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## PROVINCIAL NOTICE

[No. 84 of 2010]

### FREE STATE LIQUOR REGULATIONS, 2010

Mr MA Dukwana, Member of the Executive Council responsible for Economic Development, Tourism and Environmental Affairs has, by virtue of the powers vested in him by section 71 of the Free State Liquor Act, 2007, made regulations which took effect on 10 June 2010. In terms of section 142(1)(d) of the Free State Gambling and Liquor Act, 2010, any regulations issued in terms of the Free State Liquor Act, 2007, and which may be issued in terms of the Free State Gambling and Liquor Act, 2010, are deemed to have been issued in terms of the latter Act. In order to promote certainty and assist with interpretation of the regulations, the regulations previously published have been aligned with the provisions of the Free State Gambling and Liquor Act, 2010, and are hereby republished as set out in the Schedule.

#### SCHEDULE 1

##### CHAPTER I DEFINITIONS

###### Definitions

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

“Act” means the Free State Gambling and Liquor Act, 2010.

##### CHAPTER II APPLICATION FOR A REGISTRATION CERTIFICATE IN TERMS OF SECTION 27 READ WITH SECTION 31

###### Lodgement

2. An application envisaged in section 27 read with section 31 for a registration certificate must be lodged during office hours on the first working Friday of the month to the designated office of the Authority.

###### Form of application

3. (1) An application for a registration certificate as contemplated in regulation 2 must be -
  - (a) lodged by submitting the original application and two copies thereof;
  - (b) in accordance with Form FSLA1 in Schedule 1;
  - (c) accompanied by relevant documents as contemplated in section 31(2) of the Act; and
  - (d) accompanied by a declaration under oath or truly affirmation at the end of the said form that the information contained therein is true.

- (2) The designated office must within seven (7) working days of receiving an application, submit the original and one copy thereof to the Head Office of the Authority.
- (3) For the purpose of preparation of a report in accordance with section 31, the local municipality may inspect the premises to which the application relates and do any other investigation the local municipality may deem necessary in accordance with any other law.
- (4) The local municipality must within 30 days of receiving an application, submit the report envisaged in subregulation (3) to the Authority.
- (5) The Head Office of the Authority must within seven (7) working days of receipt of the application envisaged in regulation 2 from the designated office refer it to the persons envisaged in section 31(3).
- (6) If any information stated in the application envisaged in regulation 2 changes, the Authority must notify the local municipality in writing of such changes and the effect thereof prior to consideration of the application and allow the local municipality ten (10) working days to submit comments regarding such changes.

#### **Notice of application**

4. (1) The applicant must ensure that the notice of application for registration envisaged in regulation 2 must be published in the *Provincial Gazette* and at least one newspaper normally circulated in the ward where the premises are situated on the day of submission of the application, substantially in the form of Form FSLA2 in Schedule 1.
- (2) Notice of application envisaged in subregulation (1) published in the *Provincial Gazette* and media must include the full names of the applicant, intended trading names, identity number or registration number of the applicant, full address and location of the premises, the type of registration certification applied for, names and nature of educational institutions, names of and distance to similar registered premises and places of worship, within 500 meter from the premises.
- (3) The notice contemplated in subregulation (1) must invite interested persons to lodge an objection in terms of section 33 of the Act.

#### **Public inspection of documents**

5. (1) The application envisaged in regulation 2 or any document lodged in terms of the Act or these regulations with the application must also be open to public inspection at the designated office during office hours.
- (2) A person must be allowed to obtain copies of the application upon proof of payment of the relevant fees as prescribed in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

**Objections**

6. A person may lodge an objection to the application envisaged in regulation 2 to the Authority in the following manner:
- (a) The objection must be in writing;
  - (b) The objection must comply with section 33 of the Act, which means that -
    - (i) full reasons for the objection must be stated;
    - (ii) the objection must clearly indicate the full name, identity number, residential address, postal address and telephone number, if any, and where applicable, its registration number and address of its office, of the objector; and
  - (c) The objection must clearly identify the application concerned.

