

Eastern Cape Liquor Regulations
(in terms of the Eastern Cape
Liquor Act 10 of 2003)



EASTERN CAPE LIQUOR REGULATIONS

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I, ANDRE DE WET, Member of the Executive Council responsible for Economic Affairs, Environment and Tourism in the Province of the Eastern Cape, acting in terms of section 69 of the Eastern Cape Liquor Act, 2003 (Act 10 of 2003), hereby —

- (a) withdraw Liquor Regulations published in Provincial Notice 14 of *Gazette* 1143 of 8 April 2004; and
- (b) make Regulations as set out in the Schedule hereto.

ANDRE DE WET

Member of the Executive Council responsible for Economic Affairs, Environment and Tourism

SCHEDULE

1 Definitions

In these Regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Eastern Cape Liquor Act, 2003 (Act 10 of 2003), retains that meaning, and —

“**applicant**” means any person making an application in terms of these regulations; and

“**governing body**” means a governing body as defined in section 1 of the Eastern Cape Schools Education Act, 1999 (Act 1 of 1999);

“**secretary**” means the secretary of the board;

“**shebeen**” means a residential place used both as a residence and an outlet for selling liquor illegally for both on and off consumption;

“**the Act**” means the Eastern Cape Liquor Act, 2003 (Act 10 of 2003); and

“**Ward**” means a ward as defined in section 1 of the Municipal Structures Act, 1998 (Act 117 of 1998), and “**ward committee**” has a corresponding meaning.

2 Application for registration

(1) Application for registration must be lodged with the board.

(2) The applicant must make a written application for registration substantially in the form of Form 1 of Annexure 2, and must —

- (a) furnish in the said application such information as solicited in the Form;
 - (b) declare under oath or truly affirm at the end of the said Form that the information contained therein, is true.
- (3) Every such application must, at the time it is lodged with the board, be accompanied by —
- (a) a plan of the premises, clearly showing —
 - (i) the dimensions of each room;
 - (ii) all doors, windows and counters (where applicable) and means of internal and external communication; and
 - (iii) the streets and places to which such means of external communication lead;
 - (b) a description of the premises with reference to the construction, layout, furnishing, fixtures, fittings and floor covering, which description must be contained in a separate document or, if the business is already in operation, colour photos clearly depicting the above;
 - (c) comprehensive written representations in support of the application;
 - (d) proof of service of a notice to the ward committee of the area where the premises are situated;
 - (e) proof of service of notice to a governing body of an educational institution or place of worship within a radius of 100 metres from the premises in respect of which the application is made; and
 - (f) such documents as Form 1 may require to be attached to the application.

3 Notice by applicant to ward committees, governing bodies of educational institutions and places of worship

(1) An applicant must within seven days of lodgement, serve a notice substantially in the form of Form 2 of Annexure 2 on the ward committee of the area where the premises are situated, every governing body of every educational institution and place of worship within a radius of 100 metres from the premises in respect of which the application for registration is made.

(2) A ward committee contemplated in subregulation (1) must, within thirty days of receipt of the notice, submit a report on the consultation with the community to the board and to the relevant municipal council.

4 Notice by board to members of the public

(1) The board must, within seven days of receipt of an application for registration in terms of the Act, notify the public by notice in the *Gazette*.

(2) The notice contemplated in subregulation (1) must invite interested parties to submit their written representations or objections to the board within 21 days thereof.

(3) The notice contemplated in subregulation (1) must substantially be in the form of Form 3 of Annexure 2.

5 Representations or objections

(1) Not later than 28 days after the application was lodged with the board, any person may lodge —

- (a) written representations in support of; or
- (b) a written objection to,

and must provide conclusive proof that a copy has been forwarded to the person who prepared the application.

(2) Such representation or objection must be lodged in duplicate, be fully motivated and must —

- (a) clearly indicate the name, identity number, residential and postal address and telephone number or e-mail address, if any, and where applicable, its registration number and address of its registered office, of the person making the representations or the objector; and
- (b) clearly identify the application concerned.

6 Certificate of registration

(1) A certificate of registration contemplated in section 25 of the Act must be in the form of Form 4 of Annexure 2.

(2) The applicant must within a period of 60 days of issue of a certificate of registration pay a registration fee to the board, as provided for in Annexure 1.

7 Application for temporary registration

Any person who within six months from the date of commencement of the Act was operating an illegal shebeen may make application for the issue of a temporary registration certificate substantially in the form of Form 5 of Annexure 2.

8 Certificate of temporary registration

A certificate of temporary registration contemplated in section 71(6) of the Act must substantially be in the form of Form 6 of Annexure 2.

9 Application for transfer of certificate of registration

(1) Application for transfer of a certificate of registration must be lodged with the board.

(2) The applicant must make a written application for transfer of a certificate of registration substantially in the form of Form 7 of Annexure 2, and must —

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

10 Notice by applicant to ward committee

(1) An applicant for a certificate of transfer must within seven days of lodgement, serve a notice substantially in the form of Form 8 of Annexure 2 on the ward committee of the area where the premises are situated.

