

## **Liquor Act, 59 of 2003**

### **Liquor Amendment Regulations, 2013**

The Minister of Trade and Industry Dr. Rob Davies, approved National Liquor Amendment Regulations of Act 59 of 2003. On the 3rd of December 2013, the Regulations were amended and published to come into operation.

The amended regulations bring about changes in the submission, processing of applications and the requirements for registration for both distributors and manufacturers of liquor. These changes also have an impact on the current and prospective registrants and what they should do to comply with the Act.

### **The National Liquor Register**

- The information to be presented on the national Liquor register has been reduced to include only the following details:
  - the registered persons details;
  - principal place of business;
  - the provinces and municipalities in which the registered activities should take place;
  - the dates and details of any transfer of registration;
  - the dates and details of notices given by the registered person in terms of the Act;
  - reports filed by the registrant in terms of the Act and
  - dates and details of cancellation of registration.

### **Application Fee**

The application fee will not be refunded if an application has been rejected except in cases where NLA has no jurisdiction to consider such.

A request to provide additional fees and information where fees paid were underestimated must be responded to within seven (7) days of receipt of such letter. Failure to comply with the request will result in the rejection of the application.

### **Changes in information required for consideration of a new application**

- A fully completed NLA 1 form will only be received on the last Friday of the month or the first Friday thereafter should the Friday be a public holiday.
- Applications should now be accompanied among other things by:
  - A business zoning certificate for industrial purposes or a consent letter from the relevant municipality.
  - A comprehensive written representation in support of the application
  - Any determination, consent approval or authority required by the Act
  - A valid proof that the prescribed application fee has been deposited in the bank account of the Department of Trade and Industry
  - A valid certified copy of ID of the applicant or a passport and trading business permit if the applicant is a foreigner.

- A police clearance certificate not older than three (3) months from the date of issue.
- If the applicant is a juristic person, valid copies of registration issued by the Companies and Intellectual Property Commission (CIPC) or any other relevant registration authority indicating the financial interest of all members, shareholders, partners or beneficiaries as the case may be;
- A valid tax clearance certificate if the applicant is a juristic person issued by the South African Revenue Services (SARS) within twelve months from the date of application.
- Verification certificate issued in terms of the Broad Based Black Economic Empowerment Act (B-BBEE).

### **Consideration of application**

- The NLA may conduct an inspection of the premises within 30 day of receipt of the application.
- An applicant must respond to the request for additional information within the period of 14 days of receipt of the request from NLA.

### **Relocation or alteration of activities**

- A registrant who proposes to relocate or alter the nature or conduct of its activities must pay prescribed fee and file form NLA 14 accompanied by:
  - A business zoning certificate for industrial purposes or a consent letter from the relevant municipality.
  - A comprehensive written representations in support of the application
  - Any determination, consent approval or authority required by the Act
  - A valid proof that the prescribed application fee has been deposited in the bank account of the Department of Trade and Industry
  - A valid certified copy of ID of the applicant or a passport and trading business permit if the applicant is a foreigner.
  - A police clearance certificate not older than three (3) months from the date of issue.
  - If the applicant is a juristic person, valid copies of registration issued by the Companies and Intellectual Property Commission (CIPC) or any other relevant registration authority indicating the financial interest of all members, shareholders, partners or beneficiaries as the case may be;
  - A valid tax clearance certificate if the applicant is a juristic person issued by the South African Revenue Services (SARS) within twelve months from the date of application.
  - Verification certificate issued in terms of the Broad Based Black Economic Empowerment Act (B-BBEE).

## Trading hours

Trading hours for distribution will be from 09h00 to 18h00 from Monday to Saturday and no distribution is allowed on Sundays.

## Record keeping

- Distributors are required to keep records of persons and entities to which liquor has been sold.
- Delivery vehicle should carry a copy of the invoice at all times whilst liquor is in transit; The invoice should reflect where the liquor is from and where it is being delivered to.
- Liquor can only be delivered to premises reflected in the invoice.

## Transitional arrangements

- Registrants who were registered before the coming into effect of the new regulations must provide the following information when submitting the applications for renewal:
  - A business zoning certificate for industrial purposed or a consent letter from the relevant municipality.
  - Any determination, consent approval or authority required by the Act
  - A valid proof that the prescribed renewal fee has been deposited in the bank account of the Department of Trade and Industry
  - A valid certified copy of ID of the applicant or a passport and trading business permit if the applicant is a foreigner.
  - A police clearance certificate not older than three (3) months from the date of issue.
  - If the applicant is a juristic person, valid copies of registration issued by the Companies and Intellectual Property Commission (CIPC) or any other relevant registration authority indicating the financial interest of all members, shareholders, partners or beneficiaries as the case may be;
  - A valid tax clearance certificate if the applicant is a juristic person issued by the South African Revenue Services (SARS) within twelve months from the date of application.
  - Verification certificate issued in terms of the Broad Based Black Economic Empowerment Act (B-BBEE).

## More information and clarifications can be obtained by contacting:

- the dti call centre: **0861 843 384**
- e-mail: [nationalliquorauthority@thedti.gov.za](mailto:nationalliquorauthority@thedti.gov.za)
- website: [www.thedti.gov.za](http://www.thedti.gov.za)