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PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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CONTENTS

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Provincial Notice

112 Western Cape Liquor Act, 2008 (Act 4 of 2008): Western Cape Liquor Regulations, 2011: Amendment, 2020 2

Buitengewone Provinsiale Koerant

8341

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Provinsiale Kennisgewing

112 Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008): Wes-Kaapse Drankregulasies, 2011: Wysiging, 2020 6

Isongezelelo kwiGazethi yePhondo

8341

uLwesine, 29 kweyeDwarha 2020

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

(*Ushicilelo oLutsha lufumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso-Mithetho, 7 Wale Street, eKapa 8001.)

ISaziso sePhondo

112 UMthetho woTywala weNtshona Koloni, 2008 (uMithetho 4 ka-2008): iMigaqo yezoTywala eNtshona Koloni, 2011: Izilungiso, 2020 11

PROVINCIAL NOTICE

The following Provincial Notice is published for general information.

DR H.C. MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir algemene inligting gepubliseer.

DR H.C. MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika ulwazi ngokubanzi.

GQIR H.C. MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 112/2020

29 October 2020

WESTERN CAPE LIQUOR ACT, 2008 (ACT 4 OF 2008)**WESTERN CAPE LIQUOR REGULATIONS, 2011: AMENDMENT, 2020**

The Provincial Minister of Community Safety, in terms of section 88(1) of the Western Cape Liquor Act, 2008 (Act 4 of 2008), has made the regulations set out in the Schedule.

SCHEDULE**Definition**

1. In these regulations “the Regulations” means the Western Cape Liquor Regulations, 2011, published under Provincial Notice 366/2011 of 21 December 2011, as amended by Provincial Notice 84/2012 of 30 March 2012, Provincial Notice 371/2012 of 10 December 2012, Provincial Notice 275/2015 of 14 August 2015, Provincial Notice 117/2017 of 31 May 2017, Provincial Notice 122/2018 of 27 September 2018 and Provincial Notice 109/2019 of 29 October 2019.

Substitution of Annexure 1 to the Regulations

2. The following annexure is substituted for Annexure 1 to the Regulations:

“ANNEXURE 1

Fees payable in respect of certain applications and maximum amount of fine

Item No.	Nature of application or fine	Fees or fine payable (R)
1.	Application for a licence in terms of section 36(1)(e)	1 910
2.	Application for a temporary liquor licence in terms of section 48(1)	422
3.	Application for an event liquor licence in terms of section 48(4)	422
4.	Application to amend the conditions of a licence in terms of section 49(6)	781
5.	Application to transfer a financial interest in the business to which the licence relates in terms of section 51(2)	781
6.	Application for consent to alter licensed premises, change the nature of the business or to conduct business under the licence on premises on which any other business, trade or occupation is carried on or pursued in terms of section 53(1)(a), (b) or (c) respectively	781 (each)

Item No.	Nature of application or fine	Fees or fine payable (R)
7.	(a) Application to store liquor in terms of section 57(1)	422
	(b) Granting of application to store liquor in terms of section 57(1)	422
8.	(a) Application for the extension of trading hours in terms of section 59(4)	422
	(b) Granting of application for extension of trading hours in terms of section 59(4)	1 192
9.	Application for renewal in terms of section 64(1)	422
10.	(a) Application for the transfer of a licence in terms of section 65(1)	422
	(b) Application for consent in terms of section 65(3) to conduct the licensed business pending the transfer of the licence in terms of section 65(1)	422
	(c) Application for the extension in terms of section 65(6) of the time period of the consent granted in terms of section 65(5)	422
11.	Application for the removal of a licence in terms of section 66(2)	781
12.	(a) Application for exemption in terms of section 84(2)	781
	(b) Granting of an application for exemption in terms of section 84(2)	781
14.	Application for a copy of a licence and the conditions thereto or of any application	120
15.	Copies of minutes of proceedings of Authority, Liquor Licensing Tribunal or Appeal Tribunal	120
16.	Maximum amount of fine that the Liquor Licensing Tribunal may impose in terms of section 20(3)(b)(v)	120 350
17.	Application—	
	(a) to withdraw or amend conditions attached to a conditional approval: regulations 17(9), 32(36), 33(33)	422
	(b) to amend a plan of the premises attached to a conditional approval: regulations 17(9), 33(33)	422
	(c) to extend the time period granted for a conditional approval: regulations 17(19), 32(47), 33(42)	422
	(d) for revocation or amendment of conditions or requirements determined under section 66(13): regulation 33(33)	422

