

PROVINCIAL NOTICE OF 2024

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

REGULATIONS IN TERMS OF SECTION 69 OF THE EASTERN CAPE LIQUOR ACT, 10 OF 2003

I, **Nonkqubela Pieters**, Member of the Executive Council responsible for Economic Development, Environmental Affairs and Tourism in the Province of the Eastern Cape, in concurrence with the Member of the Executive Council responsible for Finance in the Province of the Eastern Cape, acting in terms of section 69 of the Eastern Cape Liquor Act, 10 of 2003, hereby:

- (a) repeal Liquor Regulations published under Provincial Notice 17 in Gazette 1159 of 28 May 2004; and
- (b) make Regulations as per section 69 of the Act and set out hereunder

The Regulations can be downloaded from the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) website: **www.dedea.gov.za** as well as from the website of the Eastern Cape Liquor Board at: **www.eclb.co.za**

The date of commencement of these Regulations shall be 1 March 2025.

Hon. N. Pieters

Member of the Executive Council

Eastern Cape Department of Economic Development, Environmental Affairs and Tourism

EASTERN CAPE LIQUOR REGULATIONS

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Application for registration, transfer, removal of registration, micro-manufacturing and a special event
3. Service by applicant to ward committees, governing bodies of educational institutions and places of worship and public consultations regarding applications for registration, transfer, removal and micro-manufacturing
4. Notice by Board to members of the public
5. Representations or objections
6. Certificate of registration, transfer, removal, micro-manufacturing and special event
7. Change of submitted and approved plan of premises
8. Management of business
9. Inspection by the Board
10. Public access to the application
11. Meetings of the Board and Panel of Appeal
12. Form of notice and summons
13. Issue of notice and summons
14. Service of notice and summons
15. Reporting
16. Notice for annual registration fee
17. Penalty for failure to pay annual fee
18. Compliance notice served by the Board
19. Form of appeal
20. Register of persons
21. Form of certificate of designation of Inspector
22. Compliance notice served by an Inspector
23. Form of compliance certificate
24. Application for procurement of controlling interest
25. Age verification
26. Registered premises must be weapon free
27. Death or incapacity of applicant
28. Death or incapacity of registered person

29. Transfer of Licences
30. Threshold volume for micro-manufacturing
31. Offences and penalties
32. Fees payable
33. Repeal of Regulations
34. Transitional Provisions
35. Short title and commencement

**Annexure 1:
Schedule of Fees**

**Annexure 2:
Forms**

- Form 1: Application for registration
- Form 2: Application for special event registration
- Form 3: Description of premises and schedule of finishes
- Form 4: Written representation in support of application
- Form 5: Notice to Ward Committee of intention to apply for new registration, transfer or removal
- Form 6: Notice to the governing bodies of educational institutions and places of worship of intention to apply for registration, transfer or removal of certificate of registration
- Form 7: Ward Committee report on community consultation
- Form 8: Notice of lodgement of applications for registrations or special events
- Form 9: Certificate of registration
- Form 10: Application for Change of Plan
- Form 11: Application for appointment of Manager
- Form 12: Certificate of appointment of manager
- Form 13: Pre-registration inspection report
- Form 14: Post-registration inspection report
- Form 15: Notice to be present at meeting of the Board
- Form 16: Summons to be present at meeting of the Board
- Form 17: Notice of renewal of fees
- Form 18: Confirmation of registration details

- Form 19: Section 28 compliance notice
- Form 20: Register of registered persons
- Form 21: Certificate of designation of an inspector
- Form 22: Section 54 compliance notice
- Form 23: Compliance certificate in terms of section 54
- Form 24: Application to procure a controlling interest in the business to which the certificate of registration relates
- Form 25: Objections or representations
- Form 26: Notice of appeal
- Form 27: Application for consent to conduct licensed business pending the transfer of the licence.

