



GAUTENG PROVINCE

ECONOMIC DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

MPS 22
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Enquiries: Eunice Lottering
Directorate: Legal Advisory Services
Tel: +27 (0) 11 355 8496
Fax: +27 (0) 11 355 8028

Werkman Attorneys

155 5th Street

Sandton

2196

Our Ref: DED 3/R/1-2013

Your Ref: Ms L Bick/Ms A Ngidi/an/PROB20192.144/#2745955v1

Dear Sir/Madam

GAUTENG LIQUOR REGULATIONS ON SHEBEEN LICENCES PUBLISHED IN PROVINCIAL GAZETTE NO. 56 DATED 1 MARCH 2013/ YEOVILLE BELLEVUE RATEPAYERS ASSOCIATION


1. We refer to your letter dated 14 November 2013 and the contents thereof.
2. As you are well aware, shebeen traders have been trading for a considerable period of time, and it had been the Board's intention to regulate shebeen permits into a regulated and structured licensing environment. To this end, the published Regulations only relates to the people who as of the date of the promulgation of the Regulations were in possession of valid shebeen permits.
3. The Board together with the Department conducted extensive public hearings in respect of those Regulations and received widespread recommendations and some of these have been taken into consideration to the extent possible.

4. We do not think that the Board erred in not considering your comments based on the following reasons:

4.1 The issue relating to the off consumption is to accommodate permit holders who do not have suitable premises to operate on consumption licences.

4.2 These Regulations only relate to existing shebeen owners and not new shebeen applications hence no objection is allowed.

5. Trust you find the above in order.



Lentswe Mokoatlhe

Chairperson: Gauteng Liquor Board

Date: 26/11/2013



DELIVERED BY E-MAIL

Gauteng Department of Economic Development
Attention: Ms Lottering
Email: eunice.lottering@gauteng.gov.za

Johannesburg Office
155 5th Street
Sandton 2196 South Africa
Private Bag 10015
Sandton 2146
Docex 111 Sandton
Tel +27 11 535 8000
Fax +27 11 535 8600
www.werksmans.com
enquiries@werksmans.com

YOUR REFERENCE:

OUR REFERENCE: Ms L Bick/Ms A Ngidi/an/PROB20192.144/#2793382v1
DIRECT PHONE: +27 11 535 8114
DIRECT FAX: +27 11 535 8714
EMAIL ADDRESS: lbick@werksmans.com / angidi@werksmans.com

11 December 2013

Dear Sirs,

GAUTENG LIQUOR REGULATIONS ON SHEBEEN LICENCES PUBLISHED IN PROVINCIAL GAZETTE NO. 56 DATED 1 MARCH 2013 ("the regulations") / YEOVILLE BELLEVUE RATEPAYERS ASSOCIATION

- 1 We refer to the above matter and to your letter dated 27 November 2013.
- 2 In relation to the contents of your letter under reply, we advise as follows:
 - 2.1 Our client disagrees with your statement that your offices have followed the consultative process in relation to the regulations that is required of it by the Constitution of the Republic of South Africa, 1996 ("Constitution"), but also in terms of the Promotion of Administrative Justice Act, 2000, as amended ("PAJA") insofar as:
 - 2.1.1 your offices did not provide information on the persons who made submissions on the regulations, confirmation of your offices' findings on the submissions, what your offices intended to do with the findings and why certain submissions were not taken into consideration by your offices; and
 - 2.1.2 your offices did not, at any stage during the extension of the validity of the permits initially issued consult parties affected by the extension of those permits.
 - 2.2 In light of the high prevalence of the alcohol-related incidents of crime and the socio-economic challenges faced by the residents residing in Yeoville and Bellevue, our client is of the view that a more intensive and meaningful consultative process was required than the process undertaken by your offices in relation to the regulations.

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- 2.3. Allowing permit holders who do not have suitable premises to operate off-consumption licences is illogical and irrational as:
 - 2.3.1. the fact that such permit-holders' premises are not suitable presupposes that the premises are not suitable for conducting such a business and may pose a health risk to the consumers and surrounding inhabitants. Nonetheless, your offices are of the view that such permit-holders should be allowed to operate a business from such premises; and
 - 2.3.2. the regulations lower the standard required for premises and allows persons whose premises would not meet the standard required in terms of the Gauteng Liquor Act, 2003, as amended, to trade.
- 2.4. The fact that the regulations relate only to existing permit-holders does not justify depriving interested persons from objecting to the conversion of the permit to a licence.
3. To the extent that your offices maintain that the necessary consultative process was followed by your offices, we urgently require, by no later than 17:00 on Tuesday, 17 December 2013:
 - 3.1. details of the consultative process that your offices undertook and the findings that emanated from the consultative process; and
 - 3.2. confirmation of the steps that your offices will be taking in order to address our client's representations and to fulfil your duties in terms of the Constitution and PAJA.
4. Our failure to address all the contents of your letter under reply at this time, should not be construed as an admission of the contents and our client's rights to address the contents, should the need arise at any time in the future, remain strictly reserved.
5. We await your considered and urgent reply.
6. Our client's rights remain reserved.