**Filing of reports by a designated police officer and liquor inspector**

7. (1) Not later than ten (10) working days after the Authority requested a report envisaged in section 31(3) read with regulation 69(1) regarding an application in terms of regulation 2 from the South African Police Service, the designated police officer must submit, in duplicate, his or her written report to the Authority.
- (2) The Authority must within seven (7) working days of receipt of the report of the designated police officer refer it to the liquor inspector for the report envisaged in section 31(3).
- (3) Not later than ten (10) working days after the Authority requested a report envisaged in section 31(3) read with regulation 69(2) regarding an application envisaged in regulation 2 from a liquor inspector, he or she must submit his or her written report to the Authority.

**Referral of reports to applicant**

8. (1) The Authority must provide copies of the reports of the local municipality, designated police officer and liquor inspector envisaged to the applicant for comments.
- (2) The comments envisaged in subregulation (1) must be submitted by the applicant within 14 working days to the Authority, which must clearly identify the relevant application.

**Request of further information**

9. Where the Authority required further information from the applicant in terms of section 28(1) of the Act, the applicant must submit such further information within 14 working days from receiving the request for further information to the Authority.

**Hearing of objections**

10. Hearings contemplated in section 35 of the Act must be recorded and minutes must be kept of the proceedings.

**Registration certificate**

11. If any application for registration (excluding special events registration) is granted, a registration certificate, substantially in the form of Form FSLA3 in Schedule 1, must be issued.

**CHAPTER III  
APPLICATION IN TERMS OF SECTION 54 FOR A SPECIAL EVENTS REGISTRATION  
CERTIFICATE**

**Lodgement**

12. An application for a Special Events Registration in terms of section 54 of the Act must be lodged with the designated office of the Authority.

**Form of application**

13. An application by an applicant referred to in section 54(1) of the Act for a special event registration must be –
- (a) lodged by submitting the original application;
  - (b) in accordance with Form FSLA4 of Schedule 1;
  - (c) accompanied by comprehensive written representation in support of the application;
  - (d) accompanied by proof of payment of the prescribed fees; and
  - (e) accompanied by a declaration under oath or truly affirmation at the end of the said form that the information contained therein is true.

**Procedure upon receipt of application**

14. (1) The Authority must consider the application for special events registration as envisaged in regulation 12 and may request comments from the relevant local municipality, any other municipality, designated police officer or liquor inspector when the Authority deems it necessary.
- (2) The relevant local municipality, any other municipality, designated police officer or liquor inspector must submit comments, if any, within seven (7) working days from receipt of such request.
- (3) If comments envisaged in subregulation (2) are negative, those comments must be referred to the applicant to submit his or her comments within seven (7) working days.

**Procedure upon grant of application for special events**

15. If the Authority grants approval for special events registration -
- (a) a registration certificate, substantially in the form of Form FSLA5 in Schedule 1, must be issued; and
  - (b) the Authority must inform the relevant designated police officer and relevant municipality of the registration.

**CHAPTER IV  
APPLICATION IN TERMS OF SECTION 37 TO VARY CONDITIONS OF  
REGISTRATION**

**Lodgement of application**

16. An application to vary conditions of registration in terms of section 37 of the Act must be lodged with the designated office of the Authority.

**Form of application**

17. Every application contemplated in regulation 16 must -
- (a) be lodged by submitting the original application;
  - (b) be in accordance with Form FSLA6 in Schedule 1;
  - (c) set out clearly which conditions are applicable;
  - (d) be accompanied by comprehensive written representations in support of the application;
  - (e) be accompanied by proof of payment of prescribed fees; and
  - (f) be accompanied by a declaration under oath or truly affirmation at the end of the said form that the information contained therein is true.

**Procedure upon receipt of application**

18. (1) The Authority must consider the application envisaged in regulation 16 and may request ~~comments from the relevant local municipality or other municipality when the Authority deems it necessary.~~
- (2) When so requested, the relevant local or other municipality must submit its comments, if any, within 14 working days from receipt of such request.
- (3) The Authority may request reports as envisaged in section 31(3)(a) and (b) of the Act from the relevant designated police officer and the liquor inspector.

**Filing of reports by designated police officer and liquor inspector**

19. (1) Not later than ten (10) working days after the Authority requested a report envisaged in regulation 18(3) read with regulation 69(1) regarding the application envisaged in regulation 16 from the South African Police Service, the designated police officer must submit, in duplicate, his or her written report to the Authority.
- (2) The Authority must within seven (7) working days of receipt of the report of the designated police officer envisaged in regulation (1) refer it to the liquor inspector for the report envisaged in regulation 18(3).
- (3) Not later than ten (10) working days after the Authority requested a report envisaged in regulation 18(3) read with regulation 69(2) with regard to the application to vary conditions of registration from a liquor inspector, he or she must submit his or her written report to the Authority.