1. Definitions

In these Regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act retains that meaning, and:

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

“**applicant**” means any person applying for a certificate of registration or any other form of dispensation in terms of the Act and these regulations;

“**Board**” means a body as established in terms of section 4 of the Act;

“**curator**” means a curator as defined in section 1 of the Administration of Estates Act, 1965 (Act 66 of 1965);

“**days**” means calendar days and are calculated to exclude the first day and include the last day unless the last day falls on a Sunday or any Public Holiday, in which case the last day will be the first working day thereafter;

“**educational institution**” means any early childhood development centre, public or private primary or secondary school and tertiary educational institutions, duly registered in terms of the relevant legislation;

“**governing body**” means a governing body as defined by the relevant legislation in respect of educational institutions;

“**foreign national**” means a foreigner as defined in section 1 of the Immigration Act, 2002 (Act 13 of 2002);

“**inspector**” means an inspector appointed or designated in terms of section 46(1) of the Act;

“**manager**” means a natural person appointed in terms of section 40 of the Act who holds a valid proof of permanent residency in the Republic of South Africa and is not disqualified in terms of the Act;

“**micro-manufacturer**” means a micro-manufacturer as defined in section 1 of the Act;

“**municipal approved building plan**” means a building plan approved by the relevant municipal authority as compliant with applicable national and municipal by-laws or an endorsement or certification by the municipal authority confirming that the building or building plan is suitable for the intended use of the premises;

“**place of worship**” means a building or structure where people gather to perform acts of devotion, worship or religious study, whose premises are registered with or recognised by the relevant authority;

“premises population certificate” means a certificate issued by the relevant municipal authority in respect of the registered premises indicating the maximum number of persons permitted to occupy the premises at any given time;

“proof of right to occupy” means documentary proof indicating that the applicant has the express consent and necessary authority to occupy the property for the purposes of the retail sale of liquor or micro-manufacturing;

“radius” means the measurement of distance from the nearest boundary of the erf of educational institutions and places of worship to the nearest boundary of the erf of the proposed outlet;

“refugee” means a refugee as defined in section 1 of the Refugees Act, 1998 (Act 130 of 1998);

“removal of registration” means the application for removal of registration from the current registered premises to the intended premises within the same district municipal area;

“reside” means to live, occupy or inhabit a dwelling or premises;

“secretary” means the secretary of the Board;

“transfer of registration” means the application for the transfer of a registration certificate from the current holder of the licence to another person;

“ward” means ward as defined in section 1 of the Municipal Structures Act, 1998 (Act 117 of 1998);

“ward committee” means a ward committee contemplated in section 73 of the Municipal Structures Act, 1998 (Act 117 of 1998), duly represented by the ward councillor.

2. Application for registration, transfer, removal of registration, micro-manufacturing and a special event

- (1) An application for registration, transfer, removal of registration, micro-manufacturing and special events in terms of the Act must be lodged with the Board.
- (2) The applicant must make a written application for registration, transfer, removal and micro-manufacturing on the prescribed Form 1 of Annexure 2 and comply with the requirements in sub-regulation (3) hereunder.
- (3) The applicant must make payment of the prescribed application fee as set out in Schedule 1 of Annexure 1.

- (4) In the case of a special event licence application, payment of the application fee as set out in Schedule 1 of Annexure 1 and registration fees as set out in Schedule 2 of Annexure 1 will be required to be paid to the Board at the date of lodgement.
- (5) Every such application must, at the time of lodgement with the Board, be accompanied by:
- (i) in the case of a natural person, a certified copy of the identity document of the applicant, not older than three months as at the date of lodgement;
 - (ii) in the case of a juristic person, a certified copy of the Companies and Intellectual Property Commission registration certificate, not older than three months, together with certified copies of the identity documents of shareholders or members which should not be older than three months as at the date of lodgement;
 - (iii) in the case of a Trust, certified copies of the Trust Deed and the Trustees' and Beneficiaries' identity documents, not older than three months as at the date of lodgement;
 - (iv) in the case of a natural person whose application is completed by another person, a power of attorney authorising such person to act on behalf of the applicant;
 - (v) in the case of a juristic person whose application is completed by another person, a resolution authorising such person to act on behalf of the applicant;
 - (vi) where the applicant is a foreign national, a valid certified copy of a business permit as issued under the Immigration Act, 2002 (Act 13 of 2002);
 - (vii) where the applicant is a refugee, certified copies of proof of refugee status and the refugee's identity document issued by the Department of Home Affairs in terms of the Refugees Act, 1998 (Act 130 of 1998), not older than three months as at the date of lodgement of the application;
 - (viii) a municipal approved building plan of the proposed premises;
 - (ix) a floor layout plan of the proposed premises clearly showing:
 - (a) the dimensions of each room;
 - (b) the demarcated consumption area (where applicable);
 - (c) all doors, windows, counters and places of liquor display;
 - (d) the street name and location thereof in relation to the entrance and exit of the proposed premises.