Yours faithfully,

Werksmans Attorneys

THIS FAX/EMAIL HAS BEEN ELECTRONICALLY TRANSMITTED WITH NO SIGNATURE

cc Funeka Njobe, per e-mail: Funeka.Njobe@gauteng.gov.za

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Thembi Shabalala

From: Anele Ngidi <ANgidi@werksmans.com>
ent: 11 December 2013 04:43 PM
To: eunice.lottering@gauteng.gov.za
Cc: Funeka.Njobe@gauteng.gov.za; Louise Bick; Lentswe Mokgatle; PROB20192_144
Yeoville Bellevue Ratepayers Association E_mails
Subject: GAUTENG LIQUOR REGULATIONS ON SHEBEEN LICENCES PUBLISHED IN
PROVINCIAL GAZETTE NO. 56 DATED 1 MARCH 2013/ YEOVILLE BELLEVUE
RATEPAYERS ASSOCIATION [IWOV-Litigation.FID221701]
Attachments: 2793382_1.pdf
Importance: High

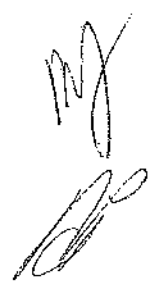
Dear Madam

Please see the attached.

Kind regards

Anele Ngidi
Associate
T +27 (0)11 535 8114
F +27 (0)11 535 8714
angidi@werksmans.com

Werksmans Attorneys
155 - 5th Street, Sandton, 2196
Private Bag 10015, Sandton, 2146
Johannesburg, South Africa
T +27 (0)11 535 8000
F +27 (0)11 535 8600



MPS 24
25

Louise Bick

From: Eunice Lottering(GPGDED) <Eunice.Lottering@gauteng.gov.za>
Sent: 16 January 2014 07:12 AM
To: Anele Ngidi
Cc: Funeka Njobe; Lentswe Mokgatle; Louise Bick; Mabunda, Pressy (GPDP)
Subject: RE: GAUTENG LIQUOR REGULATIONS ON SHEBEEN LICENCES PUBLISHED IN PROVINCIAL GAZETTE NO. 56 DATED 1 MARCH 2013 ("the regulations") / YEOVILLE BELLEVUE RATEPAYERS ASSOCIATION
Attachments: 71931905-0115s-154829.pdf; Annexure A .pdf; Annexure B1.pdf; Annexure B2.pdf

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Good day,

Please find the attached for your attention.

Regards,

Eunice Lottering
Legal Advisory Services
Gauteng Department of Economic Development
Tel: 011 355 8496 Fax: 086 517 7393 Cell: 071 875 8329
Email: eunice.lottering@gauteng.gov.za

From: Anele Ngidi [<mailto:ANgidi@werksmans.com>]
Sent: 14 January 2014 08:03 AM
To: Eunice Lottering(GPGDED)
Cc: Funeka Njobe; Lentswe Mokgatle; Louise Bick; PROB20192_144 _ Yeoville Bellevue Ratepayers Association E_mails
Subject: GAUTENG LIQUOR REGULATIONS ON SHEBEEN LICENCES PUBLISHED IN PROVINCIAL GAZETTE NO. 56 DATED 1 MARCH 2013 ("the regulations") / YEOVILLE BELLEVUE RATEPAYERS ASSOCIATION [IWOV-Litigation.FID221701]
Importance: High



This email and its attachments are private, confidential, may be subject to legal professional privilege and are only for the use of the intended recipient.

Dear Sirs

Please see the attached.

Kind regards

Anele Ngidi
Associate
T +27 (0)11 535 8114
F +27 (0)11 535 8714
anngidi@werksmans.com

Handwritten signature and initials in black ink, located in the bottom right corner of the page.



