZNLA 1 of Annexure A; and
- (b) pay the application fee contemplated in Annexure B.

(2) The application contemplated in sub-regulation (1) must be lodged with the Liquor Authority on any business day 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 doors, windows and counters and means of internal and external communications; and

- (iii) the street and places to which such means of external communication lead;
- (b) a description and size of the premises in square metres with reference to the rooms, services which includes kitchens, ablution facilities, store room, service areas, buildings, construction material, if the building is already in operation, colour photographs clearly depicting the above;
- (c) a comprehensive written representation or motivation in support of the application which must include –
 - (i) Public interest requirements contemplated in section 57(5) of the Act, which must include –
 - (aa) need for a micro-manufacturing facility in the area;
 - (bb) the economic impact of a micro-manufacturing facility in the area;
 - (cc) the capability of the applicant to run the facility in terms of infrastructure and industry expertise;
 - (ii) number of people to be employed;
 - (iii) social responsibility program proposal by the applicant;
 - (iv) proximity of other licensed outlets and micro-manufacturing facilities, learning institutions and religious institutions, other public recreational facilities to the proposed premises;
 - (v) security plan annexed hereto as Annexure S; which includes the impact assessment on the prevalence of crime as contemplated in section 57(5)(b)(i) of the Act;
 - (vi) criteria as contained in section 57(4) & (5) of the Act;
- (d) a valid and active tax clearance certificate; and
- (e) a police clearance certificate which is in the form of SAP69.

(5) The application contemplated in sub-regulation (1) must include –

- (a) 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;
- (b) a detailed written motivation in support of the licence application;
- (c) the required particulars of the applicant;
- (d) a plan of the premises clearly showing –
 - (i) the dimensions of each room;
 - (ii) all doors windows and counters and means of internal and external communications; and
 - (iii) the street and places to which such means of external communication leads;
- (e) a description of the premises with reference to the rooms service buildings construction material, if the building is already in operation, colour photographs

clearly depicting the above;

(f) proof of a business or trading licence issued by the relevant organ of state in terms of any law or by-law to enable the applicant to trade in the manner contemplated, where applicable;

(g) a police clearance certificate or a certificate issued by the South African Police Service indicating the criminal offences of which the applicant has been convicted of, if any;

(h) tax clearance certificate issued by South African Revenue Service indicating whether the applicant is registered as a taxpayer, and whether any taxes are outstanding;

(i) proof of lawful occupation of the premises, in the form of a title deed or a lease agreement in the name of the applicant or a permission to occupy the premises issued in favour of the applicant by the relevant authority, where applicable;

(j) a written consent from the owner of the premises or the relevant authority for the applicant to conduct the intended business from the premises concerned, where applicable; and

(k) in relation to the premises that are not yet constructed or are under construction –
(i) the details of such proposed premises, including a detailed sketch plan of the premises showing the rooms, buildings, construction material; and
(ii) other pertinent information.

(6) The Chief Executive Officer must –

(a) receive all applications contemplated in sub-regulation (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(1)(b) of the Act; and

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

(7) If the Chief Executive Officer determines that the application is incomplete, he or she must within a reasonable period issue a notice calling on the applicant to supplement or remedy the incomplete application within 21 days.

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

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

Conditional approvals in respect of application to engage in micro-manufacturing of liquor (section 58 of the 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 will lapse and such approval will be deemed not to have been granted. Provided that a written request for extension contemplated in sub regulation (2) has not been made.

(2) The applicant contemplated in sub regulation (1) may make a written request to the Liquor Authority for an extension of the period contemplated in sub regulation (1) one month prior to the expiry of such period referred to sub-regulation (1).

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

(4) If the conditions have not been met in terms of the period referred to in sub regulation (1) and (3), it is deemed that such conditional approval has 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 sub-regulations (1) and (3).

Special conditions in respect of application to engage in micro-manufacturing of liquor (section 60 of the Act)

22. The holder of a licence under the category micro-manufacturing of liquor, must not manufacture liquor which is liquor other than that approved by the relevant Government Department and in compliance with the Liquor Products Act, as amended.

Form for appeals against decisions of Liquor Authority (section 61(1) of the Act)

23.(1) Where a person affected by a decision taken by the Liquor Authority and 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 13 of Annexure N.

Notice of licence certificate or permit (section 62(1) of the 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 8 (licence certificate) of Annexure I or form KZNLA 12 (special events permit) of Annexure M.

Annual fees in terms of section 64 of the Act

25(1) a licence holder must 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 sub-regulation (1) constitutes a renewal of a license for a period of one year.

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

- (a) a copy of the liquor licence;
- (b) a copy of the identity document of the licence holder;
- (c) a valid active tax clearance certificate issued by SARS; and
- (d) a police clearance certificate which is in the form of SAP69.

(4) the application for renewal contemplated in sub-regulation (3) is deemed to be complete when all the documents contemplated in sub-regulation (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, review the prescribed fees contemplated in Annexure B, annually.

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

26.(1) Where the Liquor Authority decides to, on application by an interested person, to cancel a licence in terms of section 66(1) of the Act, the relevant provisions of the Promotion

of Administrative Justice Act (Act No. 2 of 2000), apply with the necessary changes.

(2) The procedure to be followed once an application referred to in sub-regulation (1) has been received up to the stage of cancellation must be subject to the relevant provisions of the Promotion of Administrative Justice Act (Act No. 2 of 2000).