**Referral of reports to applicant**

20. (1) The Authority must provide copies of the reports and comments of the relevant municipality, designated police officer and liquor inspector with regard to the application envisaged in regulation 16 to the applicant for comments.
- (2) The comments envisaged in subregulation (1) of the applicant must be submitted within 14 working days to the Authority, which must clearly identify the relevant application.

**Procedure upon grant of application to vary conditions**

21. If an application to vary conditions of registration is granted, a written approval must be issued substantially in the form of Form FSLA7 in Schedule 1.

**CHAPTER V  
APPLICATION IN TERMS OF SECTION 38 TO EFFECT ANY STRUCTURAL  
ALTERATIONS OR AN EXTENSION OF REGISTERED PREMISES**

**Lodgement of application**

22. An application to effect any structural alteration or extension of registered premises in terms of section 38 of the Act must be lodged with the designated office of the Authority.

**Form of application**

23. Every application contemplated in regulation 22 must be -
- (a) lodged by submitting the original application;
- (b) in accordance with Form FSLA8 in Schedule 1;

- (c) accompanied by a plan of the applicable portion of such premises on which any proposed structural alteration or extension is indicated in red, clearly showing with reference thereto -
- (i) the dimension of each room;
  - (ii) all doors, windows and counters (where applicable) and means of internal and external communication;
  - (iii) the street and places to which such means of communication leads;
  - (iv) how the applicable portion links up with the existing premises;
- (d) accompanied by consent of the relevant municipality who approved the building plans for the proposed structural alteration, addition or reconstruction to the registered premises;
- (e) accompanied by a description of the applicable portion of the registered premises with reference to the construction, lay-out, furnishing, fixtures, fittings and floor covering, which description shall be contained in a separate document;
- (f) accompanied by comprehensive written representations in support of the application; and
- (g) accompanied by a declaration under oath or a truly affirmation at the end of the said form that the information contained therein is true.

#### **Procedure upon receipt of application**

24. (1) The Authority must consider the application to effect any structural alterations or an extension of registered premises and may request comments from the relevant local municipality or any other municipality when the Board deems it necessary.
- (2) When so requested, the relevant local or other municipality must submit its comments, if any, within 14 working days from receipt of such request.
- (3) The Authority may request reports as envisaged in section 31(3)(a) and (b) of the Act from the relevant designated police officer and liquor inspector.

#### **Filing of reports by designated police officer and liquor inspector**

25. (1) Not later than ten (10) working days after the Authority requested a report envisaged in regulation 24(3) read with regulation 69(1) regarding an application envisaged in regulation 22 from the South African Police Service, the designated police officer must submit, in duplicate, his or her written report to the Authority.



- (2) The Authority must within seven (7) working days of receipt of the report of the designated police officer envisaged in subregulation (1) refer it to the liquor inspector for the report envisaged in regulation 24(3).
- (3) Not later than ten (10) working days after the Authority requested a report envisaged in regulation 24(3) read with regulation 69(2) regarding an application envisaged in regulation 22 from a liquor inspector, he or she must submit, in duplicate, his or her written report to the Authority.

#### **Referral of reports to applicant**

26. (1) The Authority must provide copies of the reports and comments of the relevant municipality, designated police officer and liquor inspector regarding an application envisaged in regulation 22 to the applicant for comments.
- (2) The comments envisaged in subregulation (1) of the applicant must be submitted within 14 working days to the Authority, which must clearly identify the relevant application.

#### **Procedure upon grant of application**

27. If an application envisaged in regulation 22 is granted, a written approval must be issued substantially in the form of Form FSLA9 in Schedule 1.

### **CHAPTER VI APPLICATION IN TERMS OF SECTION 39 FOR THE TRANSFER OF REGISTRATION**

#### **Lodgement of application**

28. An application for the transfer of a registration certificate in terms of section 39 of the Act must be lodged with the designated Office.

#### **Form of application**

29. An application for the transfer of a registration certificate must be –
  - (a) lodged by submitting the original application;
  - (b) completed by the applicant as prospective holder and the registrant; and
  - (c) in accordance with Form FSLA10 in Schedule 1;
  - (d) accompanied by comprehensive written representations in support of the application;
  - (e) accompanied by proof of payment of prescribed fees; and
  - (f) accompanied by a declaration under oath or truly affirmation at the end of the said form that the information contained therein is true.

