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Cape Agulhas Liquor Trading Hours By-law

Commences on 14 December 2012 unless otherwise noted

[Amended by Cape Agulhas Municipality Liquor Trading Hours Amendment By-Law 2015 on 9 October 2015]

To provide for the days on which and the hours during which the holder of a liquor licence may sell liquor

Whereas section 156(1) of the Constitution provides that municipalities have executive authority in respect of, and has the right to administer the local

Whereas section 156(1) of the Constitution confers on a municipality the power to make and administer by-laws for the effective administration of the matters which it has the right to administer;

Whereas the Provincial Government of the Western Cape has legislative competence in respect of liquor licenses;

And Whereas the Western Cape Liquor Act 2007 acknowledges that a municipality may impose trading hours in a by-law

BE IT ENACTED by the Cape Agulhas Municipality, as follows -

1. Definitions

In this by-law unless the context otherwise indicates:

"**Act**" means the Western Cape Liquor Act, 2008 ([Act No 4 of 2008](#));

"**licensed premises**" means the premises upon which liquor may be sold, consumed or stored in terms of a licence under the Act;

"**licensed business**" means the business that may be conducted upon licensed premises as authorised by the Liquor Authority;

"**licensee**" means the person to whom a liquor license has been issued in terms of the Act;

"**Liquor Authority**" means the Western Cape Liquor Authority established by section 2(1) of the Act;

"**municipality**" means the Cape Agulhas Municipality;

"**trading days**" means the days on which liquor may be sold during trading hours;

"**trading hours**" means the hours during which liquor may be sold on trading days;

2. Application of by-law

This By-law applies to licensed businesses selling liquor for consumption within the area of jurisdiction of the Municipality:

- (a) on the licensed premises;
- (b) off the licensed premises; and
- (c) on and off the licensed premises.

3. Trading hours

Consumption on the licensed premises

- (1) A licensee of premises upon which liquor may be sold for consumption on the licensed premises may sell liquor between 10:00 on any day and 02:00 on the following day.

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Consumption off the licensed premises

- (2) A licensee of premises upon which liquor may be sold for consumption off the licensed premises may sell liquor on any day between 08:00 and 20:00.

Consumption on and off the licensed premises

- (3) A licensee of premises upon which liquor may be sold for consumption on and off the licensed premises may sell liquor-
- (a) for consumption on the licensed premises between 10:00 on any day and 02:00 on the following day; and
 - (b) for consumption off the licensed premises on any day between 08:00 and 20:00.

4. Departure from trading hours

The Council may, in the interests of the community and on application by a licensee of premises upon which liquor may be sold for consumption on the licensed premises, grant consent to that licensee to sell liquor between other times than those determined by section 3, but which shall not lie outside

- (a) a time earlier than 9:00; and
- (b) a time later than 02:00.

5. Offence

Subject to section 7, a licensee who sells, supplies or allows the consumption of liquor on the licensed premises at a time when the sale of liquor is not permitted by the licence, is guilty of an offence.

6. Penalties

Any person who commits an offence referred to in section 5 is upon conviction liable to a fine or imprisonment, or to both a fine and imprisonment.

7. Transitional provisions

The trading hours in respect of any licence for premises upon which liquor may be sold for consumption either on or off the licensed premises, issued prior to the commencement of this By-law will continue to apply until such license has lapsed as contemplated in section 62(2) of the Act.

8. Short title

This by-law is called the Cape Agulhas Liquor Trading Hours By-law and comes into operation on the date of the publication in the Provincial Gazette.