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

27.(1) In the event of –

(a) a licensed person, or an applicant who is a holder of a conditional grant, or a prospective holder or permit holder, being sequestrated, placed in liquidation or under judicial management, or is declared by a court to be incapable of handling his or her affairs; or

(b) the death of a licensed person, or an applicant who is a holder of a conditional grant, or a prospective holder or permit holder, being sequestrated, placed in liquidation or under judicial management, or is declared by a court to be incapable of handling his or her affairs,

his or her husband or wife, next-of-kin, authorised representative or the executor of the deceased person's estate must immediately notify the Liquor Authority of such placing under liquidation, judicial management, or declaration by a court to be incapable of handling his or her affairs or death.

(2) Where a licensed person, or an applicant who is a holder of a conditional grant, or a prospective holder or permit holder, who is sequestrated, placed in liquidation or under judicial management or is deceased is the sole licensee of the business, the Liquor Authority may, in its discretion and in the interim, authorise his or her husband or wife, next-of-kin, authorised representative to continue the operation of the business concerned pending the appointment of the executor of the deceased person's estate.

(3) 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 wishing to apply in terms of section 68(2)(a)(i) of the Act must, within 30 days after the date of such death or curatorship, apply in writing to the Liquor Authority for a licence.

(4) The applicant contemplated in sub-regulation (3) must submit a written application in

triplicate, for a licence, using Form KZNLA 1 contained in Annexure A 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.

(5) The application contemplated in sub-regulation (3) must include –

- (a) a copy of the liquor licence;
- (b) a copy of the identity document of the applicant contemplated in sub-regulation (3);
- (c) a copy of the identity document of the a licensed person, or an applicant who is a holder of a conditional grant, or a prospective holder or permit holder, who is sequestrated, placed in liquidation or under judicial management or is deceased;
- (d) the applicant's valid active tax clearance certificate issued by SARS; and
- (e) a police clearance certificate which is in the form of SAP69.

(6) the application contemplated in sub-regulation (3) is deemed to be complete when all the documents contemplated in sub-regulation (5) are submitted.

(7) The provisions of section 74 apply with the necessary changes in so far as the application contemplated in sub-regulation (3) is concerned.

Transfer of financial interest (section 69(1) of the Act)

28.(1) A licensed person may not transfer to any other person 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, on written application by the licensed person made using Form KZNLA 17 of Annexure Q, granted consent that the other person may procure that interest in that business.

(2) The Liquor Authority must grant consent under sub-regulation (1), subject to the relevant provisions of the Promotion of Administrative Justice Act (Act No. 2 of 2000).

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

29.(1) A licence holder wishing to –

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

(c) must apply in writing using Annexure P form KZNLA15 to the Liquor Authority for approval

- .
- (2) An application contemplated in sub-regulation (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) written representation;
 - (c) description of the licensed premises;
 - (e) certified copy of the identity document of the licence holder or memorandum of incorporation if it is a juristic person; and
 - (f) proof of payment of the prescribed fee as contemplated in Annexure B to these regulations.
 - (g) consent from the owner of the premises;
- (3) An application contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Liquor Authority.
- (4) The Liquor Authority upon receipt of the application contemplated in sub-regulation (2) must within 14 days dispatch a designated inspector to conduct an inspection on the licensed premises and to submit a written report within 21 days.
- (5) The Liquor Authority must consider and finalise the application lodged in terms of sub-regulation (1) within 90 days of receipt of such application.
- (6) The intention of lodging such representations or submissions must be received by the Liquor Authority within 14 days of the date of publication of the notice.

Storage of liquor in terms of section 73 of the Act

30.(1) Licence holder or permit holder wishing to store liquor on premises other than the licensed premises must do so by submitting a written request to the Liquor Authority for consideration using the request Form KZNLA 14 in Annexure O.

- (2) The written request contemplated in sub-regulation (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;
- (e) a certified copy of the identity document of the licence holder/permit holder if a natural person or memorandum of incorporation if it is a juristic person;
- (f) proof of payment of the prescribed fee as contemplated in Annexure B of the Schedule to these regulations;
- (g) a certified copy of the valid licence or permit; and
- (h) where applicable, written consent from the owner of the premises where the liquor will be stored.

(3) A request contemplated in sub-regulation (1) is treated as duly lodged when all necessary documents have been submitted to the Liquor Authority.

(4) The Liquor Authority upon receipt of the request contemplated in sub-regulation (1) must within 14 days dispatch a designated inspector to conduct an inspection on the licensed premises and to submit a written report within 21 days for licence holders or 5 days for permit holders.

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

PART V
TRANSFER OF LICENCE TO PROSPECTIVE HOLDER
(SECTION 74 OF THE ACT)

Procedure for transfer of licence to prospective holder (section 74 of the Act)

31.(1) A person 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 17 in Annexure Q and must pay the application fee for transfer of a licence contemplated in Annexure B.

(2) The application for transfer of a licence contemplated in sub-regulation (1) must be lodged with the Liquor Authority on any business day, excluding weekends and 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 sub-regulation

(1) is treated as duly lodged when all necessary documents and information contemplated in section 41(2)(b)(ii)(iii)(iv), section 55(2)(b);(d);(e);(f);(g);(i)(ii)(iii)(iv), of the Act, has been submitted to the Liquor Authority.