**Procedure upon receipt of application**

30. (1) The Authority must consider the application for the transfer of registration and may request comments from the relevant local municipality or other municipality when the Authority deems it necessary.
- (2) When so requested, the relevant local or any other municipality must submit its comments, if any, within 14 working days from receipt of such request.
- (3) The Authority may request reports as envisaged in section 31(3)(a) and (b) of the Act from the relevant designated police officer and liquor inspector.

**Filing of reports by designated police officer and liquor inspector**

31. (1) Not later than ten (10) working days after the Authority requested a report envisaged in regulation 30(3) read with regulation 69(1) regarding an application envisaged in regulation 28 from the South African Police Service, the designated police officer must submit, in duplicate, his or her written report to the Authority.
- (2) The Authority must within seven (7) working days of receipt of the report of the designated police officer envisaged in subregulation (1) refer it to the liquor inspector for the report envisaged in regulation 30(3).
- (3) Not later than ten (10) working days after the Authority requested a report envisaged in regulation 30(3) read with regulation 69(2) regarding an application envisaged in regulation 28 from a liquor inspector, he or she must submit his or her written report to the Authority.

**Referral to applicant**

32. (1) The Authority must provide copies of the reports and comments of the relevant municipality, designated police officer and liquor inspector regarding an application envisaged in regulation 28 to the applicant for comments.
- (2) The comments envisaged in subregulation (1) of the applicant must be submitted within 14 working days to the Authority, which must clearly identify the relevant application.

**Procedure upon grant of application**

33. If the application envisaged in regulation 28 is granted, approval substantially in the form of Form FSLA11 in Schedule 1 must be issued.

**CHAPTER VII**  
**NOTIFICATION IN TERMS OF SECTION 39(3) FOR OBTAINING CONTROL OVER**  
**REGISTRANT**

**Lodgement of application**

34. A person must inform the Authority about obtaining control over registered person as envisaged in section 39(3) of the Act.

**Form of application**

35. A notification regarding the obtaining of control over registrant must be –
- (a) completed by the registrant and the person obtaining control;
  - (b) in accordance with Form FSLA12 in Schedule 1;
  - (c) accompanied by proof of payment of prescribed fees; and
  - (d) accompanied by a declaration under oath or truly affirmation at the end of the said form that the information contained therein is true.

**Procedure upon receipt of notification**

36. The Authority must consider the notification and, if necessary, take steps in terms of the Act or other legislation, which could include bringing it to the attention of the relevant authority in terms of the Competition Act, 1998 (Act No. 89 of 1998).

**CHAPTER VIII**  
**APPLICATION IN TERMS OF SECTION 40(3) FOR THE APPOINTMENT OF PERSON**  
**TO CONDUCT REGISTERED ACTIVITIES ON AN INTERIM BASIS**

**Lodgement of application**

37. An application for the appointment of a person to conduct registered activities on an interim basis as envisaged in section 40(3) of the Act must be lodged with the designated office of the Authority.

**Form of application**

38. An application as envisaged in regulation 37 must be –
- (a) lodged by submitting the original application;
  - (b) in accordance with Form FSLA13 in Schedule 1;
  - (c) accompanied by comprehensive written representations in support of the application;
  - (d) accompanied by proof that notice was given as envisaged in section 40(4) of the Act;
  - (e) accompanied by a confirmation that an administrator has not yet been appointed;
  - (f) accompanied by proof of payment of prescribed fees; and
  - (g) accompanied by a declaration under oath or truly affirmation at the end of the said form that the information contained therein is true.

**Procedure upon receipt of application**

39. (1) The Authority must consider the application for the appointment of person to conduct registered activities on an interim basis as envisaged in the Act and may request comments from the relevant local municipality or any other municipality when the Authority deems it necessary.
- (2) When so requested, the relevant local or other municipality must submit its comments, if any, within 14 working days from receipt of such request.
- (3) The Authority may request reports as envisaged in section 31(3)(a) and (b) of the Act from the relevant designated police officer and liquor inspector.

