

# DRAFT LIQUOR BY-LAW



**APRIL 2026**

# PRINCE ALBERT MUNICIPALITY

## Control of Undertakings that Sell Liquor to the Public By-law, 2026

Adopted by Resolution ??? of the Municipal Council of Prince Albert Municipality  
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The Prince Albert Municipality (“the Municipality”) hereby publishes the *Prince Albert Municipality: Control of Undertakings that Sell Liquor to the Public By-law, 2026*, as set out below. This By-law is promulgated by the Municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, and section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

### 1. Definitions

In this By-law—

- a) words importing the masculine gender include the feminine;
- b) words in the singular include the plural and vice versa; and
- c) in the event of any inconsistency between different texts of this By-law, the English text shall prevail, unless the context indicates otherwise.

“**Act**” means the Western Cape Liquor Act, 4 of 2008, including the regulations made thereunder, as amended from time to time;

“**Authorised official**” means an official appointed by the Prince Albert Municipality as a Law Enforcement Officer, Traffic Officer, Fire and Rescue Officer, or any official overseeing such officials, as well as Liquor Inspectors appointed by the Authority and members of the South African Police Service appointed to or performing official duties in the area;

“**Authority**” means the Western Cape Liquor Authority established in terms of the Act;

“**compliance notice**” means a written instruction issued by an authorised official as contemplated in section 10;

“**guest accommodation establishment**” means premises used as temporary residential accommodation for transient guests for compensation and includes a backpackers’ lodge, bed-and-breakfast establishment, guest house, guest farm or lodge;

“**licensee**” means any person licensed to sell liquor in terms of the Act and includes the manager responsible for the management of the business;

**“licensed premises”** means any place, land, building or part thereof in respect of which a liquor licence has been issued by the Authority in terms of the Act and includes a vehicle or vessel mainly used for the conveyance of tourists or passengers;

**“liquor”** means liquor as defined in section 1 of the Act;

**“municipal manager”** means the person appointed by the Municipal Council as municipal manager of the Prince Albert Municipality in terms of section 54A of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any person to whom the municipal manager has lawfully delegated a power, function or duty but only in respect of that delegation;

**“nuisance”** means any act, omission or condition on any premises, vehicle, street or public place, including any building, structure, vehicle or vessel, which is offensive, dangerous or which interferes with the ordinary comfort, convenience, peace or quiet of other persons, or which adversely affects the safety or comfort of other persons or businesses;

**“off-consumption premises”** means premises from which liquor is sold for consumption at a place other than the premises of sale;

**“on-consumption premises”** means premises where liquor is sold and consumed on site;

**“person”** means a natural or juristic person;

**“population certificate”** means an occupancy certificate issued for the prevention and control of overcrowding;

**“Prince Albert Municipality”** means the Prince Albert Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended, and “Municipality” has a corresponding meaning;

**“sell”** includes—

- a) supplying, exchanging, offering for sale or displaying for
- b) sale; authorising, directing or allowing such sale, supply, exchange, offer or display;
- c) exchanging liquor for money or any other consideration, and “selling”, “sale”, “sold”, “trade” and “trading” have corresponding meanings;

**“sparkling wine”** means an effervescent wine resulting from the fermentation of grapes, whether by natural or artificial process, and includes champagne;

**“special event”** means a fundraising event in aid of an educational or welfare organisation, or any exhibition, sports meeting, cultural meeting or artistic performance contemplated in the Act;

**“tourism facility”** means a tourism attraction, tourist facility, farm stall, wine production facility, craft brewery, craft distillery or similar licensed establishment primarily aimed at serving tourists;

**“temporary licence”** means:

- a. a temporary licence issued by the Authority to— the holder of an on-consumption licence; or
- b. in exceptional circumstances, the holder of an on- and off-consumption licence as provided for in the Act;

**“zoning”**, when used as a noun, means a category of land-use regulation determining permissible land uses, as set out in the applicable zoning scheme;

**“zoning scheme”** means the zoning scheme or schemes applicable within the area of jurisdiction of the Prince Albert Municipality.

## **2. Purpose and application**

(1) The purpose of this By-law is to—

- (a) regulate and control undertakings that sell liquor to the public;
- (b) ensure a safe and healthy environment within the Municipality;
- (c) determine days and hours of liquor trading;
- (d) curb the sale of liquor by unlicensed outlets; and
- (e) provide for matters incidental thereto.

(2) This By-law applies to all licensees, business owners, managers and landlords of licensed premises within the jurisdiction of the Municipality.

## **3. General prohibition**

No person may sell liquor to the public for consumption on or off licensed premises, or both, except during the days and hours determined by the Municipality; while in possession of a valid liquor licence issued in terms of the Act; while displaying all required certificates; and in compliance with all applicable provisions of this By-law.

## **4. Trading days and hours: Micro-manufacturing and sale (on- and off-consumption)**

A licensee authorised for micro-manufacturing and the sale of liquor may sell liquor on the licensed premises only:

(1) for on-consumption from Monday to Sunday, between 10h00 and 18h00;

(2) for off-consumption from Monday to Sunday, between 09h00 and 18h00.

## **5. Trading days and hours: On-consumption premises**

- (1) A licensee for consumption on the licensed premises may sell liquor for consumption on the licensed premises only on:
  - Monday to Thursday: 10h00 – 23h00
  - Friday and Saturday: 10h00 – 24h00
  - Sunday: 12h00 – 21h00
- (2) A licensee may not allow consumption of liquor more than 30 minutes after the closing time prescribed in subsection (1).
- (3) Guest accommodation establishments licensed to sell liquor may provide room service with limited stock, which may not be replenished outside the trading hours in subsection (1).
- (4) Despite subsection (1), a licensee may serve sparkling wine from 08h00 until closing time as part of a meal to guests attending an organised function with controlled access.