Procedure relating to incomplete application for transfer of liquor licence to prospective holder (section 74 of the Act)

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

(2) Where the applicant fails to comply with the notice contemplated in sub-regulation (1), the Liquor Authority must reject the application for a transfer of a liquor licence and notify the applicant, in writing, of its decision within 14 days after reaching such decision.

Procedure upon granting of application in respect of transfer liquor licence to a prospective holder (section 74 of the Act)

33.(1) The Liquor Authority must consider the 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 8 (licence certificate) of Annexure I.

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

PART VI
REMOVAL OF LICENCE FROM LICENSED PREMISES TO OTHER PREMISES
(SECTION 75 OF THE ACT)

Procedure for removal of licence from licensed premises to other premises (section 75 of the Act)

34.(1) A person applying for a removal of a licence from licensed premises to other premises in terms of section 75 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 sub-regulation (1) must be lodged with the Liquor Authority on any business day excluding weekends or 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 sub-regulation (1) is treated as duly lodged when all necessary documents and information contemplated in section 41 to 51 or section 55 to 60 of the Act, has been submitted to the Liquor Authority.

Form of application to Liquor Authority for a liquor license in respect of removal of licence from licensed premises to other premises (section 75 of the Act)

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

- (a) furnish in the said application such information as is solicited 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.

(2) In addition to the requirements contemplated in section 41(2) of the Act, every 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 and means of internal and external communications; and
 - (iii) the street and places to which such means of external communication lead; and
- (b) a comprehensive written representation or motivation in support of application;

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

36.(1) Where the application to the Liquor Authority for a 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 to the applicant to remedy an incomplete 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 sub-regulation 2, the local committee must notify the applicant to give notice of the application.

(4) The application and all accompanying documents must be open for public inspection at the office of the relevant local committee and the Station Commissioners' office.

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

Notice of application to Local Committee for liquor license in respect of removal of licence from licensed premises to other premises (section 75 of the 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 contained in the Annexure D;
- (b) display a 2m X 2m notice board in a prominent place at the proposed premises, clearly showing the same information contained in Form KZNLA 3.
- (c) ensure that the notice contemplated in paragraph (b), is visible to passer-by;
- (d) serve notice of the application on a member of a household over the age of sixteen years of each of the households occupying 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 office of the Station Commissioner of the South African Police Force 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) A local newspaper must publish the notice referred to in sub-regulation (1)(b) in Form KZNLA 3 contained in the Annexure D.

(3) The Local Committee must advise the applicant that, in addition to the publication of the notice in terms of sub-regulation (1), that the applicant must cause a copy of such notice to be sent by registered post or delivered to –

- (a) the person or body in current 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 award of the licence.

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

38.(1) Not later than 21 days after the applicant has given notice of application any person may and 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 provide conclusive proof of service to the applicant to the local committee.

(2) A person making representations or lodging objections contemplated in sub-regulation (1) must set out –

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

(3) Upon receipt of written representations contemplated in sub regulation (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 (section 75 of the 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 5 contained in Annexure F.

Applicant's reply in respect of application for transfer of licence from licensed premises to other premises (section 75 of the 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 (section 75 of the Act)

41.(1) Upon receipt of the response contemplated in regulation 38(3), the Local Committee may consider holding an objection hearing in terms of section 47(1) of the Act.

(2) Where the local committee decides to hold an objection hearing in terms of section 47(1) of the Act, such hearing must be open to the public.

(3) The local committee must schedule the date, time and place and provide details of the hearing contemplated in sub-regulation (1), must notify affected parties using Form KZNLA 7 in Annexure H.

(4) The notice contemplated in sub-regulation (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.

(6) The Local Committee must consider the application no more than 14 days after receipt of the applicant's response to any representations or submissions contemplated in sub regulation 1 are received.

Forwarding of documents to Liquor Authority in respect of application for removal of licence from licensed premises to other premises (section 75 of the Act)

42. Within 14 days after consideration of the application for a licence, a local committee must submit to the Liquor Authority a report with recommendations, application and 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 (section 75 of the 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 8 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.

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

PART VII
CODE OF CONDUCT FOR MEMBERS OF LIQUOR AUTHORITY

General conduct of members of Liquor Authority (section 99(1)(s) of the Act)

44. 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 promoting the 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 to 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

45. A member of the Liquor Authority must not request, solicit 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 in regard to 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

46.(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 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

47. A member of the Liquor Authority must 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 which would cause or contribute to maladministration in the Liquor Authority.

Duty of chairperson of Liquor Authority

49.(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

50.(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;
- (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 sub-regulation (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 sub-regulation (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 sub-regulation (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.

PART VIII GENERAL PROVISIONS

Appointment of inspectors (section 81(1) of the Act)

51. Each inspector appointed by the responsible Member of the Executive Council in terms of section 81 of the Act is provided with a certificate contemplated in Annexure G.

Compliance notices (section 89 of the Act)

52. Where a person served with a compliance notice by an inspector in terms of section 89(1) of the Act lodges an objection with the inspector, the relevant provisions of the Promotion of Administrative Justice Act (Act No. 2 of 2000), apply with the necessary changes.

Offences and penalties

53. Save for the provisions relating to the Code of Conduct, a person who contravenes or fails to comply with any other provision of these Regulations –

- (a) is guilty of an offence; and
- (b) must be dealt with in terms of section 96 of the Act.