18.	Application in terms of section 51(7)—	
	(a) to let the licensed premises to another person;	781
	(b) to allow another person to carry on business in terms of the licence;	781
	(c) to allow another person to use the licensed premises	781

”.

Substitution of Annexure 2 to the Regulations

3. The following annexure is substituted for Annexure 2 to the Regulations:

“ANNEXURE 2

Fees payable in respect of licences, transfers, removals,
renewals and upon granting of certain applications

	Part A	Part B	Part C	
Item	Fees payable in respect of a new licence and when certain applications are granted (R)	Fees payable in respect of the transfer or removal of a licence (R)	Renewal fees (R)	
			Annual	Biennial
1. On-consumption licence	2 389	1 494	4 773	9 546
2. Off-consumption licence	2 389	1 494	4 773	9 546
3. On- and off-consumption licence	2 389	2 269	7 755	15 511
4. Micro-manufacturing licence	2 389	1 494	4 773	9 546
5. Temporary liquor licence	239 per day	-	-	-
6. Event liquor licence	239 per day	-	-	-
7. Alter licensed premises	239	-	-	-
8. Change nature of licensed business	239	-	-	-

9. Conduct licensed business on premises on which other business is conducted	239	-	-	-
10. Amend or withdraw conditions attached to a conditional approval	781	-	-	-
11. Amend the plan attached to a conditional approval	781	-	-	-
12. Extend the time period attached to a conditional approval	781	-	-	-
13. Conduct licensed business pending the transfer of the licence	781	-	-	-
14. Extend the time period of consent granted to conduct business pending the transfer of the licence	781	-	-	-
15. Revocation or amendment of conditions or requirements determined under section 66(13)	781	-	-	-

”.

Short title and commencement

4. These regulations are called the Western Cape Liquor Regulations, 2011: Amendment, 2020, and come into operation on the following dates:

- (a) 30 October 2020 in respect of the substitution by regulation 3 of these regulations of the fees in Part C for items 1 to 4 of Annexure 2; and
- (b) 1 December 2020 in respect of the remainder of these regulations.

PROVINSIALE KENNISGEWING

P.K. 112/2020

29 Oktober 2020

**WES-KAAPSE DRANKWET, 2008 (WET 4 VAN 2008)
WES-KAAPSE DRANKREGULASIES, 2011: WYSIGING, 2020**

Die Provinsiale Minister van Gemeenskapsveiligheid, ingevolge artikel 88(1) van die Wes-Kaapse Drankwet, 2008 (Wet 4 van 2008), het die regulasies uiteengesit in die Bylae gemaak.

BYLAE**Woordomskrywing**

1. In hierdie regulasies beteken “die Regulasies” die Wes-Kaapse Drankregulasies, 2011, gepubliseer onder Provinsiale Kennisgewing 68/2012 van 25 Mei 2012, soos gewysig by Provinsiale Kennisgewing 84/2012 van 30 Maart 2012, Provinsiale Kennisgewing 371/2012 van 10 Desember 2012, Provinsiale Kennisgewing 275/2015 van 14 Augustus 2015, Provinsiale Kennisgewing 117/2017 van 31 Mei 2017, Provinsiale Kennisgewing 122/2018 van 27 September 2018 en Provinsiale Kennisgewing 109/2019 van 29 Oktober 2020.