(2) A ward committee contemplated in subregulation (1) must, within thirty days of receipt of the notice, submit a report on the consultation with the community to the board and to the relevant municipal council.

11 Notice by board to members of the public

(1) The board must, within seven days of receipt of an application for a transfer of a registration certificate in terms of the Act, notify the public by notice in the *Gazette*, and such notice must substantially be in the form of Form 9 of Annexure 2.

(2) The notice contemplated in subregulation (1) must invite interested parties to submit their written representations or objections to the board within 21 days thereof.

12 Representations or objections to an application for transfer of a certificate of registration

(1) Not later than 28 days after the application was lodged with the board, any person may lodge —

(a) written representations in support of; or

(b) a written objection to,

any such application with him or her and must provide conclusive proof that a copy has been forwarded to the person who prepared the application.

(2) Such representation or objection must be lodged in duplicate, be fully motivated and must —

(a) clearly indicate the name, identity number, residential and postal address and telephone number or e-mail address, if any, and where applicable, its registration number and address of its registered office, of the person making the representations or the objector; and

(c) clearly identify the application concerned.

13 Certificate of transfer of registration

(1) A certificate of transfer of registration contemplated in section 25(4) of the Act must be in the form of Form 10 of Annexure 2.

(2) The applicant must within a period of 60 days of issue of the certificate pay a registration fee to the board, as provided for in Annexure 1.

14 Application for removal certificate

(1) Application for removal certificate as contemplated in section 25 must be lodged with the board.

(2) The applicant must make a written application for a removal certificate substantially in the form of Form 11 of Annexure 2, and must —

- (a) furnish in the said application such information as solicited in the Form;
 - (b) declare under oath or truly affirm at the end of the said Form that the information contained therein, is true.
- (3) Every such application must, at the time it is lodged with the board, be accompanied by —
- (a) a plan of the premises, clearly showing —
 - (i) the dimensions of each room;
 - (ii) all doors, windows and counters (where applicable) and means of internal and external communication; and
 - (iii) the streets and places to which such means of external communication lead;
 - (b) a description of the premises with reference to the construction, layout, furnishing, fixtures, fittings and floor covering, which description must be contained in a separate document or, if the business is already in operation, colour photos clearly depicting the above;
 - (c) comprehensive written representations in support of the application;
 - (d) proof of service of a notice to the ward committee of the area where the premises are situated;
 - (e) proof of service of notice to a governing body of an educational institution and place of worship within a radius of 100 metres from the premises in respect of which the application is made; and
 - (f) such documents as Form 11 may require to be attached to the application.

15 Notice by applicant for removal of certificate of registration to ward committee, governing bodies of educational institutions and places of worship

(1) An applicant must within seven days of lodgement, serve a notice substantially in the form of Form 12 of Annexure 2 on the ward committee of the area where the premises are situated, every governing body of every educational institution and place of worship within a radius of 100 metres from the premises in respect of which the application for removal of registration is made.

(2) A ward committee contemplated in subregulation (1) must, within thirty days of receipt of the notice, submit a report on the consultation with the community to the board and to the relevant municipal council.

16 Notice by board to members of the public

(1) The board must, within seven days of receipt of an application for removal of certificate of registration in terms of the Act, notify the public by notice in the *Gazette*, and such notice must substantially be in the form of Form 13 of Annexure 2.

(2) The notice contemplated in subregulation (1) must invite interested parties to submit their written representations or objections to the board within 21 days thereof.

17 Representations or objections

(1) Not later than 28 days after the application for removal of certificate of registration was lodged with the board, any person may lodge —

- (a) written representations in support of; or
- (b) a written objection to,

and must provide conclusive proof that a copy has been forwarded to the person who prepared the application.

(2) Such representation or objection must be lodged in duplicate, be fully motivated and must —

- (a) clearly indicate the name, identity number, residential and postal address and telephone number or e-mail address, if any, and where applicable, its registration number and address of its registered office, of the person making the representations or the objector; and
- (d) clearly identify the application concerned.

18 Removal certificate

(1) A removal certificate contemplated in section 25(5) of the Act must be in the form of Form 14 of Annexure 2.

(2) The applicant must within a period of 60 days of issue of a removal certificate pay a registration fee to the board, as provided for in Annexure 1.

19 Public access to application

An application for registration, transfer or removal, and any document lodged therewith must be open for inspection at the offices of the board, and the board must allow any member of the public to inspect such application and such documents.

20 Meetings of board and panel of appeal

(1) Meetings of the board and the panel of appeal must be presided over by a chairperson, or in his or her absence, by a vice-chairperson, or in the absence of both the chairperson and vice-chairperson the members present in that meeting must elect one from their number as chairperson for that meeting.

(2) Decisions of the board must be taken by a majority plus one, of the members.

