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**Cape Agulhas
South Africa**

Liquor Trading Hours By-law, 2012

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

Preamble

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;

"**Liquor Store**" means a store that sells primarily alcoholic beverages taken away and consumed away from the licensed premises;

[definition of "Liquor Store" inserted by section 1 of the [Amendment By-law, 2019](#)]

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

"**Tourist facilities**" means facilities for tourists or visitors such as WINE BOUTIQUES, classrooms, restaurants, gift shops, restrooms or recreational facilities but do not include a liquor store, hotel or overnight

accommodation;

[definition of "Tourist facilities" inserted by section 1 of the [Amendment By-law, 2019](#)]

"**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;

"**Wine boutique**" means a wine shop that operates in selling of wines from smaller independent producers. These brands are not found in the larger markets.

[definition of "Wine boutique" inserted by section 1 of the [Amendment By-law, 2019](#)]

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

- (1) Consumption on the licensed premises

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.

- (2) Consumption off the licensed premises

A licensee of premises upon which liquor may be sold for consumption off the licensed premises may sell liquor between 08:00 and 20:00 Monday to Saturday.

[subsection (2) amended by section 1 of the [Amendment By-law, 2015](#)]

- (3) Consumption on and off the licensed premises

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 between 08:00 and 20:00 Monday to Saturday.

[subsection (3) amended by section 1 of the [Amendment By-law, 2015](#)]

- (4) No selling of liquor by off consumption licensed premises on Sundays.

[subsection (4) added by section 2 of the [Amendment By-law, 2015](#), as amended by the [Second Amendment By-law, 2015](#)]

- (5) No selling of liquor by off consumption licensed premises on Religious holidays (Good Friday and Christmas).

[subsection (5) added by the [Amendment By-law, 2016](#)]

- (6) Trading days and hours for the sale of liquor for off-consumption and on the licensed premises: A licensee who operates a tourist facility may sell liquor for consumption away from the licensed premises on any day of the week from 9:00 to 16:00.

[subsection (6) added by section 2 of the [Amendment By-law, 2019](#)]

- (7) That all liquor traders selling alcoholic beverages may sell liquor on Sundays from 9:00 tot 16:00.

[subsection (7) added by section 3 of the [Amendment By-law, 2019](#)]

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*.