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Summary of the National Liquor Norms and Standards, 2015¹

The "National Liquor Norms and Standards, 2015²" is a comprehensive document issued by the Minister of Trade and Industry, under the **Liquor Act, 2003 (Act No. 59 of 2003)**. Published on February 13, 2015, in Government Gazette No. 38459, these norms and standards were **adopted on September 5, 2014**, after extensive public consultation. A key principle established is that **where national and provincial regulations contradict these Norms and Standards, the National Liquor Norms and Standards should prevail**.

The document's mandate is derived from the preamble and sections 2 and 39 of the Liquor Act, 2003, and it aims to harmonise liquor regulation across South Africa. It was developed with input from the National Liquor Policy Council (NLPC) and public workshops in various provinces, incorporating stakeholder feedback. For aspects where the current legislative framework is not aligned, the NLPC will propose necessary amendments to achieve consistency. All other existing norms within the current framework are to be implemented by reviewing regulations, rules, and license conditions.

Key Purposes of the Norms and Standards:

- To **harmonise liquor regulation and practices** throughout the Republic.
- To facilitate **effective and uniform enforcement** of liquor laws by various authorities.
- To ensure **consistency in the application of liquor laws**.
- To **reduce the socio-economic and other costs of alcohol abuse** by reducing access to and availability of liquor.
- To ensure **consistency and certainty** in how liquor laws are implemented, enabling manufacturers, distributors, and retailers to operate within clear parameters.
- These norms apply to **all existing and future premises licensed to manufacture, supply, or sell liquor**.
- **Failure by a licensee to observe mandatory licensing conditions will lead to the suspension or termination of the liquor license.**

¹ Source: Google NotebookLM

² Source: https://www.thedtic.gov.za/wp-content/uploads/nla_Norms_Standards.pdf

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National Norms and Standards (Key Requirements):

- **Harmonisation of Provincial Legislation:**
 - The Liquor Act, 2003, aims to establish National Norms and Standards for economic unity.
 - It is **imperative that South Africa operates from a harmonised legal framework**, moving away from the fragmented regulation under the older Liquor Act, 1989.
 - The **Liquor Act, 1989, must be repealed in all provinces by the end of the financial year 2016-2017** to prevent incoherence and limitations in enforcement.
 - National and provincial departments are required to collaborate to meet this deadline.
- **Age Verification:**
 - The licensee, manager, or person dispensing liquor **must verify the age** of anyone appearing under 18 years by requesting an identity document, passport, or driver's license.
 - **Selling liquor to a minor is an offence**, and repeat offenders may face license suspension or termination.
 - It is also an **offence for a person under 18 to present false evidence of age** or to access liquor or enter liquor premises with such intent.
 - Minors accompanied by an adult may be allowed access to licensed restaurants, but **no alcohol may be served to them**.
 - If a person refuses to provide identification, they are deemed under 18 and must be informed to leave the premises immediately.
- **Secondary Supply of Liquor to a Minor:**
 - It is an **offence for an adult to supply liquor to a person under 18 years**.
 - It is also an **offence to purchase liquor for or on behalf of a person under 18 years**.

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- **Sale or Supply of Liquor to Intoxicated Persons:**

- The licensee, manager, or person in charge **must not sell or supply liquor to any visibly intoxicated person**. This is an offence, and repeat contraventions can lead to license suspension or termination.
- Common signs of visible intoxication include slurred speech, swaying or difficulty walking straight, becoming physically violent, or becoming loud, boisterous, and disorderly.

- **Payment of Income Tax:**

- All registrants or license holders **must comply with the Income Tax Act and Customs and Excise Duties Act**.
- A **certified copy of a valid tax clearance certificate from SARS, not older than 3 months**, is a **mandatory requirement** for initial applications and all renewal applications.
- Tax clearance certificates are not transferable.

- **Police Clearance Certificate:**

- All registrants or managers of liquor premises **must ensure a Police Clearance certificate** issued by the South African Police Service accompanies their applications.

- **Provision of Free Drinking Water:**

- **Free drinking water (including tap water) must be easily available** at all on-consumption liquor outlets.

- **Provision of Ablution Facilities for Patrons:**

- All on-consumption outlets **must provide gender-specific ablution facilities and facilities for people with disabilities** at no additional cost.

- **Free Issue Condoms:**

- The licensee, manager, or person in charge of on-consumption premises **must ensure free issue condoms are easily available** in an accessible area at all times.

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- **Safety and Evacuation Measures:**

- The licensee must confirm that the premises comply with **basic safety and evacuation measures** as prescribed by relevant legislation and/or municipal by-laws.
- These measures form part of the mandatory conditions for granting or renewing liquor licenses, and all undertakings on the application form must be done under oath.

- **Weapon Free Premises:**

- **No weapons or sharp objects are permitted** inside on-consumption liquor premises, with the right of admission reserved.

- **Noise, Nuisance, and Pollution:**

- The licensee must take **all reasonable steps to ensure that noise levels do not cause unacceptable disturbance or nuisance** to neighbours or surroundings.
- The licensee is responsible for **all land pollution and littering** both within and outside the liquor premises flowing from their business, and these areas must be kept clean.
- **No loitering by patrons outside on-consumption liquor premises**, and all sales and consumption must be confined to the licensed premises.

- **Record Keeping:**

- **Distribution license holders must keep written or electronic records of all sales**, including proof of registration and identity/business registration documents.
- **Off-consumption bottle store license holders must keep records for all sales exceeding 25 litres to any unlicensed person**, detailing the purchaser's full name and address, liquor kind and quantity, purchase price, and reasons for purchase.
- All such sales records must be **kept for a period of 5 years**.

- **Uniform Trading Hours:**

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- Minimum standards of trading hours are set to ensure uniformity across the country, particularly where municipal by-laws are not enforced.
- Specific trading hours are detailed for different types of licenses:
 - **Manufacturers:** 24 hours, 7 days a week; Tasting: Monday-Sunday, 10:00-18:00.
 - **Distribution:** Monday-Saturday, 06:00-18:00; Sundays/Public Holidays, 09:00-17:00.
 - **Off Consumption (Business and Residential):** Monday-Saturday, 09:00-20:00; Sundays/Public Holidays, 09:00-17:00.
 - **On Consumption (Business Zone):** Other on-consumption licenses: Monday-Sunday, 10:00-00:00; Night Clubs: Monday-Sunday, 18:00-06:00.
 - **On Consumption (Residential Areas):** Other on-consumption licenses: Monday-Saturday, 10:00-21:00; Sundays, 10:00-17:00; Night Clubs: Monday-Saturday, 18:00-06:00; Sundays, 18:00-00:00.
 - **Accommodation:** Monday-Sundays, 10:00-00:00.
 - **Special events:** Business zone: 10:00-00:00; Residential area: 10:00-22:00 on the day of the event.

General Provisions:

- These Norms and Standards are **additional to any other existing conditions** outlined in the Liquor Act, 2003, or any Provincial or relevant statute. They will **automatically apply to all new applications or renewed licenses**.
- **Distribution license holders must not sell liquor to any unlicensed persons.**
- **On-consumption license holders must not sell liquor for takeaway or consumption off the licensed premises.**
- **Off-consumption license holders must sell liquor only to the public**, not to any licensed or unlicensed persons for business purposes.
- Compliance with all relevant legislation, including but not limited to the Liquor Act 2003, Liquor Products Act 1989, Counterfeit Goods Act 1997, Foodstuffs, Cosmetics and Disinfectant Act 1964, Consumer Protection Act 2008, and Provincial Liquor Acts, is mandatory.

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