(3) In the event of equality of votes the person presiding must have a casting vote.

(4) Minutes of the proceedings of the board or the panel of appeal must be recorded in writing.

21 Form of notice and summons

(1) A notice referred to in section 17(1) of the Act must be in the form of Form 15 of Annexure 2.

(2) A summons referred to in section 17(3) of the Act must be in the form of Form 16 of Annexure 2.

22 Issue of notice and summons

Every such notice and summons must be issued by the secretary who must forward the original and one copy thereof to an inspector of the board.

23 Service of notice and summons

(1) Every such notice and summons must be served by an inspector of the board by delivering the original thereof to the person named therein or, if he cannot be found, by delivering it at his or her residence or place of employment or business to a person apparently over the age of sixteen years and apparently residing or employed there.

(2) A return by the inspector of the board who served the notice or summons on the copy thereof, that the service thereof has been effected in terms of subregulation (1), must forthwith be forwarded to the secretary.

(3) The notice and summons referred to in subregulation (1) must be served at least 14 days, excluding weekends and public holidays, before the date upon which the meeting will take place.

24 Reporting

The board and the panel of appeal must submit to the MEC a report on its affairs and activities, including —

- (a) the number of licences issued in the previous year; and
- (b) the number of appeals considered and decided in such a year.

25 Fees payable in respect of issue of certificates

Within 60 days of the issue of a certificate of registration, a certificate of transfer or removal certificate, the holder of the certificate must pay to the board the fees as set out in Annexure 1.

26 Notice for annual registration fee

(1) The holder of a certificate must pay for the year following the year during which the Act comes into operation and for every calendar year thereafter, to the board, in respect of each registration, the annual fees set out in Annexure 1.

(2) The secretary must during October and November of every calendar year contemplated in subregulation (1) issue a notice substantially in the form of Form 17 to every registered person indicating the annual fee payable by such person for the following calendar year.

(3) The annual fee contemplated in subregulation (2) must be paid within thirty days of issue of such a notice.

(4) The fact that a registered person has not received a notice does not absolve such registered person from the duty to pay the annual fee timeously.

27 Penalty for failure to pay annual registration fee

The registered person must, where such registered person has failed to pay the annual fee timeously, be liable for the payment to the board of a penalty set out in Form 17 of Annexure 2.

28 Compliance notice served by the board

The compliance notice served on a registered person in terms of section 28(1) of the Act, must be in the form of Form 18 of Annexure 2.

29 Form of appeal

The holder of a registration certificate who feels aggrieved by a decision of the board, must appeal in writing to the panel of appeal against the decision not later than 30 days from the date upon which he or she was advised thereof.

30 Register of registered persons

The register of registered persons referred to in section 35(1)(a) of the Act must be in the form of Form 19 of Annexure 2.

31 Management of business

(1) A person other than a natural person must in terms of section 40(1) make application to the board for appointment of a natural person to manage the business of such person in writing substantially in the form of Form 20 of Annexure 2.

(2) A natural person must in terms of section 40(2) make application to the board for appointment of another natural person to manage the business of such person in writing substantially in the form of Form 20 of Annexure 2.

(3) The appointment contemplated in subregulations (1) and (2) must be in the form of Form 21 of Annexure 2.

32 Form of certificate of designation of inspector

A certificate of designation of an inspector in terms of section 46(4) must be in the form of Form 22 of Annexure 2.

33 Compliance notice served by an inspector

A compliance notice issued by an inspector in terms of section 54(1) of the Act must be in the form of Form 23 of Annexure 2.

34 Form of compliance certificate

The compliance certificate issued by an inspector in terms of section 54(3) of the Act must be in the form of Form 24 of Annexure 2.

35 Application for procurement of controlling interest

An application to procure a controlling interest in the business to which the certificate of registration relates, must be lodged with the board.

36 Form of application

(1) The applicant who is the holder of a registration certificate, must jointly with the applicant who desires consent to procure a controlling interest in the business to which the certificate of registration relates (hereinafter called the proposed person), make written application, for such consent, substantially in the form of Form 25 of the Annexure 2 and must —

- (a) furnish in the said application such information as is solicited in the said 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 it is lodged with the board, be accompanied by comprehensive written representations in support of the application.

37 Offences and penalties

Any person who contravenes any provision of these regulations is guilty of an offence, and may on conviction be sentenced to a fine or imprisonment or to both such fine and such imprisonment.

