

PROVINCIAL NOTICE

[No. 230 of 2010]

AMENDMENT OF THE FREE STATE LIQUOR REGULATIONS, 2010

I, MA Dukwana, Member of the Executive Council responsible for Economic Development, Tourism and Environmental Affairs in the Province, in terms of section 133 of the Free State Gambling and Liquor Act, 2010 (Act No. 6 of 2010), hereby promulgate the Free State Liquor Amendment Regulations, 2010, as set out in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing regulations.

___ Words underlined with a solid line indicate insertions in existing regulations.

Amendment of Regulation 61

1. Regulation 61 of the Regulations is amended by the substitution for Regulation 61 of the following Regulation:

“[Record of] [a] **Appointment of natural person as manager**

61. (1) A person other than a natural person who is the holder of a registration, and a natural person who is a holder of a registration and who does not manage the business himself from day to day must appoint a natural person to manage and be responsible for the business and submit information regarding that appointment, substantially in the form of Form FSLA23 in Schedule 1 and must –
 - (a) furnish in the said Form such information as is solicited therein; and
 - (b) declare under oath or truly affirmation at the end of the said Form that the information contained therein, is true.

- (2) The holder of the registration must forthwith forward a copy of Form FSLA23 by registered post to or by delivery by hand to –
- (a) the designated office of the Authority; and
 - (b) the relevant designated police officer.
- (3) ~~The manager contemplated in subregulation (1) may also include an intended new owner of the business pending a decision of the Authority relating to the transfer of registration.~~
- (4) (a) If the holder of a licence or the only member of a company or close corporation which is the holder of a licence or registration certificate –
- (i) has, in the opinion of the chairperson of the Board, left the licensed or registered premises concerned without making provision for the conduct thereon of the business to which the licence relates; or
 - (ii) becomes a person who is disqualified or otherwise incompetent in terms of this Act to hold the licence,
- or if the holder of a licence or registration certificate which is a partnership, is dissolved, the chairperson of the Board may, on application by a person who has an interest in the business concerned, appoint any person he or she thinks fit to manage and be responsible for that business for a period of not more than 12 months, and a person so appointed shall, subject to paragraph (b) (ii), for the period of his or her appointment for all purposes be deemed to be the holder of the licence or registration certificate concerned.
- (b) An appointment under paragraph (a) –
- (i) shall be subject to such conditions set out in the appointment as the chairperson of the Board may in his or her discretion impose;
 - (ii) shall not affect any right of a person who has an interest in the business concerned;
 - (iii) may at any time be withdrawn by the chairperson of the Board.”

Amendment of Regulation 75

2. Regulation 75 of the Regulations is amended by the substitution for Regulation 75 of the following Regulation:

“Fees payable annually in respect of a registration certificate

75. There must, for the year following the year during which the Act comes into operation and for every calendar year thereafter, be deposited into the account of the Authority, in respect of each registration certificate (excluding a special events registration certificate), the annual renewal fees set out in Part C of Schedule 3 on or before 31 December, annually: Provided that as a transitional measure, the annual fees due at 31 December 2010 will be as set out in Part D of Schedule 3 and Part C of Schedule 6.”

Insertion of Regulations 75A, 75B and 75C

3. (1) The following Regulations is inserted after Regulation 75:

Fees payable in respect of the conversion of licences or registration

- “75A. (1) Fees payable in respect of the conversion of licences or registration envisaged in section 142(3)(c) of the Free State Gambling and Liquor Act, 2010, are as set out in Schedule 5 of which Part A is payable in relation to the application submitted and Part B relates to payment for the issuing of a registration certificate.
- (2) No application referred to in Schedule 5 may be lodged with the municipality or Authority or considered by the competent authority, unless the fees set out in Part A of the Schedule have been deposited into the account of the Authority.
- (3) No amount paid in terms of subregulation (2) or any part thereof may be refunded to an applicant.
- (4) Within 60 days of the issue of a registration certificate there must be deposited into the account of the Authority the fees set out in Part B of Schedule 5.”

- (2) The following Regulation is inserted after Regulations 75A:

75B. Renewal certificate

The Authority may issue a renewal certificate substantially in the form of Form FSLA25: Provided that if such certificate is not sent to or received by registrants, it does not exempt registrants from their responsibility to pay the renewal fees before or on 31 December, annually.”

- (3) The following Regulation is inserted after Regulation 75B:

“75C. Transitional provision

- (1) The transfer and annual renewal fees and business hours of licences issued in terms of the Liquor Act, 1989 (Act No. 27 of 1989) are regulated in terms of Schedule 6 until these licences lapse as envisaged in terms of the Act, unless written proof is provided by the license holder regarding an extension of hours that was approved.
- (2) The annual renewal fees applicable for 2010/2011 must be paid in the prescribed manner before 28 February 2011.”.

Amendment of Schedule 1

4. Schedule 1 of the Regulations is amended by –
- (a) the substitution of forms FSLA1, FSLA2, FSLA3, FSLA7, FSLA9, FSLA11, FSLA14, FSLA15, FSLA16, FSLA17, FSLA19, FSLA20 and FSLA24 of the forms attached hereto; and
- (b) the insertion of form FSLA 25.

Amendment of Schedule 3

5. Schedule 3 of the Regulations is amended by the substitution for Schedule 3 of the following Schedule.

Amendment of Schedule 4

6. Schedule 4 of the Regulations is amended by the substitution for Schedule 4 of the following Schedule.

Insertion of Schedules 5 and 6

7. Schedules 5 and 6 are hereby inserted after Schedule 4.

General amendments

8. The heading “**CHAPTER IX**” which appears after Regulation 48 is substituted for “**CHAPTER X**”.

Short title

9. These Regulations are called the Free State Liquor Amendment Regulations, 2010.