**Filing of reports by designated police officer and liquor inspector**

40. (1) Not later than ten (10) working days after the Authority requested a report envisaged in regulation 39(3) read with regulation 69(1) regarding an application envisaged in regulation 37 from the South African Police Service, the designated police officer must submit, in duplicate, his or her written report to the Authority.
- (2) The Authority must within seven (7) working days of receipt of the report of the designated police officer envisaged in subregulation (1), refer it to the liquor inspector for the report envisaged in regulation 39(3).
- (3) Not later than ten (10) working days after the Authority requested a report envisaged in regulation 39(3) read with regulation 69(2) from a liquor inspector, he or she must submit, in duplicate, his or her written report to the Authority.

**Referral to applicant**

41. (1) The Authority must provide copies of the reports and comments of the local municipality, designated police officer and liquor inspector regarding an application envisaged in regulation 37 to the applicant for comments.
- (2) The comments envisaged in subregulation (1) of the applicant must be submitted within 14 working days to the Authority, which must clearly identify the relevant application.

**Procedure upon grant of application**

42. If the application for the appointment of a person to conduct registered activities on an interim basis is granted, approval substantially in the form of Form FSLA14 in Schedule 1 must be issued.

**CHAPTER IX  
APPLICATION IN TERMS OF SECTION 41(2) FOR THE TEMPORARY REMOVAL OF  
REGISTRATION**

**Lodgement of application**

43. (1) An application for the temporary removal of a registration must be lodged with the designated office of the Authority.
- (2) The notice of application for the temporary removal of a registration must be published in the *Provincial Gazette* and at least one newspaper circulated in the ward where the premises are to be removed to on the day of submission of the application, substantially in the form of Form FSLA15 in Schedule 1.

**Form of application**

44. An application for the temporary removal of a registration must be --
- (a) lodged by submitting the original application;
  - (b) in accordance with Form FSLA16 in Schedule 1;
  - (c) accompanied by comprehensive written representations in support of the application;
  - (d) accompanied by proof of payment of prescribed fees; and
  - (e) accompanied by a declaration under oath or truly affirmation at the end of the said form that the information contained therein is true.

**Procedure upon receipt of application**

45. (1) The Authority must consider the application for the temporary removal of registration as envisaged in the Act and may request comments from the relevant local municipality or any other municipality when the Authority deems it necessary.
- (2) When so requested, the relevant local or other municipality must submit its comments, if any, within 14 working days from receipt of such request.
- (3) The Authority may request reports as envisaged in section 31(3)(a) and (b) of the Act from the relevant designated police officer and liquor inspector.

**Filing of reports by designated police officer and liquor inspector**

46. (1) Not later than ten (10) working days after the Authority requested a report envisaged in regulation 45(3) read with regulation 69(1) regarding an application envisaged in regulation 43 from the South African Police Service, the designated police officer must submit, in duplicate, his or her written report to the Authority.

- (2) The Authority must within seven (7) working days of receipt of the report of the designated police officer envisaged in subregulation (1), refer it to the liquor inspector for the report envisaged in regulation 45(3).
- (3) Not later than ten (10) working days after the Authority requested a report envisaged in regulation 45(3) read with regulation 69(2) from a liquor inspector, he or she must submit, in duplicate, his or her written report to the Authority.

#### **Referral to applicant**

47. (1) The Authority must provide copies of the objections received, comments and reports of the relevant municipality, designated police officer and liquor inspector regarding an application envisaged in regulation 43 to the applicant for comments.
- (2) The comments envisaged in subregulation (1) of the applicant must be submitted within 14 working days to the Authority, which must clearly identify the relevant application.

#### **Procedure upon grant of application**

48. If the application for the temporary removal is granted, approval substantially in the form of Form FSLA17 in Schedule 1 must be issued.

### **CHAPTER IX APPLICATION IN TERMS OF SECTION 27(2) FOR REGISTRATION AS A MICRO- MANUFACTURER OR AUTHORISED DEALER OF METHYLATED SPIRITS**

#### **Lodgement**

49. An application for a registration as a micro-manufacturer or authorised dealer of methylated spirits in terms of section 27(2) of the Act must be lodged with the designated office of the Authority.

#### **Form of application**

50. An application by an applicant referred to in section 27(2) of the Act for a micro-manufacturer or authorised dealer registration of methylated spirits must be –
  - (a) lodged by submitting the original application;
  - (b) in accordance with Form FSLA18 of Schedule 1;
  - (c) accompanied by comprehensive written representation in support of the application;
  - (d) accompanied by proof of payment of the prescribed fees; and
  - (e) accompanied by a declaration under oath or truly affirmation at the end of the said form that the information contained therein is true.