GAUTENG PROVINCE

ECONOMIC DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Enquiries: Eunice Mofokeng
Directorate: Legal Advisory Services
Tel: +27 (0) 11 355 8496
Fax: +27 (0) 11 355 8028

Werksman Attorneys
155 5th Street
Sandton
2196

Our Ref: DED 3/R/1-2013

Your Ref: Ms L Bick/Ms A Ngidi/an/PROB20192.144/#2745955v1

Dear Sir/Madam

GAUTENG LIQUOR REGULATIONS ON SHEBEEN LICENCES PUBLISHED IN PROVINCIAL GAZETTE NO. 56 DATED 1 MARCH 2013/ YEOVILLE BELLEVUE RATEPAYERS ASSOCIATION

1. We refer to your letter dated 11 December 2013 and respond on a paragraph by paragraph basis as follows:

Ad paragraph 2.1

The Liquor Board notes the concern raised in this paragraph and advised that PAJA provides for deviation from the rules in cases where complying with the rules will provide an unfair burden on the administration. Despite this deviation the Liquor Board has taken a decision to provide you with reasons in terms of section 33 of the Constitution of the Republic of South Africa, 1996.

Ad paragraph 2.2

The Liquor Board followed the required consultative process. See attached notice published in the Government Gazette (Annexure A). Be advised that the Liquor Board

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welcomes any complaints from the communities regarding any outlet that does not comply with the liquor laws.

Ad paragraph 2.3

The issue relating to the off consumption is to accommodate permit holders who do not have suitable premises to operate on consumption licences. It is important to note that the on or off consumption has different requirements (e.g providing of meals and toilet facilities is not a requirement for an off consumption premises), therefore a trader who does not have toilet facilities must only operate as an off consumption, as the premises will not be suitable for on- consumption.

Ad paragraph 3

The attendance registers of all the public hearings are available for inspection at our offices between 09h00 and 15h00 Monday to Thursday. This can be arranged with Ms. Eunice Lottering at 011 355 8496 or eunice.lottering@gauteng.gov.za. Attached are copies of both the proposed Regulations published for comments and the final Regulations approved by the Legislature (Annexure B). On comparison of the Regulations you will note the changes which confirms the consideration of comments received to the extent possible.

2. Trust you find the above in order.

N. Mufamadi

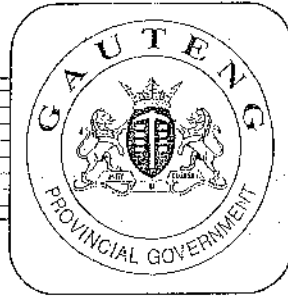
Nomusa Mufamadi

Deputy Chairperson: Gauteng Liquor Board

Date: 15/01/2014

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THE PROVINCE OF
GAUTENG



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GAUTENG

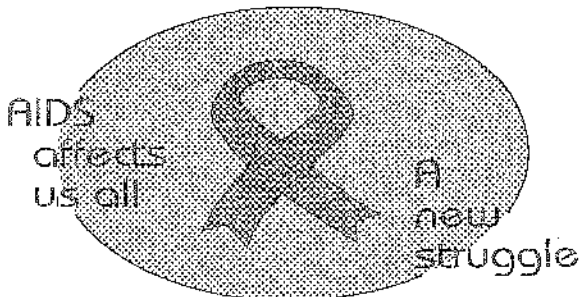
Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Vol. 18

PRETORIA, 5 OCTOBER 2012

No. 293

We all have the power to prevent AIDS



AIDS
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DEPARTMENT OF HEALTH

Prevention is the cure

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GENERAL NOTICE

NOTICE 2563 OF 2012

DEPARTMENT OF ECONOMIC DEVELOPMENT

DRAFT GAUTENG SHEBEEN REGULATIONS 2012

NOTICE OF A PUBLIC HEARING ON THE DRAFT GAUTENG SHEBEEN REGULATIONS, 2012.

I, Nkosiphendule Kolisile, member of the Executive Council responsible for Economic Development hereby invite the valid shebeen permit holders and interested persons to a public hearing of the draft Gauteng Shebeen Regulations 2012. **SHEBEEN PERMIT HOLDERS MUST BRING THEIR PERMITS FOR VERIFICATION.** The public hearing will take place as follows:

DATE	TIME	VENUE AND REGION	ACTIVITY
15/10/2012	10h30-13h30	Moretele Park (Tshwane)	Public Hearing 1
17/10/2012	10h30-13h30	Alexandra – San Kopano Hall	Public Hearing 2
19/10/2012	10h30-13h30	Westrand (Carletonville Sports Complex)	Public Hearing 3
22/10/2012	11h30-14h30	Sedibeng(Boipatong)	Public Hearing 4




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25/10/2012	10h30-13h30	Ekhurhuleni (Katlehong DH)	Public Hearing 5
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The draft Gauteng Shebeen Regulations is available for collection or public scrutiny between 8H00-16H00 from Monday to Friday excluding public holidays at:

