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## Summary of the Liquor Amendment Regulations, 2013<sup>1</sup>

This document comprises the **Liquor Amendment Regulations, 2013<sup>2</sup>**, issued by the Minister of Trade and Industry, in terms of section 42 of the Liquor Act, 2003 (Act No. 59 of 2003). These amendments modify the existing National Liquor Regulations, 2004. The regulations were published in the Government Gazette on **December 3, 2013**.

Here's a summary of the key amendments and additions:

- **Form of Notices and Applications** (Amendment of regulation 8): Any notice or application made under the Act, or these Regulations must now be in the **prescribed manner and form**.
- **Issuance of Certificates, Notices, or Receipts** (Amendment of regulation 9): The Minister or National Liquor Authority (NLA) must issue certificates, notices, or receipts in the prescribed manner and form **within 90 days from the date of receipt**, provided the applicant submitted all documents.
- **National Register Content** (Amendment of regulation 10): The national register, maintained in terms of section 23, must now contain, at a minimum, the registered person's details, principal place of business, the provinces and municipalities where registered activities may occur, dates/details of transfers, notices given, reports filed, and cancellations. Previously required details such as the name of the regulatory authority, registration date and history, full name of the registered person, permitted activities, conditions, complaints, non-compliance notices, compliance certificates, suspensions, and prosecutions/convictions are now omitted from this minimum requirement.
- **Application Fees** (Amendment of regulation 11): A **non-refundable application fee** must be paid when the application is filed, though it will be refundable if the application is unsuccessful because the National Liquor Authority does not have jurisdiction to entertain it.
- **First-Time Registrations** (Amendment of regulation 13):
  - A person intending to register for the first time must file a fully completed **Form NLA 1** on the last Friday of any month, or the next non-public holiday Friday.
  - The prescribed fees must be paid to the satisfaction of the NLA, with **proof of payment attached**. The Form NLA 1 must be fully completed.

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<sup>1</sup> Source: Google NotebookLM

<sup>2</sup> Source: [https://www.thedtic.gov.za/wp-content/uploads/National\\_Liquor\\_Regulations2013.pdf](https://www.thedtic.gov.za/wp-content/uploads/National_Liquor_Regulations2013.pdf)

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- If the NLA believes the applicant underestimated fees or did not provide relevant information, it may issue a letter requesting additional fees and information. Failure to comply within seven days will lead to the application's **rejection**.
- Applications must be accompanied by several documents, including:
  - A business zoning certificate for industrial purposes or a consent letter from the municipality.
  - Comprehensive written representations supporting the application.
  - Any determination, consent, approval, or authority required by the Act.
  - Proof of deposit of the prescribed application fee into the Department of Trade and Industry's bank account.
  - A valid certified copy of the applicant's identity document (if a natural person), or certified copy of a passport, trading business permit for foreign nationals, and a **South African Police Services clearance certificate (not more than three months old)**.
  - For juristic persons, valid copies of registration documents from the Companies and Intellectual Property Commission (CIPC) or other relevant authority, indicating financial interest of all members/shareholders/partners/beneficiaries, and certified copies of their identity documents.
  - A valid **Tax Clearance Certificate** (if a juristic person) or proof of tax compliance (for natural persons) issued by the South African Revenue Service within twelve months of application.
  - Other documents specified on the form or by the Act/NLA.
  - A **verification certificate in terms of the Broad-Based Black Economic Empowerment Act, 2003**.
- **Consideration of Applications** (Amendment of regulation 14):
  - Within 14 business days of receiving an application, the NLA must either proceed to consider it or issue a letter requesting additional or corrected information.
  - The NLA may **order an inspection of the premises** within 30 days of application receipt, with an inspection report furnished within a reasonable time, not exceeding 30 days after the inspection.
  - Applicants must respond to NLA's requests for information within 14 business days.
  - The NLA may issue a "Demand for Corrected Information" if it believes a document contains incorrect information, requiring the person to provide information within 14 days.

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- **Documents for Other Applications** (Amendment of regulation 16): Applications made under sub-regulation (2) must be accompanied by similar documents as new registrations, including a business zoning certificate/consent letter, written representations, required determinations, proof of fee payment, identity documents/passports/police clearance, juristic person registration documents and stakeholder IDs, a tax clearance certificate, other requested documents, and a B-BBEE verification certificate.
- **New Regulations Added:**
  - **Trading Hours (Regulation 21):** The NLA determines trading hours for registered distributors, but these hours **cannot supersede those determined by a relevant municipality** through a by-law or notice. If no municipal hours are set, a registered distributor may conduct business Monday to Saturday between **09h00 and 18h00**, with manufacturing permitted 24 hours daily.
  - **Keeping of Records (Regulation 22):** Registrants must **register and keep a written or electronic record of any person or business entity purchasing liquor**. This record must include the delivery address, original valid liquor license or certified registration certificate (certified within the last 3 months), invoice numbers/dates, kind/quantity of liquor supplied, and purchase prices.
  - **Delivery of Liquor (Regulation 23):** Registered distributors are prohibited from delivering liquor from a vehicle unless it was previously ordered and an invoice (with specified information) was made out, with the original retained at the dispatch premises. A copy of the invoice must be in the vehicle during delivery. Liquor cannot be delivered to an address not indicated on the invoice.
- **Transitional Arrangements:** Registrants registered before these regulations came into effect must, when filing their annual information return, include various documents similar to those required for new applications, such as a business zoning certificate, determination/consent, proof of fee payment, certified identity documents/passports/police clearance, juristic person registration details and stakeholder IDs, a tax clearance certificate, and a B-BBEE verification certificate.

The document also includes **Form NLA 1, the Application for Registration**, which requires detailed information about the applicant (personal details, business name, addresses, contact numbers) and specific declarations regarding the applicant's status (e.g., minor, insolvent, mental health commitment, criminal convictions). For non-individual applicants, details of individuals with controlling interest, directors, board members, or main beneficiaries are required. The form also asks for a description of activities,

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including the kinds of liquor manufactured or distributed, premises details, and whether liquor will be distributed across provincial boundaries or manufactured elsewhere. Annexures required with Form NLA 1 include details of financial interest, black economic empowerment commitments, impact on the industry, projected turnover, premises plans, zoning certificates, tax clearance certificates, and proof of application fee payment. The instructions explicitly state that **applications will not be considered if any requested information is not attached.**