**Procedure upon receipt of application**

51. (1) The Authority must consider the application as envisaged in regulation 49 and may request comments from the relevant local municipality, any other municipality, designated police officer or liquor inspector when the Authority deems it necessary.
- (2) When so requested, the relevant local municipality, any other municipality, designated police officer or liquor inspector must submit the comments, if any, within ten (10) working days from receipt of such request.
- (3) If comments envisaged in subregulation (2) are negative, those comments must be referred to the applicant to submit his or her comments within 14 working days.

**Procedure upon grant of application for micro-manufacturer or authorised dealer of methylated spirits**

52. If the Authority grants approval for registration envisaged in regulation 49, a registration certificate, substantially in the form of Form FSLA19 in Schedule 1, must be issued.

**CHAPTER XI****APPLICATION IN TERMS OF SECTION 42 FOR REGISTRATION PRIOR TO LAPSING**

53. Prior to lapsing of registration a registrant may apply for registration as envisaged in section 42 of the Act in the same manner and form applicable to registration of new premises as set out in regulations 2 to 11.

**CHAPTER XII****NOTIFICATION IN TERMS OF SECTION 43 OF VOLUNTARY CANCELLATION OF REGISTRATION**

54. A registrant must inform the Authority about the voluntary cancellation in writing in which the following information must be submitted:
- (a) name of registrant;
  - (b) certified copy of registration certificate;
  - (c) reasons for cancellation;
  - (d) date on which cancellation of registration will take effect.

**CHAPTER XIII****NOTIFICATION IN TERMS OF SECTION 44 OF CANCELLATION AS CONSEQUENCE OF LIQUIDATION; SEQUESTRATION; WINDING-UP OR DEATH**

55. (1) The liquidator or trustee must inform the Authority in accordance with section 44(1) of the Act in writing in which the following information must be submitted –
- (a) name of registrant;
  - (b) certified copy of registration certificate;
  - (c) proof of appointment as liquidator or trustee.

- (2) The executor must inform the Authority in accordance with section 44(2) of the Act in writing in which the following information must be submitted –
- (a) name of registrant;
  - (b) certified copy of registration certificate;
  - (c) certified copy of death certificate.

#### **CHAPTER XIV NOTICES**

##### **Form of notice**

56. (1) A notice referred to in section 115 must be substantially in the form of Form FSLA20 in Schedule 1.
- (2) The Authority may issue a notice to a person substantially in the form of Form FSLA21 contained in Schedule 1 to require such person to be present at the meeting of the Authority.

##### **Issue of notice**

57. Every notice must be issued by the Authority through the liquor inspector who must forward the original and one copy thereof to a designated police officer or inspector.

##### **Service of notice**

58. (1) Every notice must be served by a police officer or inspector by delivering the original thereof to the person named therein or, if he or she cannot be found, by delivering it at his or her residence or place of employment or business to a person apparently over the age of 16 years and apparently residing or employed there.
- (2) A return by a police officer or inspector who served the notice on the copy thereof, that the service thereof has been effected in terms of subregulation (1), must, after service thereof, be forthwith forwarded to the Authority.
- (3) The notice must be served on the person mentioned therein so that he or she is in possession thereof at least 14 working days before the date upon which the meeting will take place.

#### **CHAPTER XV RECORDS**

##### **Record keeping by Authority**

59. All records required to be kept by virtue of the Act, must be in writing and must be retained in accordance with provisions of the Provincial Archives Act, 1999 (Act No. 4 of 1999).



**Records to be kept by certain holders of registration certificate**

60. (1) All holders of off-consumption registration certificates or special events registration certificates must keep records, substantially in the form of Form FSLA22 in Schedule 1, indicating in respect of every sale of liquor by that person to any one customer at any one time in a quantity of 150 litres or more -
- (a) the date of sale;
  - (b) the name, identity number and address of the purchaser; and
  - (c) the quantity of each kind of liquor sold.
- (2) Entry of the particulars referred to in subregulation (1), must be made in such records immediately upon completion of any sale.

**Record of appointment of natural person**

61. (1) A person other than a natural person who is the holder of a registration, and a natural person who is the holder of a registration must appoint a natural person to manage and be responsible for the business and must 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.