ANNEXURE 1

Schedule 1

FEES PAYABLE IN RESPECT OF APPLICATIONS

Part A	Part B
NATURE OF APPLICATION	FEES PAYABLE
Application for temporary registration.....	R100
Application for registration.....	R300
Application to procure a controlling interest in the business to which the registration relates	R150
Application for the transfer of a certificate of registration	R200
Application for removal certificate	R200
Application for a copy of a registration certificate and the conditions thereto or of any application.....	R100
Lodgement of an appeal	R200

Schedule 2

Fees payable in respect of categories of registration

REGISTRATION	PART A	PART B	PART C
(section 20)	Registration fees payable in respect of a new registration	Fees payable in respect of the transfer or removal of a registration	Annual licence fees
Section 20(a) — Retail sale of liquor for consumption off the premises	R2 000	R750	R1 000
Section 20(b) — Retail sale of liquor for consumption on the premises	R1 000	R500	R500
Section 20(c) — Retail sale and consumption of liquor on and off the premises (Shebeen/Tavern)	R300	R100	R200
Section 20(d) — Retail sale and consumption of liquor at special events	R1 000	—	—

ANNEXURE 2

Form 1

APPLICATION FOR REGISTRATION

INDEX

Description of document

- (i) Application
- (ii) Plan of the premises
- (iii) Description of the premises
- (iv) Documents required to be attached to application
- (v)
- (vi)

Application prepared by
Postal address.....
Telephone No.....
Fax No.....
E-mail address.....

- 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. (a) Is applicant a person who —
 - (i) is an unrehabilitated insolvent?

Yes	No
-----	----
 - (ii) is a minor?

Yes	No
-----	----
 - (iii) is partner of a person contemplated in subparagraphs (i) or (ii)?

Yes	No
-----	----

(Mark the applicable square)

(b) If the applicant is a company, close corporation, partnership or trust, state whether a person contemplated in subparagraph (a) —

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

Yes	No
-----	----
- (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)

(c) 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)

3. (a) State the name identity number and address of each person, including the applicant, who will have any financial interest in the business and in each case the nature and extent of such interest. (If the applicant is a public company, statutory institution or a co-operative as contemplated in the Cooperative Act, 1981 (Act 91 of 1981), it shall be sufficient if only the name and postal address of such company, statutory institution or co-operative, as the case may be, the name of each director (if any) thereof and the nature and extent of the financial interest of such company, statutory institution or co-operative are furnished and not also the interests of individual members of such company, statutory institution or cooperative] (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)

(c) In the case of an application for registration for retail sale of liquor off the premises, is the applicant —

- (ii) a micro-manufacturer of liquor or his or her agent? Yes No
- (iii) a person who has a financial interest in the business of a micro-manufacturer of liquor, or the agent of such person? Yes No
- (iv) a company in which shareholders having a financial interest in the business of a micro-manufacturer or 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 (iv) holds a controlling interest, or the agent of such a company? Yes No

(Delete subparagraph (c) if not applicable)
(Mark the applicable square)

4. (a) State kind of registration applied for.....
(b) State kind of liquor applicant intends selling thereunder.....

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

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

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

7. Will applicant have the right to occupy the premises referred to in paragraph 9, including such place on other premises upon which any approve is to be exercised, for the purposes of the registration applied for? Yes No

(Mark the applicable square)

8. In the case of an application for registration for retail sale of liquor on the premises, state in which portion of the premises the sale of liquor is to take place

9. (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 purposes? Yes No

(b) 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

10. In the case of registration for consumption of liquor on the premises, in respect of a club, attach a copy of the rules of the club, certified by the president, chairman or secretary thereof

ANNEXURE

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 authorised to sign application

I certify that this declaration has been signed and sworn to/affirmed before me at.....this.....day of..... by the applicant/person authorised 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

Full name

Business address

Designation

Area for which appointment is held

Office held if appointment is ex officio.....

Form 2

**NOTICE TO THE WARD COMMITTEES, GOVERNING BODIES OF
EDUCATIONAL INSTITUTIONS AND PLACES OF WORSHIP, OF
INTENTION TO APPLY FOR REGISTRATION**

Notice is hereby given that it is the intention to lodge the above-mentioned application, particulars of which appear hereunder, with the board in column 1 on

1	2	3	4
Name and number of ward	Kind of registra- tion applied for	Kind of liquor to be sold	Name under which business is to be conducted and particulars of the erf
Place: Signature of applicant or person authorised to sign application Date:			

Form 3

**NOTICE OF LODGEMENT OF APPLICATIONS FOR
REGISTRATION**

Notice is hereby given that the applications for registration, particulars of which appear in the Schedule hereunder, have been lodged with the board. Interested parties may, free of charge, inspect any application which appears in the Schedule hereunder and may within fourteen days of this notice, lodge with the board written representations in support of, or written objections.

.....
Secretary: Eastern Cape Liquor Board

SCHEDULE

1	2.	3.	4.	5.
Application number	Name and number of Ward	Kind of registration applied for	Kind of liquor to be sold	Name under which business is to be conducted and particulars of the erf
1.				
2.				
3.				

ANNEXURE

Form 4

CERTIFICATE OF REGISTRATION

Reference No.....
registration
 is hereby registered to sell
 (state kind of liquor) and to conduct under the name
 of
 upon premises, the plan of which has been approved, situated at
 on erf.....ward number.....in the district of....., such business
 as is, in accordance with the conditions of the Act or any other law,
 authorised to be conducted under the above-mentioned registration under
 such conditions as are attached hereunder.