Vervanging van Aanhangel 1 by die Regulasies

2. Aanhangel 1 by die Regulasies word deur die volgende aanhangel vervang:

“AANHANGSEL 1

Foote betaalbaar ten opsigte van sekere aansoeke en maksimum bedrag van boete

Item-nr.	Aard van aansoek of boete	Foote of boete betaalbaar (R)
1.	Aansoek om ’n lisensie ingevolge artikel 36(1)(e)	1 910
2.	Aansoek om ’n tydelike dranklisensie ingevolge artikel 48(1)	422
3.	Aansoek om ’n dranklisensie vir ’n geleentheid ingevolge artikel 48(4)	422
4.	Aansoek om die voorwaardes van ’n lisensie te wysig ingevolge artikel 49(6)	781
5.	Aansoek om ’n finansiële belang in die besigheid waarop die lisensie betrekking het, oor te dra ingevolge artikel 51(2)	781
6.	Aansoek om toestemming ingevolge artikel 53(1)(a), (b) of (c) om onderskeidelik ’n gelisensieerde perseel te verander, die aard van die besigheid te verander of om besigheid kragtens die lisensie te bedryf op ’n perseel waarop enige ander besigheid bedryf, handel gedryf of beroep beoefen word	781 (elk)
7.	(a) Aansoek om alkohol te berg ingevolge artikel 57(1)	422
	(b) Toestaan van aansoek om alkohol te berg ingevolge artikel 57(1)	422

Item-nr.	Aard van aansoek of boete	Foote of boete betaalbaar (R)
8.	(a) Aansoek om die verlenging van handelsure ingevolge artikel 59(4)	422
	(b) Toestaan van aansoek om die verlenging van handelsure ingevolge artikel 59(4)	1 192
9.	Aansoek om hernuwing ingevolge artikel 64(1)	422
10.	(a) Aansoek om die oordrag van 'n lisensie ingevolge artikel 65(1)	422
	(b) Aansoek om toestemming ingevolge artikel 65(3) om die gelisensieerde besigheid te bedryf hangende die oordrag van die lisensie ingevolge artikel 65(1)	422
	(c) Aansoek om verlenging ingevolge artikel 65(6) van die tydperk van die toestemming wat ingevolge artikel 65(5) verleen is	422
11.	Aansoek om die verwydering van 'n lisensie ingevolge artikel 66(2)	781
12.	(a) Aansoek om vrystelling ingevolge artikel 84(2)	781
	(b) Toestaan van 'n aansoek om vrystelling ingevolge artikel 84(2)	781
14.	Aansoek om 'n afskrif van 'n lisensie en die voorwaardes daarop of van enige aansoek	120
15.	Afskrifte van notules van verrigtinge van die Owerheid, Dranklisensieringstribunaal of Appèltribunaal	120
16.	Maksimum bedrag van 'n boete wat die Dranklisensierings-tribunaal mag opleë ingevolge artikel 20(3)(b)(v)	120 350
17.	Aansoek—	
	(a) om die voorwaardes geheg aan 'n voorwaardelike goedkeuring in te trek of te wysig: regulasies 17(9), 32(36), 33(33)	422
	(b) om 'n plan van die perseel geheg aan 'n voorwaardelike goedkeuring te wysig: regulasies 17(9), 33(33)	422
	(c) om die tydperk te verleng wat vir 'n voorwaardelike goedkeuring toegestaan is: regulasies 17(19), 32(47), 33(42)	422
	(d) om intrekking of wysiging van voorwaardes of vereistes bepaal kragtens artikel 66(13): regulasie 33(33)	422

Item-nr.	Aard van aansoek of boete	Foote of boete betaalbaar (R)
18.	Aansoek ingevolge artikel 51(7)—	
	(a) om die gelisensieerde perseel te verhuur aan 'n ander persoon;	781
	(b) om 'n ander persoon toe te laat om die besigheid ingevolge die lisensie te bedryf;	781
	(c) om 'n ander persoon toe te laat om die gelisensieerde perseel te gebruik	781

”.

