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Summary of the National Liquor Act Regulations, 2004¹

The National Liquor Regulations, 2004², outline the rules and procedures for the liquor industry in South Africa, established under the Liquor Act, 2003 (Act No. 59 of 2003).

Here is a summary of the key aspects covered in the Regulations:

- **General Provisions (Part 1):**
 - The regulations provide **interpretations of key terms** such as "Act," "National Liquor Authority" (NLA), "public holiday," "Regulation," "certified copy," "deliver," "file," and "serve".
 - **Business days** are calculated by excluding the first day, public holidays, Saturdays, and Sundays, while including the last day.
 - The **National Liquor Authority (NLA) offices** are open to the public from **09h00 to 15:30, Monday to Friday**, excluding public holidays.
 - Communication with the NLA can be done via **hand delivery, post, telephone, fax, or electronic mail**.
 - The **Director of the NLA** may **condone late performance** of acts with prescribed time limits, provided "good cause" is shown, unless the time limit binds the Minister or the NLA itself.
- **Delivery of Documents, Form of National Register and Fees (Part 2):**
 - **Delivery methods:** Documents can be delivered in various ways, including fax, electronic mail, registered post, or by hand to representatives. Specific rules apply for delivery to the Minister or the NLA, including electronic submission via their website or email attachments. Deemed delivery times are specified for each method, with documents delivered outside NLA office hours considered delivered on the next business day.
 - **Document format:** Documents sent by fax must include a cover page, and electronic mail transmissions must attach the document to a cover message, both containing sender and recipient details, transmission date/time, total pages, and contact information for transmission issues.

¹ Source: Google NotebookLM

² Source: https://www.gov.za/sites/default/files/gcis_document/201409/26689gon980.pdf

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- **Issuing documents:** Documents issued by the Minister or NLA are considered issued when signed and served, and can be signed and served at any time of day, regardless of office hours.
- **Filing documents:** The NLA assigns distinctive **reference numbers** to applications, complaints, and compliance notices. All subsequent documents related to the same matter must be marked with this number, and the NLA may refuse improperly marked documents. Persons filing documents must provide their **legal name, address for service, telephone number, and if available, email and fax numbers**. If not an individual, the name of the authorized individual must be provided.
- **Forms:** The regulations prescribe specific forms for various notices, applications, certificates, and official communications (e.g., Form NLA 1 for application for registration, NLA 2 for demand for additional payment, NLA 9 for registration certificate).
- **National Register:** The national register, maintained in terms of section 23 of the Act, must contain minimum details for every registration, including:
 - Name of the regulatory authority and registration date/history.
 - Name of the registered person (including trade name) and permitted activities.
 - Principal place of business and addresses of premises where activities occur.
 - Any conditions attached to the registration.
 - Dates and summary details of complaints, non-compliance notices, compliance certificates, suspension of registration, and prosecutions/convictions.
 - Dates and details of transfers, notices, reports, and cancellation of registration.
- **Fees:** Fees for applications and registrations related to the manufacture and distribution of liquor are detailed in **Table NLA 4** and vary based on **annual turnover**.
 - An **application fee** must be paid when the application is filed.

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- An **initial registration fee** is due within 30 days of receiving a final statement of conditions of registration and before the registration certificate is issued.
- An **annual renewal fee** must be paid at least one month before the anniversary date of the registration certificate and before a renewal certificate is issued.
- The NLA also charges fees for inspecting documents, copying records (R1.00 per A4 page), and certified copies (R2.00 each).
- Fee payments are deemed received on the date a cheque/money order is delivered or a direct deposit/electronic transfer is credited to the Department of Trade and Industry's account.
- **Threshold Volumes (Part 3):**
 - The regulations define **threshold volumes for micro-manufacturers** for purposes of section 4(5)(a) of the Act. These limits are:
 - **Beer:** 100 million litres per year.
 - **Traditional African beer:** 50 million litres per year.
 - **Wine:** 4 million litres per year.
 - **Spirits and/or any other liquor:** 2 million litres per year.
 - If a person manufactures more than one category of liquor and exceeds the threshold for any single category, they are deemed to exceed the threshold for all categories.
- **Registration (Part 4):**
 - **General requirements:** To be registered, a person must file **Form NLA 1**, complete all instructions, attach required documents, pay required fees, and respond to any demands for additional payment, notice of incomplete filing, or demand for corrected information from the NLA.
 - **Review of applications:** Within **14 business days** of receiving an application, the NLA must either issue a demand/notice (NLA 2, NLA 3, or NLA 4) or proceed to consider the application. Applicants must respond within 14 business days. If an application falls outside the Act's jurisdiction, the NLA issues a **Notice of Non-jurisdiction (NLA 5)** and refunds fees. The NLA can

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request additional information or corrected information at any time, which must be provided within 14 business days.

