



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$2.00

WINDHOEK - 20 July 2006

No. 3665

CONTENTS

GOVERNMENT NOTICES		<i>Page</i>
No. 104	Amendment of Fourth Schedule of Liquor Act	1
No. 105	Amendment of regulations made under the Liquor Act	2

Government Notices

MINISTRY OF TRADE AND INDUSTRY

No. 104 2006

AMENDMENT OF FOURTH SCHEDULE OF LIQUOR ACT

Under section 5(4)(a) of the Liquor Act, 1998 (Act No. 6 of 1998), I hereby amend the Fourth Schedule of the said Act by the substitution therefor of the following Schedule:

“Fourth Schedule

REQUIREMENTS FOR SHEBEENS

1. The location, usage and operation of a proposed shebeen shall conform to the conditions laid down by the Regional Licensing Committee.
2. The premises shall comply with the following basic requirements:
 - (a) The premises referred to in paragraph 2 shall not form part of, or be used as, a dwelling, or if attached to any dwelling, shall be separated from such dwelling by means of walls and securable doors.
 - (b) Access to the toilet and other sanitary facilities of the premises shall be separate from, and not be obtained through, a dwelling.

- (c) There shall be toilet facilities on the premises.
- (d) There shall be facilities available to the customers for washing their hands which may in the event of no running water, be a suitable receptacle for the storage of clean water which receptacle must have a tight-fitting lid.
- (e) Serving counters and seating accommodation for customers appropriate to the premises and to the maximum number of customers which may be served at any time shall be provided.
- (f) In the event of the premises having a kitchen, the kitchen shall be separate from the drinking areas or dining areas.
- (g) There shall be adequate washing-up facilities on the premises.
- (h) There shall be adequate provision for the disposal of refuse on the premises.

3. The Committee may conduct such inquiries and may require such evidence (including oral evidence) relating to the premises as may be necessary to determine whether the premises comply with the requirements provided for in this Schedule.

4. In the case of premises yet to be constructed or completed, in addition to the procedures and requirements for submitting and approving specifications, the provisions of section 30 of this Act relating to conditional authority for proposed or incomplete premises shall apply to such premises.”.

I. NGATJIZEKO

MINISTER OF TRADE AND INDUSTRY

Windhoek, 18 July 2006

MINISTRY OF TRADE AND INDUSTRY

No. 105

2006

AMENDMENT OF REGULATIONS MADE UNDER THE LIQUOR ACT

Under section 79 of the Liquor Act, 1998 (Act No. 6 of 1998), the Minister of Trade and Industry has made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In these regulations unless the context indicates otherwise –

“the Regulations” means the regulations published under Government Notice No. 142 of 2001;

“the Act” means the Liquor Act, 1998 (Act No. 6 of 1998).

Amendment of regulation 5 of the Regulations

2. Regulation 5 of the regulations is amended by the substitution for subregulation (1) of the following subregulation:

“(1) A Committee must hold 12 meetings during a year for hearing applications in terms of section 27 of the Act, namely –

- (a) on the second Wednesday of every month; or
- (b) if any such Wednesday is a public holiday, on the Wednesday following that public holiday.”.

Amendment of regulation 13 of the Regulations

3. Regulation 13 is amended by the insertion in subregulation (1) before the words “hotel liquor licence” of the words “shebeen liquor licence and.”.

Insertion of regulation 13A in the Regulations

4. The following regulation is inserted in the regulations after regulation 13:

“Application for shebeen liquor licence

13A. (1) An application in terms of section 27 of the Act for the grant of a shebeen liquor licence must –

- (a) be made in the form as set out in Form 1A;
- (b) be lodged with the clerk of the court; and
- (c) be lodged not more than 60 days and not less than 42 days before the date of the meeting of the Committee at which the application is to be heard.

(2) Subject to subregulation (5), an application referred to in subregulation (1) must be accompanied by –

- (a) a sketch of the premises concerned, showing –
 - (i) the dimensions of each room on the premises;
 - (ii) all doors, windows, and counters, if applicable, including places of entry into the premises; and
 - (iii) the streets or other places from which the premises may be entered;
- (b) a description of the premises with reference to the construction, layout, furnishing, fixtures, fittings, wall finishing and floor covering;
- (c) an affidavit of financial interest referred to in regulation 9;
- (d) a certified copy of the agreement relating to a financial interest contemplated in paragraph (c);
- (e) a certified copy of a title deed, an agreement of lease or any other instrument showing or describing the applicant’s right of occupation of the premises in respect of which the application is made or if the applicant cannot obtain such title deed, agreement or instrument, an

affidavit setting out the conditions relating to the occupation of the premises concerned by the applicant;

- (f) if applicable, an extract of the resolution referred to in regulation 8(2);
- (g) any written representations which the applicant may wish to submit in support of the application.

(3) Upon the lodging of an application in terms of subregulation (1), the applicant must furnish to the clerk of the court –

- (a) the receipt in respect of payment of the application fee; and
- (b) three copies of the notice referred to in regulation 14, duly completed.

(4) It is the duty of the clerk of the court to render such assistance to an applicant for a shebeen licence as may be necessary to ensure that the applicant complies with the provisions of these regulations and the Act and to ensure that all relevant information is provided by the applicant.

(5) The Chairperson of a Committee may draw up forms or questionnaires which the applicant may complete and which the committee may accept in stead of or in addition to the documents prescribed by subregulation (2)(a) or (b).

- (6) Forms or questionnaires referred to in subregulation (5) must –
 - (a) be confirmed by oath or affirmation; and
 - (b) be provided to applicants by the clerk of the court.”.

Insertion of Form 1A into the Regulations

5. The following form is inserted into the Regulations after Form 1:

LIQUOR ACT, 1998

APPLICATION TO A COMMITTEE FOR A SHEBEEN LICENCE
(regulation 13A)

Application to: Regional Liquor Licensing Committee

Region

Application lodged with: The Magistrate

District

Date of Committee meeting at which application is to be heard

Licence applied for

Application fee paid N\$

Receipt no. and date of issue

Application is made for a licence mentioned above. I certify that the information furnished in this application, and in the documents attached to it, is true and correct.

.....
Signature of applicant or person authorised to sign application	Place

	Date

-
1. (a) Full name of applicant
 - (b) Date of birth
 - (c) Identity number/registration number if a company or close corporation
.....
 - (d) Postal Address
 - (e) Residential address/address of registered office
 -
 - (f) Business address
 - (g) Business telephone number

2. If applicant is a natural person, is applicant subject to any disqualification mentioned in section 19 to hold a licence?
3. Name under which business is to be conducted
4. Address of premises where business will be conducted. If situated outside an urban area describe location of premises, including by reference to name, number and district of farm.
.....
.....
5. Right under which applicant will occupy the premises (Attach a certified copy of any title deed, agreement or other instrument evidencing the right)
.....
.....
6. If the application relates to incomplete premises which must still be erected or require any alterations or additions to be made, give a brief description of the work still to be carried out, and state the expected date of completion of the work.
.....
.....
.....