- (x) a description of the premises with reference to the construction, layout, finishes, fixtures, fittings and floor covering, on the prescribed Form 3 of Annexure 2;
- (xi) written representations in support of the application, which must be in the prescribed Form 4 of Annexure 2;
- (xii) proof of service of Form 5 of Annexure 2 on the ward committee under which the proposed premises fall, which service date cannot exceed 7 (seven) days before the date of lodgement of the application, excluding applications for a special event licence;
- (xiii) proof of service of Form 6 of Annexure 2 on a governing body of an educational institution and/or place of worship, which service date cannot exceed 7 (seven) days before the lodgement, falling within a radius of 500 meters from the premises in respect of which the application is made, excluding an application for a special event licence;
- (xiv) proof of right to occupy the premises which must be either of the following:
 - (a) in the event that the application is made by the registered owner of the immovable property, a copy of the title deed, deed of transfer or certificate of allotment with no restriction prohibiting the retail sale of liquor or micro-manufacturing of liquor at the immovable property; or
 - (b) in the event of a bonded immovable property where the title deed is kept by a banking institution, the applicant will be required to submit a Deeds Registry report; or
 - (c) in the event that the application is made by a Lessee, a valid written lease agreement for a minimum of one year from date of lodgement, wherein the applicant leases the premises with express permission for the premises to be utilised for the retail sale of liquor or micro-manufacturing of liquor; or
 - (d) in the event that the application is made by a prospective Lessee, a valid written intention to lease, counter-signed by the prospective Lessor, for a minimum term of one year, permitting the applicant to lease the premises with the express permission for the premises to be utilised for the retail sale of liquor or micro-manufacturing of liquor; or
 - (e) a sworn statement by the local senior traditional leader confirming ownership or legal entitlement to the premises with an express provision that it may be used for the retail sale of liquor or micro-manufacturing of liquor;

- (xv) where the applicant intends to utilise any public school premises for the retail sale of liquor, prior written consent from the Member of the Executive Council of the Department of Education for the Province, in line with section 36 of the Schools Act, 1996 (Act 84 of 1996);
 - (xvi) a municipal zoning certificate, alternatively a Municipal Land Use consent for the intended use of the premises;
 - (xvii) a premises population certificate in respect of the premises of an on and off registration application and in respect of premises of an on-consumption registration application;
 - (xviii) for an application, other than a transfer application in respect of a deceased estate, in terms of the Administration of Deceased Estates Act, 1965 (Act 66 of 1965), a copy of a valid tax registration status issued by the South African Revenue Services, which must not be older than three months as at the date of lodgement of the application.
 - (xix) in the case of a micro-manufacturing application, an application must be accompanied by the following additional documents: -
 - (a) a letter of approval from the Department of Agriculture in line with the Liquor Products Act, 1989 (Act 60 of 1989); and
 - (b) a Customs and Excise certificate from the South African Revenue Services in terms of the Customs and Excise Act, 1964 (Act 91 of 1964);
- (6) For an application for a special event licence, the applicant must make a written application on the prescribed Form 2 of Annexure 2 and comply with the following requirements:
- (i) The application must be lodged with the Board at least 30 (thirty) days prior to the first day of the planned special event and must further be accompanied by the following documents:
 - (a) In the case of a natural person, a certified copy of the identity document of the applicant, not older than three months as at the date of lodgement;
 - (b) In the case of a juristic person, a certified copy of the Companies and Intellectual Property Commission registration certificate, not older than three months as at the date of lodgement, accompanied by certified copies of the identity documents of shareholders or members which should not be older than three months as at the date of lodgement.