This registration shall be subject to such additional conditions determined by the MEG and published in the *Provincial Gazette*.

Liquor not required for immediate sale, shall be stored on the registered premises. This registration shall be of no force and effect unless the prescribed fees have been paid to the board. Payment of the prescribed fees is to be made within thirty days after the under-mentioned date of issue.

Date of issue.....

Prescribed fees.....

Payable on or before.....

Place of issue: Bisho

Date

.....
Secretary: Eastern Cape Liquor Board

Form 5

APPLICATION FOR A TEMPORARY REGISTRATION

- 1. (a) Full name of applicant
- (b) Age
- (c) Identity number
- (e) Business address
- (f) Postal address
- (g) Telephone number
- (h) Cell number
- (i) Facsimile number
- (j) E-mail address

2. The applicant must provide the following information:

- (a) Situation of the shebeen with reference, plot, erf or farm number
- (b) Name of the ward and the municipality in which the shebeen is situated
- (c) The name under which the shebeen has been conducted
- (d) The period over which the shebeen has been operating

3. Describe the place or places on the premises in which the sale liquor is to take place

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

Date.....

Signature of applicant

I certify that this declaration has been signed and sworn to/affirmed before me at.....this.....day of by the applicant/person authorised 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

Full name

Business address

Designation

Area for which appointment is held

Office held if appointment is *ex officio*.....

Form 6

TEMPORARY REGISTRATION CERTIFICATE

..... operates a shebeen situate at.....
plot/erf/farm..... in ward number..... in the municipality of
..... and is hereby temporarily registered to sell all kinds
of liquor on the said premises from..... to..... on which
date the temporary registration must lapse unless the holder hereof has
within this period lodged an application to the board for registration, in
which case such registration must remain valid until the board has disposed
of such application.

.....
Secretary: Eastern Cape Liquor Board

DATE.....

Form 7

APPLICATION FOR TRANSFER OF CERTIFICATE OF
REGISTRATION

PART A

INFORMATION RELATING TO THE APPLICANT WHO IS THE
HOLDER OF CERTIFICATE OF REGISTRATION

- 1. Full name of applicant.....
2. If applicant is not a natural person, state the name, identity number and
address of each shareholder, member, partner or
beneficiary.....
3. Under what name is the licensed business conducted?.....
4. (a) Describe the situation of the premises where the registered business is
conducted with reference to the erf, street and farm number
(b) In which ward and municipality is the premises referred to in sub-
paragraph (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
authorised to sign the application, is true.

Date.....

.....
Signature of applicant who is the holder of the certificate of registration or
person authorised to sign application

I certify that this declaration has been signed and sworn to/affirmed before me at..... this day of by the holder of the certificate of registration or person authorised 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

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. (a) Is applicant a person who —
(i) is an unrehabilitated insolvent? Yes No
(ii) is a minor? Yes No
(iii) is partner of a person contemplated in subparagraphs (i) or (ii)? Yes No

(Mark the applicable square)

- (b) If the applicant is a company, close corporation, partnership or trust, state whether a person contemplated in subparagraph (a) —
(i) has a controlling interest in such a company, close corporation or trust Yes No
(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)

(c) 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)

3. (a) State the name, identity number and address of each person —

- (i) who, including the holder of the registration certificate, has any financial interest in the business to which the licence relates; and
(ii) who including the applicant, will have such interest if the applicant is granted, and in each case, the nature and extent of such interest. [In the case of a public company, statutory institution or a co-operative as contemplated in the Co-operatives Act, 1981 (Act 91 of 1981), it shall be sufficient if only the name and postal address of such company, statutory institution or co-operative, as the case may be, the name of each director (if any) thereof and the nature and extent of the financial interest of such company, statutory institution or co-operative are furnished and not also the interests of individual members of such company, statutory institution or co-operative]

(Use an annexure if necessary)

(b) State the financial interest 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 of 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)

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

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 authorised 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 at.....this.....day of by the applicant who is the prospective holder/person authorised 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

Full name
 Business address
 Designation
 Area for which appointment is held
 Office held if appointment is *ex officio*.....

Form 8

NOTICE TO THE WARD COMMITTEES OF INTENTION TO APPLY FOR TRANSFER OF CERTIFICATE OF REGISTRATION

Notice is hereby given that it is the intention to lodge the above-mentioned application, particulars of which appear hereunder, with the board in column 1 on

1	2	3
Name and address of current holder	Name and address of prospective holder	Name under which business is conducted and particulars of the erf
Place: Signature of applicant or person authorised to sign application Date:		

Form 9

NOTICE OF LODGEMENT OF APPLICATIONS FOR TRANSFER OF CERTIFICATE OF REGISTRATION

Notice is hereby given that the applications for transfer of certificates of registration, particulars of which appear in the Schedule hereunder, have been lodged with the board.

