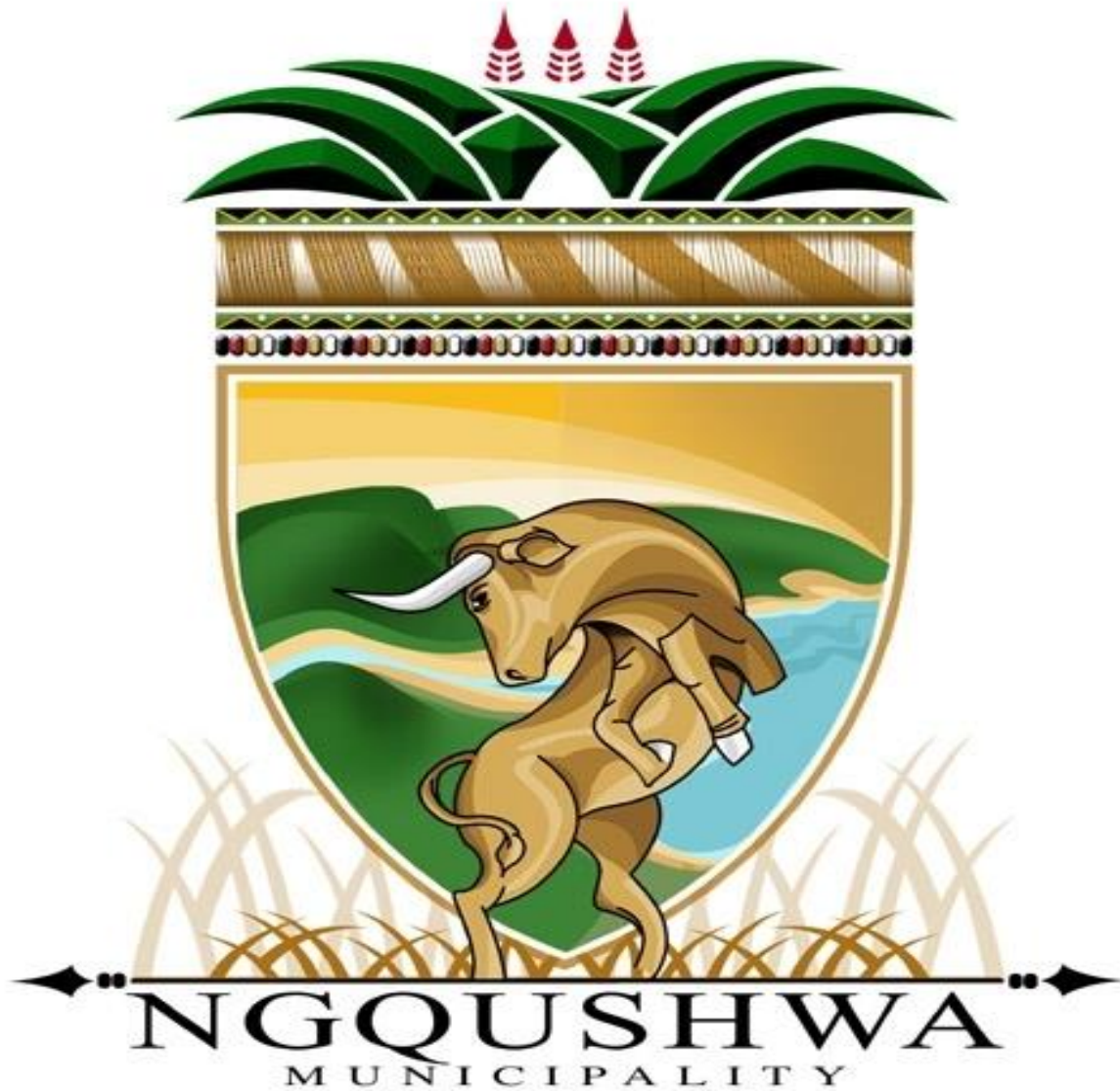


# NGQUSHWA LOCAL MUNICIPALITY



## BY-LAW RELATING TO SALE OF LIQUOR

2016/17

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**LOCAL GOVERNMENT NOTICE**  
**MUNICIPALITY OF NGQUSHWA**  
**BY-LAW RELATING TO SALE OF LIQUOR**

The Municipal Council of Ngqushwa, acting under the authority of section 11(3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), read with sections 2292) (d) and 42(b0 of the Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003), hereby publishes the By-Law Relating to the Sale of Liquor.

**1. PURPOSE OF THE BY-LAW**

The purpose of this by-law is to regulate the sale of liquor in the different types of outlets pertaining to time and conditions under which the sale of liquor will be conducted.