- (c) In the case of a Trust, certified copies of the Trust Deed and the Trustees' and Beneficiaries' identity documents, not older than three months as at the date of lodgement.
- (d) In the case of a natural person whose application is completed by another person, a power of attorney authorising such person to act on behalf of the applicant.
- (e) In the case of a juristic person whose application is completed by another person, a resolution authorising such person to act on behalf of the applicant.
- (f) Where the applicant is a foreign national, the application must be accompanied by a valid certified copy of a business permit as issued under the Immigration Act, 2002 (Act 13 of 2002).
- (g) Where the applicant is a refugee, the application must be accompanied by certified copies of proof of refugee status and the refugee's identity document issued by the Department of Home Affairs in terms of the Refugees Act, 1998 (Act 130 of 1998), not older than three months as at the date of lodgement of the application.
- (h) A floor layout of the proposed premises, clearly showing; -
 - (aa) the dimensions of each room;
 - (bb) a clearly demarcated consumption area (where applicable);
 - (cc) all doors, windows (where applicable), counter and places of liquor display;
 - (dd) the street names and location thereof in relation to the entrance and exit of the proposed premises.
- (i) A description of the premises with reference to the construction, layout, finishes, fixtures, fittings and floor covering, on the prescribed Form 4 of Annexure 2.
- (j) Written representations in support of the application which must be in the prescribed Form 4 of Annexure 2.
- (k) A municipal zoning certificate alternatively a Municipal Land Use Consent for the intended use of the premises.
- (l) A risk categorisation certificate issued by the South African Police Services in terms of the Safety at Sports and Recreational Events Act, 2010 (Act 2 of 2010).

- (m) Written consent by the relevant municipality for the event to take place, including detailing the applicable trading hours for the retail sale of liquor on each day of the special event.
- (n) A noise pollution exemption certificate issued by the local municipality where the event is to take place.

3. Service by applicant to ward committees, governing bodies of educational institutions and places of worship and public consultations regarding an application for registration, transfer, removal and micro-manufacturing

- (1) An applicant must serve a notice in the prescribed Form 5 of Annexure 2 to the ward committee of the area where the proposed premises are situated and Form 6 to every governing body of every educational institution and every place of worship within a radius of 500 meters from the premises in respect of which the application is made.
 - (i) Upon receipt of the notice, the ward committee must within 30 (thirty) days of receipt of the notice convene a physical meeting or a verifiable community consultation process of households and/or businesses which reside or operate within the ward.
 - (ii) The ward committee members and the applicant cannot be regarded as community members for the purposes of the attendance of the community consultation.
 - (iii) The applicant, or any party other than the ward committee, cannot convene a meeting of community members, seek signatures or conduct a door-to-door process to obtain signatures regarding the application process as required in terms of section 22(2)(d)(i) of the Act.
- (2) The ward committee must consult with the community as per sub-regulation (1) above, within 30 (thirty) days after receipt of Form 5 and thereafter submit a report in the prescribed Form 7 of Annexure 2 to the Board and the relevant municipal council regarding the community consultation meeting, which report must detail the following as prescribed: -

- (i) Recommendations of the community regarding the application;
- (ii) The attendance register indicating the names, contact details, signatures and residential addresses of the community members who have been consulted alternatively, should an alternative verifiable community consultation process be conducted as per sub-regulation (1) above, proof of the names, contact details and residential addresses of the community members who have been consulted;
- (iii) Any objections against the application and/or representations in support of the application; and
- (iv) Confirmation that the report has been submitted to the relevant municipal council.

4. Notice by Board to members of the public

- (1) The Board must, within 7 (seven) days of receipt of any application for registration, removal, transfer, special event or micro-manufacturing in terms of the Act, notify the public by notice in the Provincial Gazette.
- (2) The Board must publish a copy of the Provincial Gazette on date of its publication on its social media platforms and the website of the Board.
- (3) The notice contemplated in sub-regulation (1) must invite interested parties to submit their written representations or objections to the Board within 21 (twenty-one) days of publication of all applications and within 10 (ten) days for a special event licence application.
- (4) The notice contemplated in sub-regulation (1) must be completed on the prescribed Form 8 of Annexure 2.