Interested parties may, free of charge, inspect any application which appears in the Schedule hereunder and may within fourteen days of this notice, lodge with the board written representations in support of, or written objections.

.....
Secretary: Eastern Cape Liquor Board

1	2	3	4	5
Application number	Name and number of Ward	Particulars of certificate of registration	Particulars of holder of certificate of registration	Particulars of prospective holder of certificate of registration
1.				
2.				
3.				

Form 10

CERTIFICATE OF TRANSFER

The certificate of registration held by..... in respect of premises situate at..... in the ward and municipality of....., under which business is conducted under the name of....., is hereby transferred to.....

The business will in future be conducted under the name of.....

This transfer shall be of no force and effect unless the prescribed fees have been paid to the board. Payment of the prescribed fees is to be made within seven days after the undermentioned date of issue.

This certificate must at all times during the currency thereof be attached to the registration concerned.

Date of issue.....

Prescribed fees of

Payable on or before.....

.....
Secretary: Eastern Cape Liquor Board

Form 11

APPLICATION FOR THE REMOVAL OF A CERTIFICATE OF REGISTRATION

ANNEXURE

- (i) Application.....
- (ii) Plan of the premises A
- (iii) Description of the premises..... B
- (iv) Comprehensive written representations C

Application prepared by —

Postal address.....

Telephone No.....

1. Full name of applicant

2. If applicant is not a 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

(ii) If so, state new name (Mark the applicable square)

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

(b) Describe the situation of the 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..... ward and municipality? Yes No

(Mark the applicable square)

(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)? Yes No

(Mark the applicable square)

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

8. (a) Is application made in respect of premises which — (i) have not yet been erected? Yes No ; 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 purposes? Yes No

(b) If paragraph 8(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.

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 authorised to sign application

I certify that this declaration has been signed and sworn to/affirmed before me at.....this.....day of.....by the applicant/person authorised 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

Full name
Business address
Designation
Area for which appointment is held
Office held if appointment is ex officio.....

Form 12

NOTICE TO THE WARD COMMITTEES, GOVERNING BODIES OF EDUCATIONAL INSTITUTIONS AND PLACES OF WORSHIP, OF INTENTION TO APPLY FOR REMOVAL OF REGISTRATION

Notice is hereby given that it is the intention of the undersigned to lodge an application for removal, particulars of which appear hereunder, with the board on (date)

Application number	Name and number of Ward	Particulars of certificate of registration	Particulars of holder of certificate of registration	Particulars of the proposed premises

Place:

Signature of applicant
or person authorised to
sign application

Date:.....

Form 13

NOTICE OF LODGEMENT OF APPLICATIONS FOR REMOVAL OF CERTIFICATE OF REGISTRATION

Notice is hereby given that the applications for removal of certificates of registration, particulars of which appear in the Schedule hereunder, have been lodged with the board.

Interested parties may, free of charge, inspect any application which appears in the Schedule hereunder and may within fourteen days of this notice, lodge with the board written representations in support of, or written objections.

.....
Secretary: Eastern Cape Liquor Board

SCHEDULE

1	2	3	4	5
Application number	Name and number of Ward	Particulars of certificate of registration	Particulars of holder of certificate of registration	Particulars of the proposed premises

Form 14

CERTIFICATE OF THE REMOVAL OF A CERTIFICATE OF REGISTRATION

The certificate of registration granted in respect of premises situate at (plot, erf, street or farm, ward and municipality)..... and upon which business is conducted under the name of..... is hereby removed to premises situate at (plot, erf, street or farm) in the ward..... and municipality of where the business will be conducted under the name of

Liquor not required for immediate sale shall be stored on the registered premises.

The removal of the certificate of registration shall be of no force and effect unless the prescribed fees have been paid to the board.

Payment of the prescribed fees is to be made within seven days after the undermentioned date of issue.

This certificate must, at all times during the currency thereof, be attached to the registration concerned.

Date of issue.....
Prescribed fees.....
Payable on or before.....

Secretary: Eastern Cape Liquor Board

Form 15

NOTICE TO BE PRESENT AT A MEETING OF THE LIQUOR BOARD

To:.....
Address:.....

You are hereby notified by the chairperson to be present at a meeting of the Board which relates to.....and which will be held on the date, time and at the place indicated below.

Date.....
Time
Place

Your attention is drawn to the following:
(i) it is compulsory for you to appear in person. If you are unable to appear in person you may appoint an advocate or attorney to appear on your behalf;

- (ii) it is an offence not to be present and to remain in attendance, without you having appointed somebody to appear on your behalf;
- (iii) the chairman may require from you to give evidence or to produce any document or any other thing which is in your possession or custody or under your control.

Place of issue:

Date:

Secretary: Eastern Cape Liquor Board

FOR OFFICIAL USE ONLY

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

*(a) delivering a true copy to.....PERSONALLY; or

*(b) delivering as he/she could not be found, a true copy to

apparently over the age of 16 years and apparently residing or employed at the place of residence/employment/business* of the

said

at

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

Time Day Month 20.....

