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Department:
Trade and Industry
REPUBLIC OF SOUTH AFRICA

Legal Advisory Notice

Standard for submission of supporting documents for new applications

This practice note, is issued to provide clarity on the standard required by the NLA, when applicants file supporting documents when lodging a new application as a requirement in terms of the Liquor Amendment Regulations, 2013.

A zoning certificate/Letter of permission from the tribal authority

An applicant must ensure that he/she is in a properly zoned area suitable for the intended purposes i.e. Distribution/manufacturing of Liquor, before filing a new application, to avoid refusal of the application. The zoning certificate, must have been issued within 12 months at the time of filing a new application. The reason for the above is that, the town planning schemes of municipalities change from time to time, and the zoning is affected, by the change thus a recent zoning certificate issued within the duration mentioned above is required. The letter of approval from tribal authorities, must also meet, the same requirement and must contain the details, of the designated official and stamp of the relevant tribal authority. Failure to adhere to this requirement, will result in failing of the zoning certificate from the online system

A valid certified copy of ID or passport of the applicant;

The ID/passport must be certified within 3 months, prior to filing the new application and the id documents which are certified by stamps with no dates must have the date written by hand in order to comply the 3 months duration. This requirement need not to be emphasised, as it's conventional that all certified documents are valid within 3 months of certification.



A South African Police Services (SAPS) police clearance certificate/finger print clearance

The Liquor Amendment Regulations, 2013 make it a requirement that a police clearance certificate issued by the SAPS be furnished during the application process and must not be older than three months from the date of issue; at the time of the application. However, the NLA will consider Police clearance/finger print clearance certificates issued within 12 months at the time of filing the application and any certificates lodged after the 12 months duration will not be considered. Furthermore, the NLA normally receives, clearance documents generated from other Agencies, other than the SAPS and same will not be considered thus applicants are advised to apply for recommended clearances issued by the SAPS.

Juristic persons/entity registration documents

An applicant who applies as a juristic person must provide a registration certificate/document issued by the relevant authority, In the event an applicant is a Company, close-corporation, cooperative, and Non-profit organisation etc. a registration document issued by the Companies and Intellectual Property Commission (CIPC) must be furnished .The list mentioned above is not exhaustive, and the applicants registered by other bodies are not exempted from furnishing their registration documents, the registration document must have been issued with 12 months at the time of the application. The NLA will not accept old documents, generated above the 12 months period, and for documents issued by CIPC no registration certificates, generated from other database/agencies will be considered.



A valid tax clearance certificate

An applicant must file a valid tax clearance, issued by the South African Revenue Services (SARS) within 12 months from the date of application. No expired tax certificate will be considered at the time of the application and this no need to be emphasized, as this document is valid for 12 months.

BBB-EE Verification certificate issued in terms of the B-BBEE Act.

The Liquor Regulations, 2013 for an applicant to furnish a B-BBEE certificate issued by a verification agency, and/or a registered accountant. The NLA, will only consider a BEE certificate, issued by an Agency or accountant accredited with SANAS, issued within 12 months at the time of the application, and reflects the BEE level of the entity or juristic person. Should the document not meet, the requirements mentioned above, the NLA will not consider the document, and the applicant will have to provide a compliant document. Applicants who are exempted Micro-Enterprises, should furnish sworn affidavits, which are commissioned by a commissioner of oaths, and same will be considered if they comply with all the elements set by the codes.

Initial Application fee

Lastly, an application must be accompanied by an initial application fee, which is determined by the projected annual turn - over of the business. This fee is not refundable should an applicant's application prove to be non-jurisdiction or if the applicant decides not to pursue the application anymore.