Vervanging van Aanhangsel 2 by die Regulasies

3. Aanhangsel 2 by die Regulasies word deur die volgende aanhangsel vervang:

“AANHANGSEL 2

Foote betaalbaar ten opsigte van lisensies, oordragte, verwyderings, hernuwings en by die toestaan van sekere aansoeke

	Deel A	Deel B	Deel C	
Item	Foote betaalbaar ten opsigte van 'n nuwe lisensie en by die toestaan van sekere aansoeke (R)	Foote betaalbaar ten opsigte van die oordrag of verwydering van 'n lisensie (R)	Hernuwingsfoote (R)	
			Jaarliks	Twee-jaarliks
1. Lisensie vir verbruik op perseel	2 389	1 494	4 773	9 546
2. Lisensie vir verbruik weg van perseel	2 389	1 494	4 773	9 546
3. Lisensie vir verbruik op en weg van perseel	2 389	2 269	7 755	15 511
4. Lisensie vir mikrovervaardiging	2 389	1 494	4 773	9 546
5. Tydelike dranklisensie	239 per dag	-	-	-

6. Dranklisensie vir 'n geleentheid	239 per dag	-	-	-
7. Verandering aan gelisensieerde perseel	239	-	-	-
8. Verandering van aard van gelisensieerde besigheid	239	-	-	-
9. Bedryf van besigheid op 'n perseel waarop ander besigheid bedryf word	239	-	-	-
10. Wysiging of intrekking van voorwaardes geheg aan voorwaardelike goedkeuring	781	-	-	-
11. Wysiging van plan geheg aan voorwaardelike goedkeuring	781	-	-	-
12. Verlenging van tydperk geheg aan voorwaardelike goedkeuring	781	-	-	-
13. Bedryf van gelisensieerde besigheid hangende die oordrag van die lisensie	781	-	-	-
14. Verlenging van tydperk van toestemming verleen om besigheid hangende die oordrag van die lisensie te bedryf	781	-	-	-
15. Intrekking of wysiging van voorwaardes of vereistes bepaal kragtens artikel 66(13)	781	-	-	-

Kort titel en inwerkingtreding

4. Hierdie regulasies heet die Wes-Kaapse Drankregulasies, 2011: Wysiging, 2020, en tree in werking op die volgende datums:

- (a) 30 Oktober 2020 ten opsigte van die vervanging by regulasie 3 van die fooie in Deel C vir items 1 tot 4 van Aanhangel 2; en
- (b) 1 Desember 2020 ten opsigte van die oorblywende gedeelte van hierdie regulasies.

ISAZISO SEPHONDO

I.S. 112/2020

29 kweyeDwarha 2020

UMTHETHO WOTYWALA WENTSHONA KOLONI, 2008 (UMTHETHO 4 KA-2008)
IMIGAQO YEZOTYWALA ENTSHONA KOLONI, 2011: IZILUNGISO, 2020

UMphathiswa woKhuseleko loLuntu wePhondo, ngokwecandelo 88(1) loMthetho wezoTywala weNtshona Koloni, 2008 (uMthetho 4 ka-2008), wenze le migaqo ichaziwe kwiShedyuli.

ISHEDYULI**Inkcazelo**

1. Kule migaqo “Imigaqo” ithetha iMigaqo yezoTywala eNtshona Koloni, 2011, eyapapashwa phantsi kweSaziso sePhondo 336/2011 sangomhla wama-21 Disemba 2011, njengoko ilungiswe siSaziso sePhondo 84/2012 sangomhla wama-30 Matshi 2012, iSaziso sePhondo 371/2012 sangomhla we-10 Disemba 2012, iSaziso sePhondo 275/2015 sangomhla we-14 Agasti 2015, iSaziso sePhondo 117/2017 sangomhla wama-31 Meyi 2017, kunye neSaziso sePhondo 122/2018 kunye neSaziso sePhondo 109/2019 sangomhla wama-29 Okthobha 2019.