(a) The Reception

Department of Economic Development
94 Main Street
Marshalltown
Johannesburg;

(b) 124 Main Street

3rd Floor
Johannesburg;

and in all the Liquor Regional Offices

An electronic version of the regulations can be downloaded from our website: www.ecodev.gpg.gov.za, alternatively request for an electronic version of the regulations can be submitted to GLBPolicyinput@gauteng.gov.za

Interested persons or organizations must submit written comments on the draft regulations within 30 days from publication of this notice. Comments received after 30 days from the date of publication of this notice will be disregarded. Written comments must be directed to:



(a) **by post:**

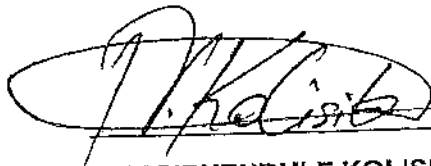
The Head of Liquor
Department of Economic Development
Private Bag X 091
Johannesburg
2107;

(b) **by hand:**

Head of Liquor
Department of Economic Development
94 Main Street
Marshalltown
JOHANNESBURG; and

(c) **by email to:**

GLBPolicyinput@gauteng.gov.za



NKOSIPHENDULE KOLISILE
MEC FOR ECONOMIC DEVELOPMENT
GAUTENG PROVINCIAL GOVERNMENT
DATE: 02 October 2012



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[Handwritten signature]

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Gedruk deur die Staatsdrukker, Bosmanstraat, Privaat Sak X85, Pretoria, 0001, vir die Gauteng Provinsiale Administrasie, Johannesburg

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GAUTENG PROVINCE

DEPARTMENT OF ECONOMIC DEVELOPMENT

Notice No. _____

Date: _____

GAUTENG LIQUOR ACT, 2003 (ACT No. 2 OF 2003)

GAUTENG LIQUOR REGULATIONS ON SHEBEEN LICENCES, 2012

The Member of the Executive Council responsible for economic development in the Province has, in terms of Section 141(m) of the Gauteng Liquor Act, 2003 (Act No. 2 of 2003), made the Regulations set out in the Schedule below.



SCHEDULE

ARRANGEMENT OF REGULATIONS

Regulation Number	Subject
1.	Definitions
2.	Application period
3.	Categories of licences
4.	Lodgement and application procedure for shebeen licences
5.	Nature of premises
6.	Inspectorate
7.	Consideration and Issuing by the Board
8.	Applicability of the Act
9.	Short-title



Definitions

1. In these regulations, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act retains that meaning and in addition-

" Act" means the Gauteng Liquor Act 2 of 2003

"applicant" means a person applying for a shebeen licence in terms of these Regulations; who carries on the business of selling liquor in the premises to which the application relates;

"application" means a fully completed prescribed form with all the required accompanying documentation;

"off consumption licence" means a licence entitling the licensee to sell liquor not for consumption on the licenced premises and **"off consumption"** has a corresponding meaning;

"on consumption licence" means a licence entitling the licensee to sell liquor for consumption on the licenced premises and **"on consumption"** has a corresponding meaning;

"shebeen licence" means a licence issued by the Board in terms of these Regulations

Application period

2. (1)A holder of a shebeen permit envisaged in the Act is entitles to apply for a licence contemplated in these Regulations immediately a day after the promulgation of these Regulations for a period of twelve months from such promulgation.

(2)The shebeen permit remains valid until the shebeen licence is issued in terms of the Regulations

Categories of licensees

3. An applicant must apply for a shebeen licence to sell liquor in respect of one of the two categories below:
- (a) shebeen licence(on consumption)
 - (b) shebeen licence(off consumption)

Lodgement and application procedure for shebeen licences

4. (1) An application for a shebeen licence must only be made by a person who is in possession of a valid shebeen permit issued to him or her and verified as valid by the Department; including shebeen permit holders who applied and were refused liquor licences in terms of section 23 of the Act;
- (2) An applicant is solely responsible for the correctness of any application submitted by or on behalf of the applicant in compliance with these Regulations;
- (3) No person may apply for a shebeen licence unless he is aged 18 or over;
- (4) An application for a shebeen licence must be lodged with the relevant local committee of the district or metropolitan in which the licence is sought in a prescribed form 1 in Annexure 1 and must contain the information as required in the form;
- (5) An application referred to in sub regulation (4) must also be accompanied by:
- (a) a valid shebeen permit as verified by the Department;
 - (b) colour photographs showing the external and internal features of the premises in which the application relates;



(c) legible and certified copy of the identity document or of a valid passport and in the case of a non- South African resident a valid work permit of the applicant, and in the case of a person other than a natural person, copies of relevant registration documents;

(d) proof of lawful occupation;

(e) menu in the case of a shebeen on consumption licence;

(e) an application fee of R50.00 and

(f) any other document the Board may consider necessary.