5. Representations or objections

- (1) Any person may lodge with the Board,
 - (i) not later than 21 (twenty-one) days after an application has been published in the Provincial Gazette as per Regulation 4(3); or
 - (ii) not later than 10 (ten) days of a special event licence application having been published in the Provincial Gazette as per Regulation 4(3); or
 - (iii) within 14 (fourteen) days of holding a community consultation meeting as per Regulation 3(2) above; or
 - (iv) within 14 (fourteen) days of service of Form 6 on the governing body of educational institutions and places of worship,written representation in support of the application or a written objection in the prescribed Form 25 of Annexure 2 against the application, alternatively in written format, having complied with the requirements set out in sub-regulation (2) hereof
- (2) Such representation or objection must:
 - (i) clearly indicate the name, residential and postal address and telephone number or e-mail address of the person making the representation or the objection and where applicable, the registration number and address of its registered office;
 - (ii) clearly identify the application to which the objection or representation relates; and
 - (iii) be fully motivated.
- (3) The Board must provide the applicant with a copy of the objection and inform the applicant thereof in line with section 22(5) of the Act.
- (4) The Applicant must provide the Board with a response to the objections contemplated in sub-regulation (3) above within 30 (thirty) days of receipt thereof in line with section 22(5) of the Act.
- (5) The Board must consider both the objections and / or representations and the applicant's response(s) when considering the application for registration.

6. Certificate of registration, transfer, removal, micro-manufacturing and special event contemplated

- (1) A certificate of registration, transfer, removal, micro-manufacturing and special event contemplated in section 25 of the Act must be in the prescribed Form 9 of Annexure 2.
- (2) The applicant must within 60 (sixty) days of receiving written notification that the application has been approved, pay the relevant registration fee to the Board, as provided for in Schedule 2 of Annexure 1, for issuing the certificate of registration, transfer, removal or micro-manufacturing.
- (3) In the case of a special event licence application, payment of the application fee as set out in Schedule 1 of Annexure 1 and registration fees as set out in Schedule 2 of Annexure 1 will be required to be paid to the Board at the date of lodgement.
- (4) Should the special event application be refused and upon a written request by the applicant, the registration fees will be refunded to the applicant within 30 (thirty) days of receipt of the request.
- (5) A registration certificate issued under the Act must not form part of any transaction in relation to the sale of business or alienation of rights to the business.
- (6) A registration certificate issued under the Act must not be leased, ceded or used by another person for financial reward or benefit.
- (7) Any person who contravenes or fails to comply with the provisions of sub-regulation (6) may be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

7. Change of submitted and approved plan of premises

- (1) A registered person who intends to change the internal layout plan of the registered premises must submit to the Board such change of plan as per Form 10 of Annexure 2 and effect payment of the prescribed fee in accordance with Schedule 1 of Annexure 1.

- (2) The submission must include the following:
 - (i) Proof of payment of the prescribed fee;
 - (ii) Details of the registered person and the address of the premises; and
 - (iii) A power of attorney or resolution if the application is being made by someone other than the registered person.
 - (iv) A floor layout of the proposed changes, clearly showing:
 - (a) the dimensions of each room;
 - (b) a clearly demarcated consumption area (where applicable);
 - (b) all doors, windows (where applicable), counter and places of liquor display; and
 - (c) the street names and location thereof in relation to the entrance and exit of the proposed premises.

- (3) A registered person who intends to change the external, structural layout plan of the registered premises, must submit to the Board such change of plan as per Form 10 of Annexure 2 and effect payment of the prescribed fee in accordance with Schedule 1 of Annexure 1.

- (4) The submission must include the following:
 - (i) Proof of payment of the prescribed fee;
 - (ii) Details of the registered person and the address of the premises;
 - (iii) A power of attorney or resolution if the application is being made by someone other than the registered person; and
 - (iv) A municipal approved building plan..

- (5) An inspector must inspect and verify whether the premises are in line with the plan and submit a report for consideration by the Board.
- (6) The Board must consider the change of plan and notify the registered person of the outcome thereof within 60 (sixty) days from the submission of the change of plan.

8. Management of business

- (1) A juristic person, registered to hold a licence, must in terms of section 40(1) of the Act and within 7 (seven) days after having been registered and before commencing with the business operation make an application on the prescribed Form 11 of Annexure 2, effect payment of the prescribed fee in accordance with Schedule 1 of Annexure 1 and submit it to the Board for appointment of a natural person/s to manage the business.
- (2) A natural person registered to hold a licence may in terms of section 40(2) of the Act make an application on the prescribed Form 11 of Annexure 2, effect payment of the prescribed fee in accordance with Schedule 1 of Annexure 1 and submit it to the Board for the appointment of another natural person/s to manage the business to which the said registration relates.
- (3) The application for appointment of any person in terms section 40 must be accompanied by:
 - (i) Proof of payment of the prescribed fee;
 - (ii) A certified copy of the identity document(s) of the intended manager(s) not older than 3 months as at the date of lodgement of the application for the appointment of a manager/s; and
 - (iii) A certified copy of a valid proof of permanent residency as defined in Section 25 of the Immigration Act, 2002 (Act 13 of 2002), as at the date of lodgement, in the case of a foreign national.
- (4) On approval of an appointment contemplated in sub-regulation (1) and (2), the Board must issue a certificate of appointment which must be in the prescribed Form 12 of Annexure 2 and the person to be appointed must consent to such appointment.