Short title

54. These Regulations are called the KwaZulu-Natal Liquor Licensing Regulations, 2012.

APPLICATION FORM

ANNEXURE A:

**KZNLA 1
[S41 (1)]**

Date	stamp
KZN	Liquor
Authority	

Amount R.....
 Receipt No.....
 Date.....

**LIQUOR ACT, 2010
 APPLICATION IN TERMS OF SECTION 41 (1) FOR A LICENCE**

(Please indicate the category of Licence application that you intend applying for by marking the relevant box with an X)

(PART A) On-consumption in terms of Section 39 (a)	<input type="checkbox"/>
Off-Consumption in terms of Section 39 (b)	<input type="checkbox"/>
(PART B) Special Events permit in terms of section 39 (c)	<input type="checkbox"/>
(PART C) Micro-manufacture in terms of Section 39 (d)	<input type="checkbox"/>

INDEX

Description of document

(i) Application.....	<i>Annexure A</i> KZNLA 1
(ii) Comprehensive written representations or motivation in terms of Section 41 (2)) A	
(iii) Plan of the premises with dimensions (S41 (2)(e)).....	B
(iv) Description and photos of the premises	C
(v) Documents required to be attached to application (S41) (2) (a-l) (as per regulation 3)	

Application prepared by :

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

<input type="checkbox"/>
<input type="checkbox"/>

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

- Name of person?**

(b) Postal address?

(c) Contact details

(i) Cell No?

(ii) Landline No.

(iii) Fax No.

(iv) E-mail address?

<u>PARTICULARS OF APPLICANT</u>			
1.(a) Full name of applicant			
(b) Age:			
(c) Identity number /Company registration no.			
(d) Residential address			
(e) Business address			
(f) Postal Address			
(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 Liquor Act, 2010 (Act No.6 of 2010) , irrespective of the sentence imposed, and was within 3 years after the conviction again convicted of an offence in terms of any of the above-mentioned two Acts and was then sentenced therefor 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 the applicant a South African Citizen?.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(iv)	If not state the country of origin and submit valid work or business permit from Home Affairs		
(v)	is an unrehabilitated insolvent?.....	<input type="checkbox"/> Yes	<input type="checkbox"/> No

(vi) is a minor?..... Yes No

(vii) is the spouse of a person contemplated in subparagraphs (i), (ii) or (iv)?..... Yes No

(Mark the applicable square)

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

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)- Yes No

(i) has a controlling interest in such a company, close corporation, Co-operative Association or trust.....

(ii) is a partner in such a partnership..... Yes No

(iii) is the main beneficiary under such a trust..... Yes No

(Mark the applicable square)

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

(Use an annexure if necessary)

4(a) State the name, identify 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 public company, statutory institution or a cooperative 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 interest of individual members of such company, statutory institution or co-operative

(Use an annexure if necessary)

(b) State the financial interest in the liquor trade in the Republic of the applicant 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 applicant in terms BEE rating. Relevant certificates 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 license 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

.....

8. Is the structure of the premises complete?
(if yes submit a valid business license)

9. Do you have lawful occupation over the premises?
(if yes proof to be submitted)

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, proof to be submitted)

11. Do you have a security plan for the proposed premises?
(if yes attach proof)

12. Have you paid for your application?
(if yes attach proof)

13. Do you have a detailed sketch plan for the proposed premises including storage of liquor?
(if yes attach proof)

14. Do you have additional storage?
(if yes attach a sketch plan with dimensions)

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(18) Annexure P

PART A ON CONSUMPTION

ON CONSUMPTION

OFF CONSUMPTION

5. DETAILS OF THE PROPOSED PREMISES

(1) Under what name is the business 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 is the premises referred to in subparagraph; situated?.....

(Mark the applicable square)

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

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

(i) have not yet been erected?..... Yes No

or

(ii) are already erected, but require additions or alterations to make them suitable for the purposes of the proposed business?..... Yes No

or

(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

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

Yes No

(8) (a) If paragraph 12 (a) (i) or (ii) applies, state –
(i) the date on which such erections, 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 authority which may be granted by the KZN Liquor Authority? (e.g. other business or tasting facilities)... Yes No or Yes No

(Mark the applicable square)

(b) If so, give full particulars with reference to the section in terms of which application is made..... Yes No

(Provide a comprehensive motivation - Use an annexure)

(10) In the case of an on consumption license in respect of a club premises, 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 authorized to sign application

I certify that this declaration has been signed and sworn to/affirmed before me at..... thisday of.....by the applicant/person authorized to sign application who acknowledged that –

- (i) he/she knows and understands the contents of this declaration;
- (ii) he/she has no objection to taking the prescribed oath/affirmation; and
- (iii) 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 Name:.....
Business address:.....
Designation:.....
Area for which appointment is held:.....
Office held if appointment is ex officio:.....

PART B (Special Events)

DETAILS OF SPECIAL EVENT PERMIT APPLICATION

- (1) State kind of liquor applicant intends selling thereunder.....
- (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 is the premises referred to in subparagraph (a); situated?.....
- (5) Will 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?.....
- (6) Duration of the special event?
- (7) Start date and end date of the special event?
- (8) Start time and close 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-manufacture)

- (1) State kind of liquor applicant intends manufacturing.....
(2) Intended amount of liquor to be manufactured per year.....