(6) If the application is incomplete, such submission will not be accepted by the local committee and the applicant will be afforded an opportunity to complete and submit all outstanding documents within 14 days.

Nature of the premises.

5. (1) The total floor area for a shebeen licence must be at least 20 square metres.

(2) The applicant for a shebeen licence (on consumption) must provide ablution facilities, and ensure that light meals are served in the premises.

(3) If the property is currently zoned "residential" in terms of Annexure F of the Black Communities Development Act, 1984(Act No.4 of 1984) or the Less Formal Township Establishments Act 1991(Act No. 113 of 1991) , the dominant use of such property must remain residential.

Inspectorate

6. (1) An inspector appointed in terms of section 105 of the Act must conduct inspection on the premises and submit a report to the Board.

(2) The powers of inspectors in terms of the Act are applicable to shebeen licence holders.

Consideration and Issuing of a shebeen licence by the Board

7. (1) The Board must when considering the application take into cognisance the following:

(a) whether the premises are suitable for the purposes for which they will be used;

(b) in the case of a shebeen licence(on consumption), whether there are sufficient ablution facilities and whether meals will be served.

(2) Where the Board is satisfied that the applicant has complied with all the requirements imposed under sub regulation (6) the Board must:

(a) grant and issue;

(b) grant subject to conditions and issue; or the shebeen licence and the Board must as soon as reasonably possible notify the applicant in writing of the Board's decision and reasons thereof.

(3) The applicant must pay an issue fee of R100.00

(4) Shebeen permits issued in terms of this Act will upon issuance of shebeen licences cease to exist.

Trading Hours

8. The trading hours for all shebeen licences is **10:00 -22:00.**

Applicability of the provisions of the Act

9. Conditions applicable to licensees in terms of the Act apply to all shebeen licence holders.

Short title and commencement

10. These regulations are called the Gauteng Liquor Regulations on Shebeen Licenses, 2012.

Annexure 1

FORM SHL1

GAUTENG LIQUOR ACT, 2 OF 2003

APPLICATION FOR A SHEBEEN LICENCE

Application made by

[Empty rectangular box for name]

Address for service of documents

[Empty rectangular box for address]

Telephone No/s

[Empty rectangular box for telephone number]

Fax No and email address

[Empty rectangular box for fax and email address]



[Empty rectangular box]

1. APPLICANT DETAILS

1.1 Full names (natural or juristic person)

[Empty rectangular box]

1.2 Identity number or in the case of a juristic person, its registration number

[Empty rectangular box]

1.3 Telephone number/s

[Empty rectangular box]

1.4 Fax number and email address

[Empty rectangular box]

2. APPLICATION DETAILS

2.1 Licence type applied for

[Empty rectangular box]

2.2 Type of liquor applicant intends selling

[Empty rectangular box]

2.3 Trade name under which the business is conducted?

[Empty rectangular box]

2.4 Physical address of the premises to be licensed with reference to erf, street name and number, building, farm number, apartment, floor or suite

[Empty rectangular box]

mg
AP

2.5 Does the applicant have the right to occupy the premises referred to in paragraph 2.4 above?

YES	NO
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2.6 How many toilet facilities are in the premises in the case of a shebeen licence on consumption?

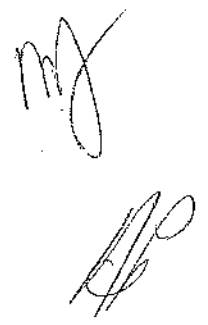
2.7 Describe the type of food available for sale and provide a menu (only applicable to shebeen licence on consumption).

By signing this form I solemnly declare that all information provided in this application and the documentation is true and correct.

Date:

Print name:

Signature of applicant or an authorised person (written authorization or power of attorney to be attached)



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I certify that the applicant or authorised person has acknowledged that he or she knows and understands the contents of this declaration which has been signed and sworn to or affirmed before me.

At		this
day of	201	

Commissioner
of Oaths

Full names

--

Business address

--

Designation

--

Area for which appointment is held

--

Office held if appointment is ex officio

--

mg

BP

INSTRUCTIONS

There is a fee for filing this form. **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

Complete all questions on the form. If the question does not apply to you, respond by marking "N/A"

Where the space provided is insufficient to complete your response, use a separate sheet as annexure.

In addition to filing this form the following documentation must be attached:

1. A valid shebeen permit
2. Colour photographs of the premises.
3. Menu the case of a shebeen on consumption licence
4. Valid CIPC documents where applicable
5. Proof of lawful occupation
6. Proof of payment of the prescribed fee.

