

Transfer of a Liquor Licence

The process for applying for a transfer of a liquor licence is given below. Application forms and relevant liquor legislation are available on the Western Cape Liquor Authority website. You can also contact our office on (021) 204 9805 or (021) 204 9700 or email us on Liquor.Enquiries@wcla.gov.za for more information or advise.

- (1) A licensee who intends to transfer a licence to another person in terms of section 65(1) must lodge an application for the transfer of his, her or its licence with the Authority and a copy thereof with the designated liquor officer in whose area of jurisdiction the licensed premises are located.

- (2) An application in terms of section 65(1) must—
 - (a) be made in the form of Form 24 in Annexure 3;
 - (b) be on A4-size standard white paper;
 - (c) contain the information as required in that form;
 - (d) be accompanied by proof of payment to the Authority of the applicable fee set out in Item 10(a) of Annexure 1 of the Western Cape Liquor Regulations of 2011 as amended by 2017;
 - (e) be accompanied by a certified copy of the—
 - (i) identity card or document of the proposed licensee;
 - (ii) passport and visa or, where applicable, the permanent residence permit of the proposed licensee, if the proposed licensee is a foreigner; or
 - (iii) relevant registration documents, indicating the identity and, where applicable, the financial interest of all the members, directors, partners, beneficiaries or trustees of the proposed licensee, if the proposed licensee is a person other than a natural person;
 - (f) be accompanied by an affidavit by the proposed licensee that he, she or it is not disqualified in terms of section 35 from holding a liquor licence;
 - (g) be accompanied by proof that the applicant has lodged a copy of the application with the designated liquor officer in whose area of jurisdiction the licensed premises are located;
 - (h) be accompanied by proof that the proposed licensee has the right to occupy the licensed premises;
 - (i) be accompanied by proof of ownership of the licensed premises or, if the proposed licensee is not the owner of the premises, written consent from the owner that the proposed licensee may use the licensed premises for the purposes of the licence in respect of which the application is lodged;
 - (j) be accompanied by written representations in support of the application; and
 - (k) be accompanied by documented proof of the reason for the transfer.

- (3) The designated liquor officer must, within 14 days after an application for the transfer of a licence has been lodged, serve a copy of his or her report referred to in section 65(11) on the

applicant and lodge the report with the Authority together with proof that the report has been served on the applicant.

- (4) If the report referred to in subregulation (3) contains any information or recommendation that is adverse to the proposed licensee, the designated liquor officer must, within 14 days after the application made in terms of subregulation (1) has been lodged, notify the proposed licensee in writing thereof and call upon him, her or it to reply thereto within seven days from the date of the notice.
- (5) If the designated liquor officer fails to lodge his or her report in terms of subregulation (3), the Chief Executive Officer may forward a copy of the application to an inspector with a written instruction to lodge a report containing the information contemplated in section 65(11), in respect of the application concerned.
- (6) An inspector must lodge his or her report with the Authority and forward a copy thereof to the applicant within the period stipulated by the Chief Executive Officer in terms of the instruction referred to in subregulation (5).
- (7) If the report referred to in subregulation (6) contains any information or recommendation that is adverse to the proposed licensee, the inspector must notify the proposed licensee in writing thereof and call upon him, her or it to reply thereto within seven days from the date of the notice.
- (8) The applicant must lodge with the Authority his, her or its response to a report by the designated liquor officer referred to in subregulation (3) or a report by an inspector referred to in subregulation (6) within seven days after having been served with a copy of either report.
- (9) The Liquor Licensing Tribunal must consider an application made in terms of subregulation (1) within 30 days after receipt of all the relevant documents referred to in subregulations (1) to (8).
- (10) The Authority must, within seven days after the Liquor Licensing Tribunal has decided on an application made in terms of subregulation (1), notify the applicant, the proposed licensee and each person who lodged a written objection or representations in respect of the application with the Authority in writing of the decision in the form of Form 24A in Annexure 3.
- (11) When the Liquor Licensing Tribunal conditionally grants an application made in terms of subregulation (1), the Authority must within seven days thereof notify the applicant, the proposed licensee and each person who lodged a written objection or representations in

respect of the application with the Authority in writing of the decision in the form of Form 24B in Annexure 3.

- (12) When an application made in terms of subregulation (1) is granted, the Authority must within 14 days after payment by the proposed licensee of the applicable fee set out in Part B of Annexure 2 to the Authority issue a certificate of transfer to the proposed licensee in the form of Form 25 in Annexure 3.
- (13) When an application made in terms of subregulation (1) is conditionally granted, the Authority must, within seven days after the Presiding Officer has satisfied himself or herself that the proposed licensee has complied with the conditions imposed by the Liquor Licensing Tribunal, notify the proposed licensee in writing thereof.
- (14) The notice to the proposed licensee must be in the form of Form 24C in Annexure 3.
- (15) The proposed licensee must pay the applicable fee set out in Part B of Annexure 2 of the Western Cape Liquor Regulations of 2011 as amended by 2017 to the Authority and lodge proof of the payment with the Authority.
- (16) The Authority must, within 14 days of receipt of proof of the payment referred to in subregulation (15), issue a certificate of transfer to the proposed licensee in the form of Form 25 in Annexure 3 of the Regulations.
- (17) An application for condonation in terms of section 65(19) must be lodged with the Authority in the form of Form 24D in Annexure 3.

For more information contact us on:

Tel: (021) 204 9805 or (021) 204 9700

Email: Liquor.Enquiries@wcla.gov.za