(3) If application is made for Micro Manufacture's licence –

- (a) is applicant a person who –
- (i) engages in viticulture?..... 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

or

- (ii) are already erected, but require additions or alterations to make them suitable for the purposes of the proposed business?..... Yes No

or

- (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 12 (a) (i) or (ii) applies, state –
- (i) the date on which such erections, additions or alterations will be commenced with.....; and
- (ii) 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 KZN liquor authority? (e.g. other business or tasting facilities)..... Yes No
- (Mark the applicable square)

- (b) If so, give full particulars with reference to the section in terms of which application is made..... Yes No
- (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.

Date.....

.....
Signature of applicant or person authorized to sign application

I certify that this declaration has been signed and sworn to/affirmed before me at..... thisday of.....by the applicant/person authorized to sign application who acknowledged that –

- (i) he/she knows and understands the contents of this declaration;
- (ii) he/she has no objection to taking the prescribed oath/affirmation; and
- (iii) 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 Name.....
Business address.....
Designation.....
Area for which appointment is held
Office held if appointment is ex officio

ANNEXURE B: FEES

PROPOSED FEES FOR KZN LIQUOR LICENSING FEES

<u>PART A – PRIMARY APPLICATIONS</u>				
Categories in terms of s39 of KZN Liquor Licensing Act, 2010	Type of Application	Proposed Application fee	Proposed License Issue Fees	Proposed License Renewal Fees
On-Consumption	Accommodation	R 1,500	R2,400.00	R2,400.00 per annum
	Restaurant	R 1,500	R2,400.00	R2,400.00 per annum
	Club	R 1,500	R1,200.00	R1,200.00 per annum
	Night Club	R 1,500	R4,800.00	R4,800.00 per annum
	Gaming premises	R 1,500	R4,800.00	R4,800.00 per annum
	Sports ground	R 1,500	R4,800.00	R4,800.00 per annum
	Pub	R 1,500	R4,800.00	R4,800.00 per annum
	Tavern	R 1,500	R1,000.00	R1,000.00 per annum
	Theatre	R 1,500	R2,400.00	R2,400.00 per annum

Off-Consumption	Liquor Store	R 1,500	R4,800.00	R4,800.00 per annum
	Grocer's wine	R 1,500	R2,400.00	R2,400.00 per annum
Micro-Manufacture	Micro-Manufacture	R 1,500	R9,700.00	R9,700.00 per annum
Special events	Special Events Permit	R 1,000	R1,000.00 per day	-

PART B – SECONDARY APPLICATIONS

Type of Secondary application	Proposed Application Fee	License Issue Fee	Renewal License Fee
Transfer of a license	R1,000.00	As per type of application as indicated in Part A	
Removal of a license	R1,000.00		
Transfer of financial interests	R 500	R 1,000	-
Appointment of manager	R 500	R 1,000	-
Structural alterations	R 500	R 1,000	-
Offsite storage	R 500	R 1,000	-
Tasting	R 500	R 1,000	-
Any copies for all documents	R 300	-	-
Appeals	R 500	-	-

**ANNEXURE C:
NOTICE OF INCOMPLETE APPLICATION**

FORM KZNLA 2

Our ref:

Enquiries:

Date:

[Address of applicant]

Dear Sir / Madam

**RE: APPLICATION IN TERMS OF [APPLICABLE SECTION] OF THE ACT,
2010 (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 above-mentioned provisions, as prescribed, you are given the opportunity to submit proof within **21 DAYS/ 5 DAYS (delete which is not applicable)** from the date hereof.

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

KZN LIQUOR AUTHORITY

ANNEXURE D:

NOTICE OF INTENTION TO APPLY FOR A LIQUOR LICENSE

FORM KZNLA 3

KWA-ZULU NATAL LIQUOR ACT, 2010

NOTICE TO DISPLAY INTENTION TO APPLY FOR A LIQUOR LICENSE (S42) (1) (b) (ii)

(To be displayed in a prominent place at the proposed premises USING A NOTICE BOARD, 1m x1m in size)

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

ANNEXURE E

KZNLA 4

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

**KWAZULU-NATAL LIQUOR ACT, 2010
NOTICE OF APPLICATION IN TERMS OF SECTION 42(1)(b)
REGULATION 5(2)**

Notice is hereby given that it is the intention of the person whose details are set out below to lodge an application for a (the type of a business and license sought).....
to the secretary of the local committee of (District Municipality).....

1. Full names of the Applicant:
2. Intended Trading name:
3. Identity Number or registration number:
4. Full address and location of the premises:
5. Type of License applied for:
6. Names and the Nature of educational institutions within a radius of 500 meters of the premises:
7. Names and distances to similar licensed premises within a radius of 500 meters of the premises:
8. Places of worship within a radius of 500 meters from the premises:

Whether the notices have been displayed in the proposed premises, visibly to the passers-by.