Handwritten signatures in the bottom right corner of the page.

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THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

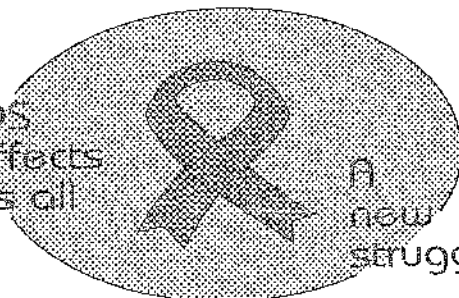
Vol. 19

PRETORIA, 1 MARCH
MAART 2013

No. 56

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

AIDS
HELPUNE

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

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GENERAL NOTICE

NOTICE 585 OF 2013

GAUTENG LIQUOR ACT, 2003 (ACT No. 2 OF 2003)

GAUTENG LIQUOR REGULATIONS ON SHEBEEN LICENCES, 2013

The Member of the Executive Council responsible for economic development in the Province has, in terms of Section 141(1)(m) of the Gauteng Liquor Act, 2003 (Act No. 2 of 2003), read with section 141(1)(p), made the Regulations set out in the Schedule.

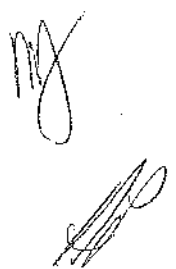
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SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Application period
3. Categories of licences
4. Lodgement and application procedure for shebeen licences
5. Nature of premises
6. Inspectorate
7. Consideration and issuing of a shebeen licence by the Board
8. Appeal
9. Trading hours
10. Conditions of sorghum beer licence
11. Appointment of Managers
12. Applicability of the Act
13. Short-title and commencement



Definitions

1. In these regulations, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Act retains that meaning and in addition-

" **Act**" means the Gauteng Liquor Act, 2003 (Act No.2 of 2003);

"**applicant**" means a person applying for a shebeen licence in terms of these Regulations and who carries on the business of selling liquor on the premises to which the application relates;

"**application**" means a fully completed application form with all the required accompanying documentation;

"**off consumption licence**" means a shebeen licence entitling the licensee to sell liquor not for consumption on the licenced premises and

"**off consumption**" has a corresponding meaning;

"**on consumption licence**" means a shebeen licence entitling the licensee to sell liquor for consumption on the licenced premises and "**on consumption**" has a corresponding meaning; and

"**shebeen licence**" means a licence granted in terms of these Regulations and issued to the applicant.

Application period

2. (1) A holder of a shebeen permit envisaged in the Act is entitled to apply for a shebeen licence contemplated in these Regulations a day after the promulgation of these Regulations.

(2) An application contemplated in sub regulation (1) must be made within the period of twelve months from the date of promulgation of these regulations.

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(3) The shebeen permit remains valid until the shebeen licence is granted and issued to a holder of a shebeen permit or it lapses when its application has been declined in terms of the Regulations.

(4) The holder of a shebeen permit whose application in terms of these Regulations is declined has 30 days to continue operating the business in order to allow the permit holder to sell off the stock.

(5) (6) All shebeen permits will cease after the application period closes.

Categories of licences


3. An applicant must apply for a shebeen licence to sell liquor in respect of one of four categories -

- (a) shebeen licence, on consumption;
- (b) shebeen licence, off consumption;
- (c) shebeen licence, (sorghum beer) on consumption;
- (d) shebeen licence, (sorghum beer) off consumption.

Lodgement and application procedure for shebeen licences

4. (1) An application for a shebeen licence must only be made by or on behalf of a person who is in possession of a shebeen permit issued to him or her and verified as valid by the Department.

(2) An application contemplated in sub regulation (1) includes shebeen permit holders who applied for liquor licences in terms of section 23 of the Act and were refused.




(3) An applicant is solely responsible for the correctness of an application submitted by or on behalf of the applicant in compliance with these Regulations.

(4) A person may not apply for a shebeen licence unless he or she is 18 years or older.

(5) An application for a shebeen licence must be lodged with the relevant local committee of the district or metropolitan municipality in which the licence is sought on an application form similar to form SHL 1 as set out in Annexure A.

(6) An application must be accompanied by-

- (a) a certified copy of the shebeen permit as verified by the Department;
- (b) colour photographs showing the external and internal features of the premises to which the application relates;
- (c) legible and certified copy of the Identity document or of a valid passport;
- (d) proof of the right to occupy the premises;
- (e) menu in the case of a on consumption shebeen licence;
- (f) a non-refundable application fee of R50.00; and
- (g) sketch plan of the premises showing the external and internal features of the premises to which the application relates.