- (5) The appointment contemplated in sub-regulation (1) and (2) is for the management of the business of the registered person and such appointment ceases to exist as soon as the registered person loses financial interest in the business, or the manager is no longer in the employ of the registered person.
- (6) No registered premises shall operate in the physical absence of the registered person, or a manager appointed in terms of section 40 of the Act.
- (7) The appointment of a manager shall not be in effect until such time that the Board provides approval of the appointment in accordance with this regulation.
- (8) Any person who contravenes or fails to comply with the provisions of sub-regulation (7) may be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

9. Inspections by the Board

- (1) Within 37 (thirty-seven) days of the receipt of application for registration and prior to the Board deciding upon any application, an inspector must:
 - (i) Verify all documents, information and forms submitted;
 - (ii) Physically inspect the proposed premises to determine compliance with the submitted plan as required in regulation 2; and
 - (iii) Verify compliance with regulation 3 on community consultation.
- (2) Proof of the verification contemplated in sub-regulation (1) must be in the prescribed Form 13 of Annexure 2.
- (3) Inspectors may at the discretion of the Board conduct post registration compliance inspections and such inspections must be documented in the prescribed Form 14 of Annexure 2.

10. Public Access to the Application

- (1) An application for registration, transfer, removal, special event or micro-manufacturing and any document lodged therewith, must lay 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, subject to the provisions of the Protection of Personal Information Act, 2013 (Act 4 of 2013).
- (2) Where a copy of the application or part thereof is sought in accordance with section 22(3) of the Act, the requestor must make a request for access to information in terms of the Promotion of Access to Information Act, 2000 (Act 2 of 2000) and in accordance with the Board's Promotion to Access to Information Manual.

11. Meetings of the Board and Panel of Appeal

- (1) Meetings of the Board and the Panel of Appeal must be presided over by the Chairperson, or in his or her absence, by the 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 the majority (50% plus one) of the members. In the event of equality of votes, the person presiding must have a casting vote.
- (3) Minutes of the proceedings of the Board and the Panel of Appeal must be recorded in writing.

12. Form of notice and summons

- (1) A notice referred to in section 17(1) of the Act must be in the prescribed Form 15 of Annexure 2.
- (2) A summons referred to in section 17(3) of the Act must be in the prescribed Form 16 of Annexure 2.

13. Issue of notice and summons

A notice and / or summons referred to in section 17(1) and (3) of the Act must be issued by the secretary of the Board who must forward the original and one copy thereof to an inspector of the Board for service.

14. Service of notice and summons

- (1) A notice and summons must be served by an inspector of the Board by delivering the original thereof to the person named therein or, if the person 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 16 (sixteen) years and apparently residing or employed there.
- (2) A return of service by an inspector of the Board, who served a notice or summons or a copy thereof, confirming that the service thereof has been effected in terms of sub-regulation (1), must immediately be forwarded to the secretary of the Board.
- (3) The notice and summons referred to in sub-regulation (1) must be served at least 14 (fourteen) business days before the date upon which the meeting will take place.

15. Reporting

- (1) 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.

16. Notice for annual registration fee

- (1) Every registration must be renewed annually by no later than 31 December for it to be valid for the next year, irrespective of the day and month when it was issued.
- (2) In respect of each registration, the annual fees are set out in Schedule 2 of Annexure 1.