Ukufakelwa endaweni yeSihlomelo 1 seMigaqo

2. Esi sihlomelo silandelayo sithatha indawo yeSihlomelo 1 seMigaqo:

“ISIHLOMELO 1

Imirhumo ehlawulwayo ngokunxulumene nezicelo ezithile ezifakiweyo kunye nesona sohlwayo sikhulu

Inombolo.	Uhlobo lwesicelo esifakiweyo okanye isohlwayo	Imirhumo okanye isohlwayo esikhutshwayo (R) imali
1.	Ukufaka isicelo sephephamvume ngokwecandelo 36(1)(e)	1 910
2.	Ukufaka isicelo sephephamvume lotywala lethutyana ngokwecandelo 48(1)	422
3.	Ukufaka isicelo sephephamvume lotywala lesiganeko esithile ngokwecandelo 48(4)	422
4.	Ukufaka isicelo sokulungisa iimeko zephephamvume ngokwecandelo 49(6)	781
5.	Ukufaka isicelo sokutshintshelwa kwemali yenzala kwishishini elinxulumene nephephamvume ngokwecandelo 51(2)	781

Inombolo.	Uhlobo lwesicelo esifakiweyo okanye isohlwayo	Imirhumo okanye isohlwayo esikhutshwayo (R) imali
6.	Ukufaka isicelo semvume yokutshintsha izakhiwo ezinamaphephamvume, ukutshintsha uhlobo lweshishini okanye ukuqhuba ishishini phantsi kwephephamvume kwizakhiwo ekuqhutyelwa naluphi na olunye uhlobo loshishino, urhwebo okanye ukwenziwa komsebenzi okanye ukuqhutywa 53(1)(a), (b) okanye (c) ngokwahlukeneyo	781 (inye)
7.	(a) Ukufaka isicelo sevenkile yokuthengisa utywala ngokwecandelo 57(1)	422
	(b) Ukunikezelwa kwesicelo esifakiweyo sevenkile yokuthengisa utywala ngokwecandelo 57(1)	422
8.	(a) Ukufaka isicelo sokwandiswa kwexesha leeyure zokushishina ngokwecandelo 59(4)	422
	(b) Ukunikezelwa kwesicelo esifakiweyo sokwandisa ixesha leeyure zokushishina ngokwecandelo 59(4)	1 192
9.	Ukufaka isicelo sokuhlaziya ngokutsha ngokwecandelo 64(1)	422
10.	(a) Ukufaka isicelo sokutshintshelwa kwephephamvume ngokwecandelo 65(1)	422
	(b) Ukufaka isicelo sokufumana imvume ngokwecandelo 65(3) sokuqhuba ishishini elinephephamvume elisalindelekileyo kutshintshelo lwephephamvume ngokwecandelo 65(1)	422
	(c) Ukufaka isicelo sokwandisa ixesha ngokwecandelo 65(6) ngokubhekiselele kwimvume enikiweyo ngokwecandelo 65(5)	422
11.	Ukufaka isicelo sokupheliswa kwephephamvume ngokwecandelo 66(2)	781
12.	(a) Ukufaka isicelo sokukhululwa ngokwecandelo 84(2)	781
	(b) Ukunikezelwa kwesicelo sokukhululwa ngokwecandelo 84(2)	781
14.	Ukufaka isicelo sekopi yephephamvume kunye nemigaqo ehambelana naso okanye nasiphi na isicelo esifakiweyo	120

Inombolo.	Uhlobo lwesicelo esifakiweyo okanye isohlwayo	Imirhumo okanye isohlwayo esikhutshwayo (R) imali
15.	Iikopi zemizuzu yenkqubo yeentlanganiso zeGunya elijongene nezotywala, iNkundla yeeLayisenisi zoTywala, okanye iNkundla yeZibheni	120
16.	Esona sohlwayo siphezulu sinokumiselwa yiNkundla yeeLayisenisi zoTywala ngokwecandelo 20(3)(b)(v)	120 350
17.	<p>Ukufaka isicelo—</p> <p>(a) sokurhoxisa okanye ukulungiswa kwemiqathango enxulumene nemvume enemiqathango: imimiselo 17(9), 32(36), 33(33)</p> <p>(b) kulungisa isicwangciso sezakhiwo ezinxulumene nemvume enemiqathango: imigaqo 17(9), 33(33)</p> <p>(c) kwandisa ixesha olinikiweyo lemivume enemiqathango: imigaqo 17(19), 32(47), 33(42)</p> <p>(d) kurhoxiswa okanye ukulungiswa kwemiqathango okanye iimfuneko ezimisiweyo phantsi kwecandelo 66(13): umgaqo 33(33)</p>	<p>422</p> <p>422</p> <p>422</p> <p>422</p>
18.	<p>Ukufaka isicelo ngokwecandelo 51(7)—</p> <p>(a) kuqeshisa ngezakhiwo ezinamaphephamvume komnye umntu;</p> <p>(b) kuvumela omnye umntu aqhube ishishini ngokwephephamvume;</p> <p>(c) kuvumela omnye umntu asebenzise izakhiwo ezinephephamvume</p>	<p>781</p> <p>781</p> <p>781</p>