- **Conditional registration:** The NLA may issue a **statement of proposed conditions (NLA 6)** or a **final statement of conditions of registration (NLA 8)**. Applicants must respond to proposed conditions with consent or refusal (Form NLA 7). A **registration certificate (NLA 9)** is delivered after the initial annual registration fee is paid.
- **Other applications:** Provisions exist for applying for **reconsideration of conditions (NLA 12)**, **relocation or alteration of activities (NLA 14)**, and **transfer of registration (NLA 10)**, each requiring specific forms and fees.
- **Other notices:** Registrants must notify the NLA within **7 business days** if they apply for provincial registration as a micro-manufacturer or retailer (NLA 13). Other required notices include acquisition of control (NLA 11), voluntary cancellation (NLA 17), and sequestration or winding up of a registrant (NLA 18).
- **Compliance (Part 5):**
 - **Complaints:** An inspector or an adversely affected person can file a **complaint (NLA 20)** regarding unregistered activity or a registrant's contravention of the Act. If an offence is alleged, the NLA will investigate or refer the matter to the Director of Public Prosecutions. An inspector may issue a **compliance notice (NLA 21)**, a **notice to cease (NLA 26)**, or recommend dismissal or referral.
 - **Compliance Notices:** If a registrant breaches obligations, the NLA delivers a **compliance notice (NLA 21)**. The registrant has **21 days** to submit a plan to remedy the breach or request a review. If a plan is accepted, compliance is monitored, and a **compliance certificate (NLA 23)** is issued upon substantial compliance.
 - **Information returns:** Registrants must file an **annual information return (NLA 28)** at least 30 days before their registration anniversary, and other specified persons must file an **annual information return (NLA 29)** by March 31 each year.

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- **Declaration of a Substance to be Liquor:**
 - The Minister of Trade and Industry has declared **"jello's"** (a **jelly-like substance containing alcohol**) and any similar substances to be **liquor** for the purposes of the Act. This declaration was made under the Liquor Act, 2003, and also references a similar declaration under the Liquor Act, 1989.
- **Methylated Spirits Regulations, 2004:**
 - These regulations, made under the Liquor Act, 2003, govern the **regulation of methylated spirits**.
 - An **"authorised dealer"** is defined as the holder of a general dealer's or chemist's licence. **"In bulk"** means a quantity of not less than ten litres in a single receptacle.
 - **Sales of methylated spirit:** Manufacturers can only sell to authorised dealers, persons authorised by the Secretary for Customs and Excise, or for export. Authorised dealers can sell in bulk to other authorised dealers, authorised persons, or medical/dental/veterinary practitioners, or educational institutions.
 - **Restrictions on sales:** Authorised dealers **must not sell methylated spirit on a closed day or before 08h00 or after 17h00** on any other day.
 - **Quantity and container conditions:** Manufacturers must sell only in bulk. Authorised dealers can sell in bulk or in containers holding **500 to 1000 millilitres**, but not more than **2 litres** at one time to an unauthorized person. Non-bulk containers must be **transparent, securely stoppered**, and labelled with **"Methylated Spirit - Poisonous"** in English and one other official language, along with the dealer's name and business address.
 - **Mixing prohibited:** Authorised dealers are prohibited from mixing any solid or liquid substance with methylated spirit intended for sale.
 - **Register of purchases and sales:** Authorised dealers must maintain a register at any place where methylated spirit is received, sold, or supplied. The register must immediately record the **date, quantity, and name/address of the supplier for receipts**, and the **date, name/residential address of the recipient, and quantity for sales**. Registers must be **retained for 12 months** from the last entry.