- (3) The Board must, during September of every calendar year, place a notice in two local newspapers and any additional platforms as the Board may deem fit, in the prescribed Form 17 of Annexure 2, indicating the annual fee payable as well as penalties per category of registration for the following calendar year.
- (4) The annual fee contemplated in sub-regulation (2) must be paid between 1 October and 31 of December whereafter penalties will be charged as set out in Schedule 2 of Annexure 1.
- (5) The fact that a registered person has not had sight of the notice contemplated in sub-regulation (3) above does not absolve such registered person from the duty to pay the annual fee timeously.
- (6) Upon payment of the annual renewal fee, the registered person must provide the Board with the prescribed Form 18 of Annexure 2.

17. Penalty for failure to pay annual registration fee

- (1) If a registered person fails to pay the annual fee timeously, he or she is liable for the payment to the board of a penalty as set out in Schedule 2 of Annexure 1.
- (2) No payments will be accepted after 30 June and the licence will be cancelled without any further notice.

18. 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 prescribed Form 19 of Annexure 2.

19. Form of appeal

- (1) An applicant or objector who feels aggrieved by a decision of the Board must appeal to the Panel of Appeal in the prescribed Form 26 of Annexure 2 against the decision not later than 30 (thirty) days from the date upon which he or she was advised thereof.
- (2) An applicant must pay the prescribed fee in terms of Schedule 1 of Annexure 1 at the time of lodgement of the appeal.
- (3) The Panel of Appeal must hear the matter within 60 (sixty) days after receipt of the appeal and relevant documents.
- (4) The outcome of the appeal must be issued to the parties thereto in writing within 30 (thirty) days of the hearing of the matter.

20. Register of registered persons

The register of registered persons referred to in section 35(1)(a) of the Act must be in the prescribed Form 20 of Annexure 2.

21. Form of certificate of designation of inspector

A certificate of designation of an inspector in terms of section 46(4) must be in the prescribed Form 21 of Annexure 2.

22. 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 prescribed Form 22 of Annexure 2.

23. Form of compliance certificate

The compliance certificate issued by an inspector in terms of section 54(3) of the Act must be in the prescribed Form 23 of Annexure 2.

24. Application for procurement of controlling interest

- (1) An application to procure a controlling interest in a business to which the certificate of registration relates must be lodged with the Board in the prescribed Form 24 of Annexure 2 and with payment of the prescribed fee as set out in Schedule 1 of Annexure 1.
- (2) 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 prescribed Form 24 of Annexure 2 and must:
 - (i) furnish in the said application such information as prescribed in the said Form; and
 - (ii) every such application must, at the time of lodgement with the Board, be accompanied by written representations in support of the application.

25. Age Verification

- (1) The registered person or manager must take all reasonable steps to ensure verification of the age of any person who appears to be under the age of 18 (eighteen) years by requesting an identity document, passport or driver's licence in order to verify the person's age before any liquor is supplied to them.
- (2) Liquor must not be supplied to any person who refuses to provide identification when requested by a registered person or manager for purposes of verifying the person's age.
- (3) On refusal to provide identification, it must be deemed that the person is under the age of 18 (eighteen) years and does not qualify to purchase or consume liquor, and to be at the establishment / premises.

- (4) An area where only liquor is sold is deemed to be a restricted area and not accessible to persons under 18 (eighteen) years of age, except in a registered premises whose primary business is the sale of food.
- (5) All registered premises must hold a display sign at its entrance of the premises indicating the age restriction.
- (6) The required display sign must, at minimum, be equal to, or larger than an A3 size in dimensions. It must have a large, clear font and wording which is displayed at the entrance of a liquor outlet, at a height between 1 to 1.8 metres.

26. Registered premises must be weapon free

The registered person or manager must take all reasonable steps to ensure that no weapons or sharp objects are permitted inside registered premises where liquor is consumed.

27. Death or incapacity of applicant

- (1) In the event that the person who has submitted an application for registration to the Board dies or becomes incapable of handling his/her own affairs, the relevant administrator of the deceased estate or insolvent estate, judicial manager or curator or person duly appointed by the Master of the High Court considering the application, must submit to the Board in writing confirmation of intent to continue with the application within 60 (sixty) days from the date of death or incapacity of the applicant.
- (2) Such declaration of intent shall be accompanied by the letter of appointment issued in terms of the Administration of Estates Act, 1965 (Act 66 of 1965).