ANNEXURE F: Section 45(2) (inspection report form)

KZNLA 5

INSPECTION REPORT IN TERMS OF SECTION 45(2)

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
.....
.....
4. Name of proposed premises and premises address(including GIS coordinates)-----

5. Is the applicant disqualified in terms of section 40:-----

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

7. Description of premises;-----

8. Category of which the licensing is being sought
.....
.....

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

- (b) Is application made in respect of premises which
- a. Have not yet been erected
 - b. Are already erected, but require alterations
 - c. Already erected and does not require any further alterations

10. Is the PTO/ lease agreement/title deed attached

11. Is the business license /ITB attached to the application

12. Is the detail security plan attached to the application
.....

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

14. Are there any learning institution and places of worship with 500 m circumference:----

15. Is the granting of this application likely to cause monopolistic condition:-----

16. Are there any objections forwarded in respect of this application:-----

17. General remarks:-----

ANNEXURE G
INSPECTOR APPOINTMENT CERTIFICATE IN TERMS OF SECTION 81(1)()
FORM KZNLA 6

Certificate No.:

INSPECTOR'S CERTIFICATE OF APPOINTMENT IN TERMS OF SECTION 81(1) OF THE
KZN LIQUOR LICENSING ACT 06 OF 2010

I, Michael Mabuyakhulu by virtue of Powers vested in me as the Member of the Executive Council for Economic Development and Tourism hereby appoints:

- Name:
- I.D Number:
- Employee number:

to be a Provincial Liquor Inspector in terms of Section 81(1) of the KZN Liquor Licensing Authority, to carry out the duties as contemplated in Section 82, 83, 84, 85, 86, 87, 88 and 89 of the Act 06 of 2010 read with the provisions of Section 334 of the Criminal Procedure Act 51 of 1977.

KwaZulu-Natal Liquor Authority
Member of Executive Council

Date

**ANNEXURE H:
OBJECTION HEARING**

FORM KZNLA 7

Reference no.....

NOTICE IN TERMS OF SECTION 47(2) OF THE KZN LIQUOR LICENCING ACT, 06 OF 2010, TO BE PRESENT AND APPEAR AT A HEARING OF THE DISTRICT MUNICIPALITY LOCAL COMMITTEE.

TO:

Name:
Address:
Sex: Age: Id. 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 above mentioned premises, which will be held as per the Date, Time and Place indicated below

Date	Time	Place

Your attention is invited to the following –

- (i) It is compulsory for you to appear in person. The applicant may be assisted or represented by any person of his or her choice. [Section 47(c)(3)]
- (ii) It is an offence not to be present and to remain in attendance, without you having appointed somebody to appear on your behalf. [Section 94(c)]
- (iii) 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. [Section 47(4)(a) and (b)]

Place of issue:

.....
Date

.....
Secretary

FOR OFFICIAL USE ONLY

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

*(a)	Delivering a true copy to.....PERSONALLY;
(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.....2

.....
Signature of the Liquor Inspector

**ANNEXURE I:
LICENCE CERTIFICATE IN TERMS OF SECTION 62(1)**

FORM KZNLA 8

Kwa-Zulu Natal Liquor Act No. 6 of 2010
(Licence certificate)

Particulars of the license holder

Licence number:

Category of License:

Type of premises:

Period of validity:

***Date for renewal
application:***

Name of license holder:

***Identity number of
license holder:***

***Physical address of
license holder:***

***Name of licensed
premises:***

***Physical address of
licensed premises:***

***Name of person
managing licensed
premises:***

***Identity number of the
manager:***

Amount paid:

Receipt number:

District:	
Local municipality:	
General Conditions:	
Special conditions:	
Determinations, consent approvals and authorities granted:	
Place of issue:	PIETERMARITZBURG
Date of issue:	

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

**ANNEXURE J:
NOTICE OF INTENTION TO APPLY FOR A SPECIAL EVENTS LIQUOR PERMIT
FORM KZNLA 9
KWA-ZULU NATAL LIQUOR ACT NO. 6 OF 2010**

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

ANNEXURE K

KZNLA10

NOTICE IN TERMS OF SECTION 52(3)(f)

NOTICE OF INTENTION TO APPLY FOR A LIQUOR LICENCE AT THE BELOW MENTIONED PREMISES AND PROOF OF SERVICE

NAME OF PREMISES:

PHYSICAL ADDRESS OF THE PREMISES:

CATEGORY OF LICENCE:

TYPE OF PREMISES:

FULL NAME	SURNAME	I.D NUMBER	FULL ADDRESS	SIGNATURE

**ANNEXURE L:
NOTICE OF INTENTION TO APPLY FOR A LIQUOR LICENSE
FORM KZNLA 11
LIQUOR ACT, 2010**

(To be displayed in a prominent place at the proposed premises USING A NOTICE BOARD, 1m x1m in size)

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

**ANNEXURE M:
SPECIAL EVENTS PERMIT IN TERMS OF SECTION 53(7)**

FORM KZNLA12

Kwa-Zulu Natal Liquor Act No. 6 of 2010
(Special Events Permit)

Particulars of the permit holder

Permit number:

Name of event:

Nature of the event:

Period of event :

Start date of the event:

End date of the event:

Name of permit holder:

***Physical address of the
premises where the
event will be held:***

***A description of the
location in terms of
identifiable land marks:***

***Name of person
managing special
events premises:***

***Identity number of the
manager:***

Amount paid:

Receipt number:

**ANNEXURE N:
APPEAL AGAINST THE DECISION OF THE LIQUOR AUTHORITY
FORM KZNLA 13**

KZN Liquor Licensing Authority Act, 2010 (Act No. 06 of 20101)

**NOTICE OF INTENTION TO APPEAL
AGAINST THE DECISION OF THE
LIQUOR AUTHORITY**

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. *Condonation for the failure to [state particulars]

.....