Ukufakelwa endaweni yeSihlomelo 2 seMigaqo

3. Esi sihlomelo silandelayo sifakwe endaweni yeSihlomelo 2 seMigaqo:

“TSIHLOMELO 2

Imirhumo ehlawulelwayo ngokunxulumene namaphephamvume, utshintshelo, ukususwa, uhlaziyo kwanokunikezelwa kwezicelo ezithile ezifakiweyo

Into	Isigaba A	Isigaba B	Isigaba C	
	Imirhumo ehlawulelwayo ngokunxulumene nephephamvume elitsha naxa kunikezelwa izicelo ezithile ezifakiweyo (R)	Imirhumo ehlawulelwayo ngokunxulumene notshintshelo okanye ukuthathwa kwephephamvume (R)	Imirhumo yokuhlaziya (R) Ngonyaka	Kwimin yaka emibini
1. Iphephamvume elisasetyenziswayo	2 389	1 494	4 773	9 546
2. Iphephamvume elingasasetyenziswayo	2 389	1 494	4 773	9 546
3. Iphephamvume elisetyenziswa liphinde lingasetyenziswa	2 389	2 269	7 755	15 511
4. Iphephamvume lokuvelisa imiyinge emincinane	2 389	1 494	4 773	9 546
5. Iphephamvume lotywala lexeshana	239 ngosuku	-	-	-
6. Iphephamvume lotywala lemicimbi ethile	239 ngosuku	-	-	-
7. Ukutshintsha izakhiwo ezifumene amaphephamvume	239	-	-	-
8. Ukutshintshwa kohlobo lweshishini elinephephamvume	239	-	-	-

9. Ukuqhuba ishishini elinephephamvume kwizakhiwo ekuqhutywa kuzo elinye ishishini	239	-	-	-
10. Ukulungiswa okanye ukurhoxiswa kwemiqathango enxulumene nemvume enemiqathango	781	-	-	-
11. Ukulungiswa kwesicwangciso esinxulumene nemvume enemiqathango	781	-	-	-
12. Ukwandisa ixesha elinxulumene nemvume enemiqathango	781	-	-	-
13. Ukuqhuba ishishini elinephephamvume kusalindwe utshintshelo lwephephamvume	781	-	-	-
14. Ukwandisa ixesha elinxulumene nokunikezelwa kwemvume yokuqhuba ishishini elisandele utshintshelo lwephephamvume	781	-	-	-
15. Ukurhoxiswa okanye ukulungiswa kwemiqathango okanye okufunekayo phantsi kwecandelo 66(13)	781	-	-	-

”.

Isihloko esifutshane nokuqalisa ukusetyenziswa

4. Le migaqo ibizwa ngokuba yiMigaqo yoTywala yeNtshona Koloni, 2011: Izilungiso, 2020, kwaye iza kuqala ukusebenza ngale mihla ilandelayo:

- (a) ngomhla wama-30 kweyeDwarha 2020 ngokubhekiselele ekufakelweni komgaqo 3 wale migaqo yemirhumo kwiSigaba C lesolotya 1 ukuya kwele-4 leSihlomelelo 2; kunye
- (b) nangomhla woku-1 kweyoMnga 2020 ngokubhekiselele kwintsalela yale migaqo.