FULL NAMES:.....

Inspector of the Eastern Cape Liquor Board

* Delete whichever is not applicable

Form 16

SUMMONS

To:

Name:

Address:

Sex:

By virtue of the powers vested in the chairman, you are hereby directed to be present and give evidence/produce the documents or any other thing indicated in Annexure.....hereto at a meeting of the Board which relates to..... and which will be held on the date, time and at the place indicated below.

Date:

Time:

Place:

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

.....
Inspector of the Eastern Cape Liquor Board

FULL NAMES:.....

FOR OFFICIAL USE ONLY

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

*(a) delivering a true copy to.....PERSONALLY; or

*(b) delivering as he/she could not be found, a true copy

to

apparently over the age of 16 years and apparently residing or employed at the place of residence/employment/business* of the

said

at

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

Time Day Month 20.....

Signature of police officer

Annexure Form 22: Advice of annual fees payable in respect of a liquor licence

[Reg. 116 (2)]

Reference no

Name and address of licensed premises

Kind of licence Fees payable

Total fees payable to the receiver of revenue

Payable on or before 31 December 20.....

Place: Pretoria Date of issue.....

FOR OFFICIAL USE BY RECEIVER OF REVENUE

Note:

- (i) The receiver of revenue shall not accept payment of the above mentioned fees unless this advice is produced to him.
- (ii) If the fees are received after 31 December, the fees payable shall be increased by 50% and if the fees are received after 31 January, such fees shall be increased by 100%. No fees to be received after 28 February. (Section 108.)

Amount received Receipt No..... Office Date Stamp

* Delete whichever is not applicable

Form 17

ADVICE OF ANNUAL FEES PAYABLE IN RESPECT OF A CERTIFICATE OF REGISTRATION

Reference no.....
Name of registered premises
Address of registered premises
Kind of registration
Fees payable
Total fees payable to the board
Payable on or before 31 December 20
Place: Bisho Date of issue

FOR OFFICIAL USE BY BOARD

Note: If the fees are received after 31 December, the fees payable shall be increased by 50% and if the fees are received after 31 January, such fees shall be increased by 100%. No fees to be received after 28 February. (Section 108).

Amount received Receipt No Office Date Stamp

Form 18

COMPLIANCE NOTICE BY THE BOARD

To:
Name:
Address:

By virtue of the powers vested in the Board, you, the holder of the certificate of registration granted in respect of premises situate at (plot, erf, street or farm, ward and municipality) and upon which business is conducted under the name of....., are hereby —
(a) notified that you have failed to comply with the requirements of your registration in that.....
(b) required to take the following remedial steps within 30 days hereof

FOR OFFICIAL USE ONLY

I certify that I have served this notice upon the said person by-
*(a) delivering a true copy to.....PERSONALLY; or
*(b) delivering as he/she could not be found, a true copy to
..... apparently over the age of 16 years
and apparently residing or employed at the place of residence/
employment/business* of the said
at.....

* Delete whichever is not applicable.

The nature and exigency of this notice was explained to the recipient thereof.
 Time Day Month 20.....
 Date:
 Time:
 Place:

.....
 Inspector of the Eastern Cape Liquor Board
 FULL NAMES.....

Form 19

REGISTER OF REGISTERED PERSONS

1	2	3	4	5
Name and address of registered person	Cancellations and variations	Voluntary deregistration, winding-up or dissolution	Name and address of applicants for registration and micro-manufacturing	Terms and conditions of registration and variation
1.				
2.				
3.				

Form 20

APPLICATION FOR A NATURAL PERSON TO MANAGE AND BE RESPONSIBLE FOR THE BUSINESS TO WHICH THE REGISTRATION RELATES

1. Under what name is the registered business conducted?.....
2. In which ward and municipality is the premises referred to in paragraph 1, situated?.....
3. State the following particulars of person whose appointment has been terminated:
 - (a) Full name
 - (b) Identity number
 - (c) Date of termination of appointment
4. State the following particulars of person now appointed:
 - (a) Full name
 - (b) Age

- (c) Identity number
- (d) Relationship between him or her and the holder of the certificate of registration.....
- (e) (i) Is he a person who —
 - (aa) is not domiciled in the Republic? Yes No
 - (bb) is an unrehabilitated insolvent? Yes No
 - (cc) is a minor? Yes No
- (ii) If any of the questions in subparagraph (i) have been replied to in the affirmative, provide full details (Use an annexure of necessary).....
- (f) Date of appointment

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 certificate of registration 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 certificate of registration or 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*.....

Form 21

CERTIFICATE OF APPOINTMENT OF A NATURAL PERSON TO MANAGE A BUSINESS

Name of the person appointed
ID number.....
Sex.....
Residential address.....
Name of the registered business to be managed.....
Address of registered premises.....
File reference number.....
Date of appointment.....