**2. DEFINITIONS**

In this by-law unless the context otherwise indicates:-

**"Act"** means the Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003);

**"Board"** means the Eastern Cape Liquor Board established by Section 4 of the Liquor Act;

**"Council"** means the Ngqushwa Municipal Council;

**"Premises"** includes any place, land, building or conveyance or any part thereof which is registered or seeking to be registered, to permit trade in liquor;

**"Regulations"** means the regulations, published as Notice No.1143 of 8 April 2004, made under the Act;

**"Residential premises"** means premises zoned to permit residential purposes as per the applicable Zoning Scheme Regulations;

**"Trading hours"** means time when an establishment opens to the time that the establishment shall cease to trade or operate as effected in Schedule 1 of this by-law;

**"Official"** means any person authorised by Council to perform the function of an officer under this by-law and includes any member of the South African Police Services and any person appointed in terms of the Act;

**"Registered premises"** means premises on or from which a trader conducts his or her business;

**"Selling hours"** means the time during which a trader is allowed to sell liquor in terms of Schedule 1;

**"Trader"** means a person who is registered in terms of Section 19 of the Act, and any other word or expression to which a meaning has been assigned in the Act and the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), carries that meaning;

**“Ward Committee”** means a committee as contemplated in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

### **3. APPLICATION OF THE BY-LAW**

This by-law shall be applicable in respect of all registered premises situated within the area of jurisdiction of the Council where trade in liquor conducted or intended to be conducted.

### **4. LEGISLATIVE FRAMEWORK**

This by-Law falls within the legislative framework of the:

- 1) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- 2) Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000);
- 3) Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- 4) Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003)

### **5. REGISTRATION OF THE PREMISES**

- 5.1 A Ward Committee must within 30 days of receipt of a notice of application for registration, in terms of Section 22(2)(d)(i) of the Act hold a consultative meeting with the community of the area where the premises that are sought to be registered are situated to discuss and solicit their views with regard to the application that the applicant intends to lodge with the Liquor Board.
- 5.2 The Ward Committee must compile and submit a report to the Council and Liquor Board, stipulating the date of the consultative meeting referred to in subsection (1), the time of the meeting, the names and the addresses of the people who attended, indicate whether it objects to or recommends the application and what additional conditions it proposes, if any.
- 5.3 The meeting must be chaired by the Ward Councillor and his/her signature must appear on the report of form that considers the application.
- 5.4 The Council may consider a report submitted to it by a Ward Committee in terms of subsection 22(2)(d)(i) of the Act and item 3(2) of the Regulations.

## 6. TRADING HOURS

TYPE OF REGISTRATION	TRADING HOURS
Section 20(a) – Registration in terms of the Liquor Act for retail sale of liquor off-consumption from the premises where liquor is sold	<u>Mondays to Saturdays</u> 08h00 - 20h00  <u>Sundays</u> 08h00 - 13h00
Section 20(b) – Registration in terms of the Liquor Act for the retail sale of liquor for consumption on the premises where liquor is sold	<u>Mondays to Saturdays</u> 10h00 - 24h00  <u>Sundays</u> 10h00 - 22h00
Section 20(d) – Registration in terms of the Liquor Act for the retail sale of liquor and consumption at special events	Trading hours to be determined by Liquor Board
Section 20(e) – Registration in terms of the Liquor Act for micro-manufacturing	<u>Mondays to Saturdays</u> 08h00 – 17h00  <u>Sundays</u> 08h00 – 13h00

## 7. PROHIBITIONS REGARDING EMPLOYMENT IN LIQUOR INDUSTRY

- 7.1 Despite any law or agreement to the contrary, a registered person must not employ a person who has not yet attained the age of 16 in any activity relating to the manufacture or distribution of liquor or methylated spirits unless the employee is undergoing training or a learnership contemplated in Section 16 of the Skills Development Act, 1998 (Act 97 of 1998)
- 7.2 Despite any agreement to the contrary, an employer must not:-
- a) supply liquor or methylated spirits to any person as an inducement to employment;
  - b) supply liquor or methylated spirits to an employee as or in lieu of wages or remuneration; or
  - c) deduct from any employee's wages or remuneration any amount relating to the cost of liquor or methylated spirits-
    - i. supplied to the employee or to a person on behalf of the employee; or

- ii. purchased by, or on behalf of the employee.

## **8. PROHIBITION OF SUPPLY OF LIQUOR OR METHYLATED SPIRITS TO MINOR**

- 8.1 A person must not sell or supply liquor or methylated spirits to a minor
- 8.2 Despite subsection 8.1, the parent, adult guardian or a minor or a person responsible for administering a religious sacrament, may on occasion supply to that minor a moderate quantity of liquor to be consumed by the minor in the presence and under the supervision of that parent, guardian or other person.
- 8.3 A person must take reasonable measures to determine accurately whether or not a person is a minor, before selling or supplying liquor or methylated spirits to that person.
- 8.4 A minor must not make a false claim about age in order to induce a person to sell or supply liquor or methylated spirits to him or her.
- 8.5 A person must not make a false claim about the age of a minor in order to induce a person to sell or supply liquor or methylated spirits to the minor.
- 8.6 A minor must not:-
  - a) produce liquor,
  - b) import liquor, or
  - c) supply liquor to any other person.

## **9. ENFORCEMENT OF THE BY-LAW**

- 9.1 Members of the South African Police Service and liquor inspectors appointed in terms of the Act may enforce this by-law
- 9.2 An official, acting within the powers vested in him or her by the Council, upon request by a member of the public, produce proof of identity and the capacity in which he or she purports to conduct his or her business
- 9.3 An official, acting in terms of the mandate contemplated in subsection 9.2 may:-

- a) enter upon premises and conduct an inspection; and
- b) request any person to provide such information as deemed necessary by the official

## **10. SHORT TITLE AND COMMENCEMENT**

This by-law may be cited as Ngqushwa Municipality By-Law Relating to Sale of Liquor, and come into force upon publication in the Provincial Gazette.