(7) The Board may request any further information and documentation it deems necessary in writing once the application has been lodged.

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(8) If the application is incomplete, such submission will not be accepted by the local committee and the applicant will be afforded an opportunity to complete and submit all outstanding documents within 14 days.

Nature of the premises

5. The applicant for a shebeen licence, on consumption, must -
- (a) provide toilet for males;
 - (b) provide toilet for females;
 - (c) provide hand washing facility for the toilets; and
 - (d) serve light meals.

Inspectorate

6.(1) An Inspector appointed in terms of section 105 of the Act must conduct inspections on the premises and submit a report to the Board.

(2) The powers of inspectors in terms of the Act are applicable to shebeen licence holders.

Consideration and issuing of a shebeen licence by the Board

7.(1) The Board must when considering the application take into cognisance the following-

- (a) whether the premises are suitable for the purposes for which they will be used as per the inspectorate report;



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- (b) In the case of a shebeen licence, on consumption, whether there are sufficient toilet facilities and whether meals will be served.

(2) Where the Board is satisfied that the applicant has complied with all the requirements in terms of these Regulations the Board must-

- (a) grant and issue a shebeen licence; or
- (b) refuse the application and provide the applicant with reasons for refusal.

(3) An applicant whose licence has been granted by the Board must pay an issue fee of R100.00.

Appeal

8. (1) A shebeen permit holder whose application has been declined may, in Form SHL2 in Annexure B, within 14 days of being served with a notice of the decision of the Board, lodge an appeal with the MEC against the decision of the Board.

(2) An appeal must be accompanied by the following-

- (a) a copy of the application;
- (b) a written statement on the grounds of appeal;
- (c) the decision and reasons for the decision made in terms of regulation 7; and
- (d) a non-refundable fee of R100.00.

(3) Within 30 days after receiving all the documents referred to in regulation 2, the MEC must consider the appeal.

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(4) The MEC-

- (a) may confirm, set aside or amend a decision of the Board;
and
- (b) must notify the applicant and the Board, in writing, of the decision within 14 days of deciding the appeal.

Trading Hours

9. The trading hours are as follows-

(1) shebeen licence off consumption, shebeen licence (sorghum beer) on consumption, and shebeen licence (sorghum beer) off consumption is **10:00 -22:00** everyday.

(2) shebeen licence, on consumption is -

(a) Sunday - Thursday **10:00 -22:00**

(b) Friday - Saturday **10:00 - 02:00.**

Conditions of sorghum beer licence

10. The holder of a shebeen licence (sorghum beer on and off consumption) may only sell sorghum beer.

Appointment of managers

11.(1) A person who is a holder of a valid shebeen permit may in form SHL1 appoint another person who permanently resides in the Republic of South Africa and who is not disqualified in terms of section 37 of the Act to hold a licence, to manage and be responsible for the business to which the shebeen licence relates and the appointment of the aforesaid person must be approved by the Board.



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(2) A person appointed as a manager is responsible for a business, to which a shebeen licence relates, is subject to the same obligations as the licensee concerned.

(3) The Board may not grant an application for appointment of a manager unless it is satisfied that the person to be appointed is not disqualified in terms section 37 of the Act.

(4) An application referred to in this regulation must be accompanied by-

- (a) a non-refundable application fee of R50 per manager; and
- (b) a police clearance certificate stating particulars of any convictions recorded against the proposed manager.

Applicability of the provisions of the Act

12. Conditions applicable to licensees in relation to-

- (a) prohibitions;
- (b) exemptions;
- (c) enforcement and judicial proceedings;
- (d) offences and penalties;
- (e) compliance; and
- (f) renewals;

in terms of the Act apply to all shebeen licence holders.

Short title and commencement

13. These regulations are called the Gauteng Liquor Regulations on Shebeen Licenses, 2013 and commences upon publication in the Provincial Gazette.



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Annexure A

FORM SHL1

INSTRUCTIONS

There is an application fee for filing this form.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Complete all questions on the form. If the question does not apply to you, respond by marking "N/A".

Where the space provided is insufficient to complete your response, use a separate sheet as annexure.