28. Death or incapacity of registered person

- (1) In the event that the registered person dies or becomes incapable of handling his/her own affairs the relevant administrator of the deceased estate or insolvent estate, judicial manager or curator or person duly authorised thereto by the Board considering the application must submit to the Board a written comprehensive declaration of intent to continue with the business within 60 (sixty) days from the date of death or incapacity.
- (2) Such declaration of intent shall be accompanied by a relevant letter of appointment issued in terms of the Administration of Estates Act, 1965 (Act 66 of 1965).
- (3) For the registration to be transferred to any other person who has an interest in the business, proof that every person who has a financial interest in the business has been given reasonable notice and their consent obtained in a sworn statement must be submitted to the Board together with the application for transfer.

29. Transfer of Licences

- (1) A licensee who alienates the licensed business must, within thirty (30) days from the date of alienation, notify the Board in writing of the date and nature of the alienation.
- (2) A person who has purchased a licensed business may apply in writing to the Board for consent to operate and conduct the licensed business pending the transfer of the licence to such person.
- (3) An application in terms of sub-regulation (2) must be made by the lodgement thereof in the prescribed Form 27 of Annexure 2 with the Board.
- (4) The Board may grant consent in writing authorising the purchaser of the business to conduct the business for his or her own account for a specified period, which period may not exceed 6 (six) months from the date on which consent was granted.
- (5) The Board may at any time revoke or upon application by the purchaser extend a consent granted in terms of sub-regulation (4).

- (6) A person to whom consent in terms of sub-regulation (4) has been granted may operate and conduct the licensed business in terms of the licence, for his or her own account, and has the same rights and is subject to the same duties as the licensee.
- (7) The granting of consent in terms of sub-regulation (4) does not relieve the registered person from any of his, her or its duties and obligations in respect of the licence.

30. Threshold volume for micro-manufacturing

- (1) A micro-manufacturer may not exceed the following threshold volumes of liquor:
 - (a) For the beer manufacturer, 100 million litres per year;
 - (b) For the traditional African beer manufacturer, 50 million litres per year;
 - (c) For the wine manufacturer, 4 million litres per year; and
 - (d) For the spirits and/or any other liquor manufacturer, 2 million litres per year.
- (2) If a person manufactures liquor of more than one of the categories listed in sub-regulation (1) and falls above the threshold for any of those categories, that person is deemed to fall above the threshold for all the categories and should apply in terms of the relevant national legislation.

31. Offences and penalties

- (1) Any applicant, registered person, appointed manager, person associated with a licensed business or any person who purports to hold any rights under these regulations, 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 imprisonment.
- (2) In the event of a person arrested, found guilty and convicted for contravention of section 19 of the Act, the items or articles used in illegal trading in liquor shall be forfeited to the State in line with the provisions of section 35 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

- (3) Items that shall be forfeited to the State shall include, but not be limited to, all the liquor together with carry-crates and empty glass bottles, fridges, refrigerators, cupboards or any container used to store liquor, cash register(s) including all the money therein and any other relevant item found at the premises.
- (4) The magistrate of the trial court shall issue a disposal order for the South African Police Service to dispose of the liquor and any other items confiscated and forfeited to the State and such order shall specify the manner of such disposal, which may include the resale by auction of any such item(s), the proceeds of which shall accrue to the State.

32. Fees payable

- (1) Fees payable in respect of applications will be as per Schedule 1 of Annexure 1.
- (2) Fees payable in respect of different categories of registration and renewal fees shall be as per Schedule 2 of Annexure 1.
- (3) Renewal fees paid after 31 December shall be paid with the added penalty and failure to renew by the end of June of the following year will result in the registration being cancelled.
- (4) All monies paid to the Board with incorrect reference numbers, or which cannot be allocated by the Board and not claimed or enquired about within 24 (twenty-four) months from the date of payment, will be forfeited to the State.
- (5) The lodgement fees and registration fee in respect of a special event licence will be paid by the applicant on lodgement. Should the special event not be granted, the registration fee will be refunded within 30 (thirty) days from the date of request from the applicant.

33. Repeal of Regulations

All regulations made in terms of the Act prior to the commencement of these regulations are hereby repealed.

34. Transitional Provisions

Any application, hearing, inquiry or action that commenced prior to the commencement of these regulations, shall continue in terms the repealed regulations until finalised.

35. Short title and commencement

These regulations are called the Eastern Cape Liquor Regulations 2024 and shall commence on 1 March 2025.