Secretary: Eastern Cape Liquor Board

DATE:.....

Form 22

CERTIFICATE OF DESIGNATION OF AN INSPECTOR

The bearer of this certificate is designated as an inspector in terms of section 46(4) of the Eastern Cape Liquor Act, 2003 (Act 10 of 2003)

Full Names.....
Identity number.....
designation number.....
Date of issue.....
Date of expiry.....

Chairperson: Eastern Cape Liquor Board

Date:.....

Form 23

COMPLIANCE NOTICE BY AN INSPECTOR

To:
Name:
Address:.....

By virtue of the powers vested in me, you, the holder of the certificate of registration granted in respect of premises situate at (plot, erf, street or farm, ward and municipality) and upon which business is conducted under the name of..... are hereby —

- (c) notified that you have failed to comply with the requirements of your registration in that.....
-
- (d) required to take the following remedial steps within 30 days hereof.....
-

FOR OFFICIAL USE ONLY

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

*(a) delivering a true copy to PERSONALLY; or

*(b) delivering as he/she could not be found, a true copy

to

apparently over the age of 16 years and apparently residing or employed at the place of residence/employment/business* of the said

at

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

Time Day Month 20.....

Date:

Time:

Place:

.....
Inspector of the Eastern Cape Liquor Board

Full names:

Form 24

COMPLIANCE CERTIFICATE BY AN INSPECTOR

To:

Name:

Address:

By virtue of the powers vested in me, I hereby certify that you, the holder of the certificate of registration granted in respect of premises situate at (plot, erf, street or farm, ward and municipality)..... and upon which business is conducted under the name of....., have complied with the compliance notice dated

FOR OFFICIAL USE ONLY

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

*(a) delivering a true copy to.....PERSONALLY; or

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

* Delete whichever is inapplicable.

apparently over the age of 16 years and apparently residing or employed at the place of residence/employment/business* of the said
at

The nature and exigency of this notice was explained to the recipient thereof.
Time Day Month 20....
Date:.....
Time:
Place:

.....
Inspector of the Eastern Cape Liquor Board
Full names:.....

Form 25

**APPLICATION TO PROCURE A CONTROLLING INTEREST IN
THE BUSINESS TO WHICH THE CERTIFICATE OF
REGISTRATION RELATES**

Description of document

- (i) Application
- (ii) Plan of the premises
- (iii) Description of the premises
- (v) Documents required to be attached to application
- (vi)
- (vii)

Application prepared by
Postal address
Telephone No
Fax No
E-mail address

PART A

**INFORMATION RELATING TO THE APPUCANT WHO IS THE
HOLDER OF THE REGISTRATION CERTIFICATE**

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.....

* Delete whichever is inapplicable.

- (e) Business address.....
 - (f) Postal address.....
 - (g) Business telephone number.....
- [Delete (b) if applicant is not a natural person]

2. Under what name is the registered business conducted?

- 3. (a) Describe the situation of the premises where the registered business is conducted with reference to the plot, erf, street and farm number.....
- (b) In which ward or 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 authorised to sign the application, is true.

Date.....

.....
 Signature of applicant who is the holder of the certificate of registration or person authorised to sign application

I certify that this declaration has been signed and sworn to/affirmed before me at.....this.....day of.....by the applicant/person authorised 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

(ii) 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*.....

PART B

INFORMATION RELATING TO THE APPLICANT WHO IS THE PROPOSED PERSON

- 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. (a) Is the applicant a person who —
- (i) is not domiciled in the Republic?

Yes	No
-----	----
- (ii) is an unrehabilitated insolvent?

Yes	No
-----	----
- (iii) is a minor?

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

Yes	No
-----	----

(Mark the applicable square)

(b) If the applicant is a company, close corporation, partnership or trust, state whether a person contemplated in subparagraph (a) —

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

Yes	No
-----	----
- (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)

(c) 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)

- 3. (a) State the name, identity number and address of each person —
- (i) who, including the holder of the certificate of registration, has any financial interest in the business to which the registration relates, and
- (ii) who including the applicant, will have such interest if the application is granted, and in each case, the nature and extent of such interest. In the case of a public company, statutory institution or a co-operative as contemplated in the Co-operatives Act, 1981 (Act 91 of 1981), it shall be sufficient if only the name and postal address of such company,

statutory institution or co-operative, as the case may be, the name of each director (if any) thereof and the nature and extent of the financial interest of such company, statutory institution or co-operative are furnished and not also the interests of individual members of such company, statutory institution or co-operative.

(Use an annexure if necessary)

(b) State the financial interest 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 of 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)

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

Date.....

Signature of applicant who is the proposed person or person authorised to sign application

I certify that this declaration has been signed and sworn to/affirmed before me at.....this.....day of.....by the applicant who is the proposed person/person authorised 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

Full name

Business address

Designation

Area for which appointment is held

Office held if appointment is ex officio