

**LIQUOR
TRADING &
CONSUMPTION
BY-LAW**



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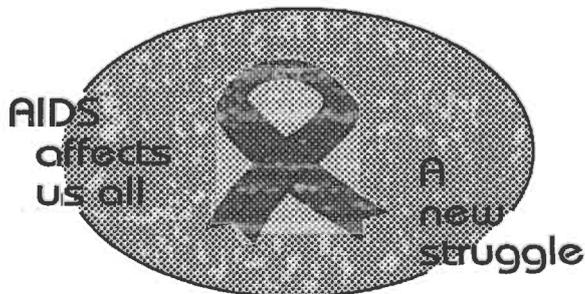
9 MAY 2024

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No: 2683

PART 1 OF 3

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DEPARTMENT OF HEALTH

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MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 413 OF 2024

NEWCASTLE MUNICIPALITY: BY-LAW RELATING TO LIQUOR TRADING AND CONSUMPTION**PURPOSE**

To provide for the regulation of trading and consumption of liquor in the area of the jurisdiction of Newcastle Municipality (KZN 252)

TABLE OF CONTENTS

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Definitions

1. In this By-law, unless the context indicates otherwise –

“**authorised official**” means a person authorised to enforce / implement the provisions of the By-laws, including but not limited to –

- (a) Peace officers as contemplated in section 334 of the Criminal Procedure Act of 1977;
- (b) Means any other authorised official delegated by the Accounting Officer; or
- (c) An authorised officer as defined in Chapter 1 of the NRTA 93 of 1996
- (d) A person registered as a Security Officer in terms of the Security Officers Act, (Act 92 of 1987)

“**drinking in public**” means drinking on a public road (as defined in chapter 1 of the NRTA 93 of 1996), any public open space, outside a designated area, and drinking outside a licensed establishment.

“**licensed establishment**” includes any premises, business, outlet or land use activity from which liquor is sold;

“**liquor**” means –

- (a) A liquor product as defined in section 1 of the Liquor Product Act No. 60 of 1989;
- (b) beer or traditional African beer; or

- (c) any other substance or drink declared to be liquor under the National Liquor Act No. 59 of 2003, but does not include methylated spirits;

“liquor establishment” means any place where liquor is sold for on-site or off-site consumption;

“off-site consumption” means where liquor is consumed on a premises other than where it was purchased;

“on-site consumption” means where liquor is consumed in the premises on which it was purchased;

“Municipality” means the Newcastle Municipality, a category B municipality as envisaged in terms of Section 15(1) of the Constitution of South Africa;

“special event” means an event organised at a specific place for a specified duration;

“trader” means any individual or business who has a business licence and a liquor licence and is authorised to sell liquor to the public in any quantity for consumption or retail;

“tavern” means any residentially zoned premises where liquor is sold for consumption on premises and where food may be provided incidentally.

Application of the By-law

2.(1) This By-law applies throughout the Municipality's area of jurisdiction in respect of liquor establishments and consumption thereof.

Trading days and hours

3.(1) The Council of the Newcastle Municipality hereby resolves that the trading days and hours for each category of liquor establishments are as set out in Schedule A and B of this By-law.

(2) The Municipality may by resolution alter the trading days and hours contained in Schedule A and B of this By-law.

(3) Trading hours must be consistent and not derogate from any other law governing trading hours of liquor products.

Powers of an authorised official

4.(1) An authorised official may request a liquor trader to produce their liquor licence upon demand.

(2) Where an authorised official suspects that an establishment is selling liquor outside of the designated time frame as set out in Schedule A or B, they may enter such premises to conduct an inspection.

(3) Shall have the powers to issue a prohibition notice to the liquor establishment, trader or employee to cease the operations until such time that the prohibition notice is complied with.

Offences

5.(1) An offence is committed where a trader or an employee of a trader –

(a) interferes with or hinders the inspection and the investigation of an authorised official.

(b) fails to comply with an instruction of an authorised official.

(c) fails to produce a liquor licence

(d) is not in possession of an extended days and hours trading permit and trades outside of the trading days and hours prescribed within Schedule A;

(e) contravenes any other section of this by-law.

(2) It is an offence for a person to consume liquor in public within the jurisdiction of the Newcastle Municipality.