## **6. Trading days and hours: Off-consumption premises**

- (1) Liquor for off-consumption may be sold only during the following times:
  - Monday to Thursday (excluding public holidays): 09h00 – 18h00
  - Friday (excluding public holidays): 09h00 – 19h00
  - Saturday (excluding public holidays): 09h00 – 17h00
  - Public holidays (excluding Sundays): 09h00 – 14h30
- (2) A tourism facility licensed for off-consumption may additionally sell wine of origin and beer of origin on Sundays from 09h00 to 17h00.

## **7. Quantity limits: Off-consumption sales**

- (1) No licensee may sell, and no person may purchase, more than 100 litres of liquor per day for off-consumption, unless such purchaser is licenced.
- (2) Where more than 36 litres of liquor are sold to a non-licenced person in a single day, the licensee must—
  - (a) obtain a copy of the purchaser's identity document;
  - (b) retain an invoice from another organisation reflecting the purchaser's address;
  - (c) record the purchaser's contact number; and
  - (d) record the transaction in a prescribed register.
- (3) Where liquor is purchased on behalf of another person, the information referred to in subsection (2) must also be obtained in respect of that other person.

## **8. Special events and temporary licences**

Where the Authority refers an application for a special event or temporary licence to the Municipality for comment or recommendation, the Municipality may support or recommend deviations from the trading hours set out in this By-law.

## **9. Signage, population certificates, safety and nuisance control**

- 1) A population certificate must be displayed at all times on licensed on-consumption premises.
- 2) The maximum number of persons permitted by the population certificate may not be exceeded.
- 3) Where trading hours have been amended, written approval must be displayed on the premises.
- 4) Licensees must ensure reasonable safety and security measures, including—
  - (a) safe storage of goods and equipment;
  - (b) compliance with the National Building Regulations and all applicable municipal by-laws;
  - (c) compliance with environmental, health, planning and safety legislation; and
  - (d) adequate external lighting for on-consumption premises.
- 5) Licensees must take reasonable steps to prevent nuisances, including—
  - (a) noise disturbances created or caused in whatever manner by the licensee or his/her patrons;
  - (b) loitering, disorderly conduct or damage to neighbouring property;
  - (c) accumulation of refuse on or near the premises; and
  - (d) the provision of seating at off-consumption premises.

## **10. Compliance and enforcement**

- 1) An authorised official may enter licensed premises at reasonable times for compliance purposes.
- 2) The authorised official must identify himself or herself upon entry.
- 3) An authorised official may issue a compliance notice requiring corrective action.
- 4) A compliance notice must specify
  - (a) the contravened provision;
  - (b) the nature of non-compliance;
  - (c) required remedial measures;
  - (d) compliance deadlines and
  - (e) consequences of non-compliance.
- 5) An authorised official may issue fines, as determined, for any contravention of this By-law.

## **11. Application for extended trading hours**

- 1) A licensee may apply for extended trading hours upon payment of the prescribed fee.
- 2) Applications must be submitted at least 30 days in advance and will not be accepted between 10 December and 10 January.

- 3) No extension is valid unless approved in writing and displayed.
- 4) Extensions are valid for the remainder of the calendar year only and are not automatically renewable.
- 5) No more than two extensions per premises per calendar year may be granted.
- 6) No applications will be considered between 1 December and 15 January.
- 7) The Municipality may consider factors including licence validity, zoning compliance, location, complaints, public interest and community impact.
- 8) Government department and community input may be requested.
- 9) Approvals may be subject to conditions.

## **12. Reduced trading hours**

The Municipality may, on application or on own initiative, in its discretion, revoke an extension of trading hours and / or reduce trading hours as set out in this By-Law for an on- and off-consumption premises after taking into consideration the zoning and location of the premises, as well as any other factors it may deem relevant.

## **13. Objections**

The Municipal Manager is authorised to lodge representations against the automatic renewal of a liquor licence within the geographical area of the municipality.

## **14. Appeals**

Any person whose rights are affected may appeal in terms of section 62 of the Local Government: Municipal Systems Act, 2000, within 21 days, to [rekords@pamun.gov.za](mailto:rekords@pamun.gov.za).

## **15. Offences and penalties**

- (1) Any person or licensee is guilty of an offence if it, he or she
  - a) Contravenes or fails to comply with any provision of this by-law
  - b) Fails to comply with the terms of a notice served upon him in terms of this by-law;
  - c) Interferes with, obstructs, hampers or handicap any authorised official in the execution of power or the performance of any duty or function in terms of any provision of this by-law;
  - d) Furnishes false or misleading information to any authorised official in the execution of any power or the performance of any duty or function in terms of any provision of this by-law.
- (2) When sub-section (1) applies such person is liable for:
  - a) a fine or imprisonment, or to both such fine and such imprisonment; and
  - b) in the case of a continuing offence, to an additional fine or additional period of imprisonment, or to both such additional fine and imprisonment for each day on which such offence is continued; and
  - c) a further amount equal to any costs and expenses found by the court to
  - d) have been incurred by the Municipality as a result of such contravention of failure; or

e) informal diversion.

(3) Authorised officials may issue admission of guilt fines and refer matters for prosecution by a court of the Western Cape Liquor Authority.

## **16. Repeal**

The previous By-laws relating to liquor trading days and hours in the Municipality are repealed.

## **17. Short title**

This by-law shall be known as the *Prince Albert Municipality: By-law Relating to Control of Undertakings that sell Liquor to the Public, 2026* and shall come into operation on the date of publication hereof in the Provincial Gazette.