.....

.....

.....

.....

.....

3. *Any other matter [state particulars]

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

The accompanying documentation of is annexed
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 or the Liquor Authority within one month after service of this application upon you.

DATED at this day of
.....

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

Applicant /
Appellant /
Agent

Address

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

To: 1 (Local Committee)

Address

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

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

FORM KZNLA 14

KwaZulu-Natal Liquor Licensing Act, 2010
(Act No. 06 of 2010)

For Official use
no.....

KZN Liquor Authority's reference

Amount R:.....
Receipt No.....
Date:

Annexure

1. Name of the licensed premises.....
2. Name of licence holder.....
3. The physical address of the existing licenced premises.....
3. The physical address of the proposed storage premises.....
4. In which district or Metropolitan Municipality is the liquor going to be stored?.....
.....
5. Description of premises & coloured photos
.....
.....
6. Comprehensive written representation or motivation
7. Documents required to be attached to the application [As set out below] –
 - (a) Plan of the premises.....
 - (b) Consent from the owner of the premises
 - (c) Certified copy of the applicants 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.

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..... this day of..... by the holder of the licence/person authorised to sign Form who acknowledged that—

- (i) he/she knows and understands the contents of this declaration;
- (ii) he/she has no objection to taking the prescribed oath/affirmation; and
- (iii) 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 name.....
Business address.....
Designation.....
Area for which appointment is held.....
Office held if appointment is ex officio.....

**ANNEXURE P:
ALTERATION OF BUSINESS PREMISES**

FORM KZNLA 15

Date stamp of KZN Liquor Authority
--

Liquor Authority's reference no.....

KwaZulu-Natal Liquor Licensing Act, 2010
(Act. No. 06 of 2010)

.....

INDEX

Description of document

Annexure

1. Description of premises & coloured photos [Reg 3(2)(b)]
2. Comprehensive written representation or motivation [Reg3(2)(c)]
3. Documents required to be attached to the application [As set out below] –
 - (a) Certified Copy of the Identity Document of a natural person or
 - (b) Memorandum of incorporation if it is a juristic person
 -
 - (c) Plan showing alterations marked in red.....
 - (d) Approval of altered premises from the relevant Municipality
 - (e) Consent from the owner of the premises

Form complete by.....

Postal address.....

Telephone no.....

1. Under what name is the licensed business conducted?.....
2. Name of licence holder.....

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

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..... thisday of..... by the holder of the licence/person authorised to sign Form who acknowledged that –

- (i) he/she knows and understands the contents of this declaration;
- (ii) he/she has no objection to taking the prescribed oath/affirmation; and
- (iii) 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 name.....
Business address.....
Designation.....
Area for which appointment is held.....
Office held if appointment is ex officio.....

**ANNEXURE Q:
TRANSFER OF LIQOUR LICENCE TO A PROSPECTIVE HOLDER**

KwaZulu-Natal Liquor Licensing Act, 2010
(Act. No. 06 of 2010)

FORM KZNLA 17

For official use
Amount R.....
Receipt No.....
Date.....
Provincial Liquor Authority reference no.

**LIQUOR ACT, 2010
APPLICATION FOR A LICENSE IN TERMS OF ...**
(choose the applicable section on the table below marking the relevant box 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 license to a prospective holder	
Description of document	
<p>1. Application in terms of S68, 69 and 74</p> <p>2. Comprehensive written representations</p> <p>3. Documents required to be attached to the application [As set out below:] –</p> <p>(a) Letter of Executorship</p> <p>(b) Death Certificate (where applicable)</p> <p>(c) Permission to Occupy (in the form of a Title Deed or Lease Agreement or Rates Statement from the Municipality)</p> <p>(d) Business Licence</p> <p>(e) Certified copy of Identity Document of the Applicant</p> <p>(f) Proof of payment of lodgement fees</p> <p>(g) Proof of renewal of licence fees</p> <p>(h) Tax Clearance Certificate of Applicant</p>	

PART A

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

1. Full name of applicant.....

2. If 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 authorizing 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 to be the signatory then the applicant is required to attach a Power of Attorney.....

3. Under what name is the licensed business 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 Part A and B of this application in so far as it relates to me/the applicant on whose behalf I am authorized to sign the application, is true.

Date.....

Signature of applicant who is the holder of the licence or person authorized to sign application

I certify that this declaration has been signed and sworn to affirmed before me at..... thisday ofby the holder of the licence/person authorized to sign application who acknowledged that –

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

.....
Affirmations

Full Name.....

Business address.....

Designation.....

Area for which appointment is held

Office held if appointment is ex officio

PART B

INFORMATION RELATING TO THE APPLICANT WHO IS THE PROSPECTIVE HOLDER

1. (a) Full name of applicant.....
- (b) Age.....
- (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) (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.06 of 2010), irrespective of the sentence imposed, and was within 3 years after the conviction again convicted of an offence in terms of any of the above-mentioned two Acts and was then sentenced therefor 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 subparagraphs

(i), (ii) or (iv)?.....

 Yes

 No

(Mark the applicable square)

(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,

(d) If the applicant is a company, close corporation, partnership, Co-operative, Association or trust, state whether a person contemplated in subparagraph (a)

 Yes

–

 No

(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.....

 Yes

 No

(iii) is the main beneficiary under such a trust.....