(3) It is an offence for a person to be intoxicated in a public area and public space within the jurisdiction of the Newcastle Municipality.

Penalties

6.(1) A warning may be issued against a liquor establishment trader or an employee of a trader who convenes this by-law.

(2) The warning shall include the following :

a) the name of the liquor establishment trader or employee of the trader;

b) the offence;

c) the steps to be taken by the liquor establishment trader or the employee of a trader to rectify the offence;

d) the period within which the offence may be rectified by the liquor establishment trader or the employee of a trader; and

e) consequences where the offence remain unrectified after the expiry of the period contemplated in 6(2)(d).

(3) Where a trader or an employee of a liquor establishment is found guilty of an offence in terms of this by-law, she/he shall be liable on conviction to –

(a) a minimum fine of R2 000-00 and a maximum of R3 000 000-00;

(b) imprisonment for a minimum of 2 years; or

(c) both a fine and imprisonment.

- (3.1) The Municipality or an authorised official may, at its discretion, dispose of any item confiscated, in a manner which is deemed to be prudent.
- (3.2) The Municipality or an authorised official or institution is exonerated from any liability for any loss or damage emanating from any action used to enforce or implement these bylaws.
- (4) Upon conviction all liquor products will be confiscated and destroyed.
- (5) All fines and sentences imposed are subject to the discretion of the Chief Magistrate.

Short title and commencement

7. This by-law is called the By-law relating to liquor trading and consumption.

NB: 1. The following is subject to change according to any subsequent proclamation envisaged in any other relevant law, act or policy

2. These by-laws and its schedules may not derogate from a National or Provincial Act or Policy.

SCHEDULE A : COMMERCIAL / INDUSTRIAL

CATEGORY A ONSITE CONSUMPTION	TRADING DAYS	TRADING HOURS
Accommodation Establishments	Daily	10h00 – 02h00
Restaurants	Daily	10h00 – 02h00
Clubs	Daily	10h00 – 02h00
Night Clubs	Daily	10h00 – 04h00
Casinos	Daily	24 hours
Sports Facilities	Daily	10h00 – 23h00
Pubs	Daily	10h00 – 02h00
Taverns	Daily	10h00 – 24h00
Theatres	Daily	10h00 – 24h00
CATEGORY B OFF-SITE CONSUMPTION	TRADING DAYS	TRADING HOURS
Liquor stores	Monday – Friday	08h00 – 20h00
	Saturday	08h00 – 17h00

	Sunday	10h00 – 15h30
Grocers Wine and Liquor Stores	Monday – Friday	08h00 – 20h00
	Saturday	08h00 – 17h00
	Sunday	10h00 – 15h30
CATEGORY C SPECIAL EVENTS	TRADING DAYS	TRADING HOURS
Event days	Any time	Trading days and hours are subject to the permit issued by the Council.
CATEGORY D	TRADING DAYS	TRADING HOURS
Micro Manufacturers	Daily	07h00 – 22h00

SCHEDULE B : RESIDENTIAL

CATEGORY A ON-SITE CONSUMPTION	TRADING DAYS	TRADING HOURS
Accommodation Establishments	Daily	10h00 – 22h00
Restaurants	Daily	10h00 – 24h00
Clubs	Daily	10h00 – 24h00
Night Clubs	Daily	14h00 – 24h00
Casinos	Daily	24 hours
Sports Facilities	Daily or whenever in use	10h00 – 23h00
Pubs	Daily	10h00 – 24h00
Taverns	Daily	10h00 – 24h00
Theatres	Daily	10h00 – 24h00
Car Washes	Daily	12h00 – 24h00
OFF-SITE CONSUMPTION	TRADING DAYS	TRADING HOURS
Liquor Stores	Monday – Friday	08h00 – 18h00
	Saturday	08h00 – 17h00
	Sunday	10h00 – 15h30
Grocers Wine and Liquor Store	Monday – Friday	08h00 – 20h00
	Saturday	08h00 – 17h00
	Sunday	10h00 – 15h30
SPECIAL EVENTS	TRADING DAYS	TRADING HOURS

Event days	Any day	Trading and hours are subject to the permit issued by the Council.
Micro Manufacturers	Daily	07h00 – 22h00