This Application form must be accompanied by the following-

1.	a certified copy of the shebeen permit;	YES	NO
2.	colour photographs showing the external and internal features of the premises to which the application relates;	YES	NO
3.	legible and certified copy of the identity document or of a passport;	YES	NO
4.	proof of the right to occupy the premises;	YES	NO
5.	menu in the case of a on consumption shebeen licence;	YES	NO
6.	a non refundable application fee of R50.00;	YES	NO
7.	sketch plan of the premises showing the external and internal features of the premises to which the application relates.	YES	NO

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GAUTENG LIQUOR ACT, 2 OF 2003
APPLICATION FOR A SHEBEEN LICENCE

Application made by:

Address for service of documents:

Telephone No/s:

Fax No and email address:

1. APPLICANT DETAILS

1.1 Full names:

1.2 Identity number or passport number:

1.3 Telephone number/s:

1.4 Fax number and email address:

mg
SP

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2. APPLICATION DETAILS

2.1 Licence type applied for:

2.2 Type of liquor applicant intends selling:

2.3 Trade name under which the business is conducted?

2.4 Physical address of the premises to be licensed with reference to erf, street name and number, building, farm number, apartment, floor or suite:

2.5 Does the applicant have the right to occupy the premises referred to in paragraph 2.4 above?
 YES NO

2.6 How many toilet facilities are in the premises in the case of a shebeen licence on consumption?

2.7 Describe the type of food available for sale and provide a menu, (only applicable to shebeen licence on consumption).

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2.8 Appointment of a Manager

State the following particulars of person to be appointed:

(a) Full Name:

--

(b) Identity Number:

--

(c) Is the proposed manager a person who:

(a) is an unrehabilitated insolvent ?	<table border="1"><tr><td>YES</td><td>NO</td></tr><tr><td colspan="2">If the answer to the above is affirmative please provide details.</td></tr></table>	YES	NO	If the answer to the above is affirmative please provide details.	
YES	NO				
If the answer to the above is affirmative please provide details.					
(b) is a minor ?	<table border="1"><tr><td>YES</td><td>NO</td></tr></table>	YES	NO		
YES	NO				
(c) has been convicted of any liquor related offence?	<table border="1"><tr><td>YES</td><td>NO</td></tr><tr><td colspan="2">If the answer to the above is affirmative please provide details.</td></tr></table>	YES	NO	If the answer to the above is affirmative please provide details.	
YES	NO				
If the answer to the above is affirmative please provide details.					
(d) is the partner of a person contemplated in sub-paragraphs (a) or (c)?	<table border="1"><tr><td>YES</td><td>NO</td></tr><tr><td colspan="2">If the answer to the above is affirmative please provide details.</td></tr></table>	YES	NO	If the answer to the above is affirmative please provide details.	
YES	NO				
If the answer to the above is affirmative please provide details.					

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By signing this form I solemnly declare that all information provided in this application and the documentation is true and correct.

Date:
Print name:

Signature of applicant or an authorised person (written authorization or power of attorney to be attached).

--

I certify that the applicant or authorised person has acknowledged that he or she knows and understands the contents of this declaration, which has been signed and sworn to or affirmed before me

At _____ this _____ day of _____ 20__

Commissioner of Oaths

Full names

Business address

Designation

Area for which appointment is held

Office held if appointment is ex officio
--



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ANNEXURE B

FORM SHL2

GAUTENG LIQUOR ACT, 2 OF 2003

**APPLICATION FOR APPEAL AGAINST A DECISION OF THE BOARD
IN TERMS OF REGULATION 8**

INSTRUCTIONS

There is an application fee for filing this form.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Complete all questions on the form. If the question does not apply to you, respond by marking "N/A".

Where the space provided is insufficient to complete your response, use a separate sheet as annexure.

This form must be accompanied by:

Copy of the application for a shebeen licence	YES	NO
Payment of the prescribed fee	YES	NO
Reasons for the decision	YES	NO

Application made by: _____

Address for service of documents:

Telephone No/s: _____

Fax No and email address: _____

mg
[Signature]

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1. APPELLANT'S DETAILS

1.1 Full names:

1.2 Identity number:

1.3 Telephone number/s:

1.4 Fax number and email address:

2. DETAILS OF APPEAL

2.1 Name of the applicant

2.2 Date of the decision

2.3 Date on which the appellant was informed of the decision.

3. Nature of the right adversely affected by the Boards decision (Use annexure if necessary)

4. Grounds for appeal (Use annexure if necessary)



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By signing this form, I solemnly declare that all information provided in this application and the documentation is true and correct.

Date: _____
 Print name: _____

Signature of applicant or an authorised person (written authorization or power of attorney to be attached)

I certify that the applicant or authorised person has acknowledged that he or she knows and understands the contents of this declaration which has been signed and sworn to or affirmed before me.

At _____ this _____ day of _____ 20____

Commissioner of Oaths

Full names: _____

Business address: _____

Designation: _____

Area for which appointment is held: _____

Office held if appointment is ex officio: _____