(Mark the applicable square)

(e) If any of the questions in subparagraphs (a) or (b) have been replied to in the affirmative, provide full details.....

(Use an annexure if necessary)

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

(i) including the holder of the licence, has any financial interest in the business to which the licence relates; and

(ii) who including the applicant, will have interest if the application is granted, and in each case the nature and extent of such interest.[If the applicant is public company, statutory institution or a cooperative 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 interest of individual members of such company, statutory institution or co-operative].....

(Use an annexure if necessary)

(b) State the financial interest in the liquor trade in the Republic of the applicant 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 having a financial interest in the business of a producer or a manufacturer of beer together hold a controlling interest, or the agent of such a company?..... 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)

(Mark the applicable square)

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

(i) engages in viticulture?.....

(ii) Manufactures any other fermented beverage? Yes No

(iii) 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 is a member?..... Yes No

6. Under what name is the business to be conducted?.....

7. Will 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?.....

(Mark the applicable square) 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 application on whose behalf I am authorized to sign the application and in the documents attached to it, is true.

Date.....
Signature of applicant who is the prospective holder or person authorised to sign application

I certify that this declaration has been signed and sworn to/affirmed before me atthis.....day..... ofby the applicant who is the prospective holder/person authorized to sign application who acknowledged that –

- (i) he/she knows and understands the contents to this declaration;
- (ii) he/she has no objection to taking the prescribed oath/affirmation; and
- (iii) he/she considers the prescribed oath to be binding on his/her conscience, and that he/she utter 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 name.....
Business address.....
Designation.....
Area for which appointment is held.....

**ANNEXURE Q:
TRANSFER CERTIFICATE**

FORM KZNLA 17

KwaZulu-Natal Liquor Licensing Act, 2010
(Act. No. 06 of 2010)

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

Licence Number-----

The (type of licence) licence held by -----
Situating at -----in the -----
district or Metropolitan Municipality under which business is conducted under the name of ---
-----is hereby transferred to -----

The business is conducted under 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:
REMOVAL OF LICENCE FROM LICENCED PREMISES**

**FORM
18**

KZNLA

Date-stamp of KZN Liquor Authority receiving application

For Official use
Amount R:.....
Receipt No.....
Date:

KwaZulu-Natal Liquor Licensing Act, 2010
(ACT NO. 06 of 2010)

**APPLICATION IN TERMS OF SECTION 75 FOR A REMOVAL OF A LICENCE FROM
LICENCED PREMISES TO OTHER PREMISES**

KZN Liquor Authority's reference no.....

1. Application
2. Plan and of the premises
3. Description of premises & coloured photos
4. Comprehensive written representation or motivation
5. Documents required to be attached to the application as set out below:
 - (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 lodgement fees
 - (g) Tax Clearance Certificate of Applicant
 - (h) Power of Attorney/Company Resolution/ authorizing a signatory (to be accompanied by a Certified Copy of the Signatories' Identity Document/s (where applicable))

1. Full name of applicant.....

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

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

3.(a) Under what name is the licensed business conducted?

.....

(b)(i) Will the name change as a result of the removal?..... Yes No
(Mark the applicable square)

(ii) 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, if not, state the District/Metropolitan Municipality

.....

(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 applicant have the right to occupy the premises referred to in paragraph 4(b),
(Mark applicable square)

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 – Yes No
(i) Have not yet been erected?.....

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

(Mark the applicable square)

(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.

Date.....

.....
*Signature of applicant or person
authorized to sign application*

I certify that this declaration has been signed and sworn to/affirmed before me at.....thisday of.....by the applicant/person authorized to sign application who acknowledged that –

- (i) He/she knows and understands the contents of this declaration;
- (ii) He/she has no objection to taking the prescribed oath/affirmation; and
- (iii) He/she considers the prescribed oath to be binding on his/her conscience, and that he/she utters 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 name.....
Business address.....
Designation.....
Area for which appointment is held.....
Office held if appointment is ex officio.....

ANNEXURE S: SECURITY PLAN

Security Plan

The Security plan to include the following -:

No	Security Plan	Check box	
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 gun to be provided for	Yes	No
6.	The point of sale to be cordoned off (to be 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 catered for	Yes	No
9.	Ablution facilities for male and female	Yes	No

**ANNEXURE T:
SITUATIONAL REPORT**

No	Security Plan
1.	Name and Surname of the applicant
2.	Trading name
3.	Category of license
4.	Type of premises applied for
5.	Premises address
6.	The floor plan of the proposed site or area to be included
7.	The access point (entry and exit) should be indicated with red on the floor plan
8.	The entry/exit point to be manned at all times Please provide the number of securities that would manning the door and
9.	Patrons to be searched at point of arrival and departure Indicating the point of search on the floor plan with black?
10.	Storage facilities for licensed gun to be provided for What time of storage facilitates and must comply with firearm act
11.	The point of sale to be cordoned off (to be indicated on the floor plan submitted) Please indicate the type of equipment used?
12.	The restricted part for consumption of liquor to be cordoned off (to be indicated on

	the floor plan submitted)
13.	Parking to be catered for To comply with municipality regulations
14.	Ablution facilities for male and female to indicated on the floor To comply with municipality by laws <ul style="list-style-type: none"> (a) Age restriction. (b) The restriction on sound levels in the case of music and public announcements. (c) Restrictions on the quantity on liquor supplied to individuals.