**CHAPTER XVI  
GENERAL PROVISIONS****Form of application**

62. Any written application, any document accompanying such application and any document lodged in terms of the Act or regulations (excluding plans which shall be clear and legible), must be in typescript on A4 standard paper.

**Responsibility for correctness of notice**

63. The applicant is solely responsible for the correctness of any notice submitted by him or her or his or her representative for publication in accordance with the provisions of these regulations.

**Publications, advertisements and notices**

64. The notice referred to in regulations 4 and 43(2) must be deemed to be properly published in the *Provincial Gazette* if the Provincial Government Printer prints a notice in summary form, substantially in the form of Form FSLA2 or FSLA15, as the case may be, in Schedule 1 and errors will not be the responsibility of the Authority.

**Availability of approvals or authorities**

65. Every approval or authority issued in terms of the Act must be filed together with the registration certificate in the manner envisaged in section 30(4) of the Act.

**Certificate of appointment of liquor inspector**

66. The certificate of appointment of a liquor inspector must be in writing and in accordance with Form FSLA24 in Schedule 1.

**Times of business**

67. The times of business in relation to different categories of business are set out in Schedule 4.

**Complaints**

68. Complaints of persons contemplated in section 132 of the Act must at least contain the following information –
- (a) description of type of business conducted at the premises about which complaint is submitted;
  - (b) address of premises about which complaint is submitted; and
  - (c) explanation of the facts on which complaint is based.

**Matters to be included in report of designated police officer and liquor inspector**

69. (1) The report of the designated police officer must include –
- (a) information in relation to the criminal record (if any) of applicant;
  - (b) crime patterns and/or statistics of the area in which the premises are situated if such information are available;
  - (c) proximity of premises to institutions of learning, places of worship and existing outlets;
  - (d) the number of registration certificates of the same kind already issued in the near vicinity of the premises;
  - (e) the suitability of the premises for the intended use thereof as envisaged in the Act;

- (f) information from Home Affairs;
  - (g) any other matter which ought to be taken into consideration in respect of the application.
- (2) The report of the liquor inspector must indicate whether and to what extent he or she has –
- (a) verified information submitted by the local municipality and designated police officer;
  - (b) verified information submitted by the applicant;
  - (c) checked issues of public interest which, *inter alia*, could include interviews with surrounding owners of premises and business;
  - (d) any other matter which ought to be taken into consideration in respect of the application.

#### **Guidelines regarding proximity and ratio of population**

70. (1) Premises may not be situated within a radius of 500 meters from institutions of learning and places of worship.
- (2) The ratio of population vis-à-vis the number of outlets in a ward is 50 households per 1 liquor outlet as envisaged by the Act.
- (3) Applicants whose applications will be in contravention of subregulation (1) or (2) must submit representations which specifically indicate the reason their applications should be allowed notwithstanding non-compliance with subregulations (1) and (2).

### **CHAPTER XVII FEES**

#### **Access to documents**

71. The provisions of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), apply to fees for access to documents of the Authority.

#### **Application fees**

72. (1) No application referred to in Part A of Schedule 2 may be lodged with the municipality or Authority or considered by the competent authority unless the fees set out in Part B of the said Schedule have been deposited into the account of the Authority.
- (2) No amount paid in terms of subregulation (1), or any part thereof, may be refunded to an applicant.

**Fees payable in respect of the issue of a registration certificate**

73. (1) Within 60 days of the issue of a registration certificate (excluding a special events registration certificate) there must be deposited into the account of the Authority the fees set out in Part A of Schedule 3.
- (2) Whenever a registration certificate (excluding a special events registration certificate) is issued after 31 January of any year, the fees payable in respect of the issue of such a registration certificate must be reduced by one twelfth in respect of each completed calendar month which has passed since the preceding 31 December until the date of issue thereof, and if such registration certificate is issued after 30 June of any year, the annual fees in respect of such registration certificate for the whole of the next succeeding year must be paid together with the fees so reduced.

**Fees payable in respect of the transfer or removal of a registration certificate**

74. Within 60 days of the issue of a certificate of transfer or removal, there must be deposited into the account of the Authority the fees set out in Part B in Schedule 3.

**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.

**CHAPTER XVII**  
**COMMENCEMENT OF REGULATIONS**

**Short title and commencement**

76. These regulations are called the Free State Liquor Regulations, 2010.