

MATTERS FOR LIQUOR LICENCE HOLDERS

1 Licence Certificates

The Mpumalanga Economic Regulator ("MER") issue licence certificates to authorise the commencement of liquor trading at the business premises specified on the licence certificate.

The licence certificate is issued in an electronic format which must be displayed at the business premises and can be verified with the MER by using the licence number or validation code.

2 Licence Conditions

All licences are issued with licence conditions and it is crucial to note the licence conditions that specifically apply to the licence issued for the business premises, since it may differ from licence to licence.

3 Appointment of Managers

A All Legal Entities (such as Companies, Close Corporations, Clubs, Trusts or Estates) **MUST** appoint a Manager.

B Sole Proprietors **MAY** appoint a Manager.

C A Manager must run the business at **ALL** times.

D More than one Manager may be appointed per licence.

E Appropriate forms must be submitted to the MER.

F Appointment will be confirmed in writing.

4 Licence amendments

4.1 Transfer of a Licence / Change of Ownership (Interest)

A liquor licence relates to a business premises and is transferrable to another person on the sale or transfer of the business.

If the licence holder is a Legal Entity and the transaction is the sale of shares, an application for change of interest in the licence is required.

If the licence holder is a Sole Proprietor (or a change of Legal Entities is envisaged), an application for transfer of licence is required. The new owner (the purchaser) may only commence with business activities after the application for transfer of the licence is approved.

Applications require Public Participation (Adverts in Newspaper and Gazette), a SAPS Report on the new owner(s) and a copy of the sale agreement.

4.2 Deceased Licence Holders

If the licence holder is a Sole Proprietor, the liquor licence forms part of the estate of the deceased person and the control of the estate vests in the Executor of the Estate. Therefore, nothing can be done without the Executor's permission. This emphasises the importance of the **TESTAMENT / WILL** of a person, since the Executor of the Estate will act in accordance with it. Administratively, it is necessary to advise the MER to change the licence holder to the responsible person acting for the Estate.

A change of interest or transfer of licence application is required upon finalisation of the Estate of the deceased person.

4.3 Change of Trade Name

The trade name on the licence certificate must correspond to the signage at the business premises. Therefore, it is necessary to notify the MER to change the trade name on the licence certificate (no formal application is needed).

4.4 Change of Licence Category

The licence category is specified on the licence certificate and an application is needed to change a licence category. It should be noted that reasons for the change, as well as Public Participation (Adverts in Newspaper and Gazette) and comments from both the SAPS and the Local Municipality must be provided in the application.

4.5 Structural Changes to existing Premises

Existing liquor premises may be changed upon approval of an application. It should be noted that details of the change, as well as the new layout and approvals by the Local Municipality must be provided in the application.

5 Voluntary Cancellation Of A Licence

A licence may be voluntarily cancelled by informing the MER of the cancellation in writing (through the applicable form that is available on the website of the MER).

The MER will confirm the cancellation in writing. It is important to remember that the licence holder remains responsible for the licence for as long as it is in his/her name. Also remember that a licence cannot be borrowed, ceded or rented to someone else.



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