



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

**Provincial Gazette
Extraordinary**

7640

Friday, 1 July 2016

**Buitengewone
Provinsiale Koerant**

7640

Vrydag, 1 Julie 2016

**Isongezelelo
kwiGazethi yePhondo**

7640

Lwesihlanu 1, Julayi 2016

Registered at the Post Office as a Newspaper

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(*Copies are obtainable at Room M21, Provincial Legislature Building, 7 Dale Street, Cape Town 8001.)

PROVINCIAL NOTICE

The following Bill is hereby published for general information:

Western Cape Liquor Amendment Bill [B 4—2016]

P.N. 257/2016 1 July 2016

Any person or organization wishing to comment on the said Bill is requested to lodge such comment in writing before or on 29 July 2016—

(a) by posting it to—
The Secretary
Western Cape Provincial Parliament
(Attention: Mr M Sassman)
P.O. Box 648
Cape Town 8000

(b) by e-mail to—
msassman@wcpp.gov.za; or

(c) by fax to—
Mr M Sassman
(021) 487-1685

G.A. Lawrence
Secretary to Parliament

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

(*Afskrifte is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

PROVINSIALE KENNISGEWING

Die volgende Wetsontwerp word hiermee vir algemene inligting gepubliseer:

Wes-Kaapse Drankwysigingswetsontwerp [W 4—2016]

P.K. 257/2016 1 Julie 2016

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 29 Julie 2016—

(a) deur dit te pos aan—
Die Sekretaris:
Wes-Kaapse Provinsiale Parlement
(Aandag: Mnr M Sassman)
Posbus 648
Kaapstad 8000

(b) deur dit te e-pos aan—
msassman@wcpp.gov.za; of

(c) deur dit te faks aan—
Mnr M Sassman
(021) 487-1685

G.A. Lawrence
Sekretaris van die Parlement

Ibhaliswe ePosini njengePhephandaba

IZIQUATHO

(*Iikopi zifumaneka kwigumbi M21, kwiSakhiwo seNdlu yoWiso Mthetho yePhondo, e7 Dale Street, eKapa 8001.)

ISAZISO SEPHONDO

Lo Mthetho uSayilwayo ulandelayo upapashawa apha ukunika ulwazi ngokubanzi:

UMthetho oSayilwayo woLungiso woTywala weNtshona koloni [B 4—2016]

I.S. 257/2016 1 Julayi 2016

Nabani na okanye nawuphi na umbutho onqwenela ukuphawula ngalo Mthetho uSayilwayo kuthethwa ngawo uyacelwa ukuba afake izimvo zakhe phambi okanye ngomhla wama-29 Julayi 2016—

(a) ngokuposela ku—
uNobhala:
Ipalamente yePhondo leNtshona Koloni
(Iya ku: Mnu M Sassman)
P.O. Box 648
Ekapa 8000

(b) nge-imeyile ku—
msassman@wcpp.gov.za; okanye

(c) ngefeksi ku—
Mnu M Sassman
(021) 487-1685

G.A. Lawrence
uNobhala wePalamente

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

AMENDMENT BILL

To amend the Western Cape Liquor Act, 2008, in respect of certain definitions; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Parliament of the Province of the Western Cape, as follows:—

Amendment of section 1 of Act 4 of 2008, as amended by section 2 of Act 10 of 2010 and section 1 of Act 3 of 2015

1. Section 1 of the Western Cape Liquor Act, 2008 (the principal Act), is amended— 5
 - (a) by the substitution for the definition of “Department” of the following definition:

“**‘Department’** means the provincial department responsible for **[economic affairs]** community safety in the Province;”;
 - (b) by the substitution for the definition of “Minister” of the following definition: 10

“**‘Minister’** means the provincial Minister responsible for **[economic affairs]** community safety in the Province;”;
 - (c) by the deletion of the definition of “standing committee”.

Substitution of words

2. The principal Act is amended by the substitution for the words “standing 15 committee”, wherever they occur, of the words “relevant standing committee”.

Amendment of section 16 of Act 4 of 2008, as amended by section 2 of Act 3 of 2015

3. Section 16 of the principal Act is amended by the deletion in paragraph (d) of subsection (1) of the words “responsible for community safety in the Province”.

Amendment of section 18 of Act 4 of 2008, as amended by section 18 of Act 10 of 2010 and section 4 of Act 3 of 2015 20

4. Section 18 of the principal Act is amended by the deletion in subsection (3) of the words “responsible for community safety in the Province”.

Short title

5. This Act is called the Western Cape Liquor Amendment Act, 2016. 25

MEMORANDUM ON THE OBJECTS OF THE WESTERN CAPE LIQUOR AMENDMENT BILL, 2016

1. BACKGROUND

- 1.1 The Western Cape Liquor Authority was established as a juristic person in terms of section 2 of the Western Cape Liquor Act, 2008.
- 1.2 Since its establishment, the executive responsibility for the Western Cape Liquor Authority and the administration of the Western Cape Liquor Act, 2008, and the regulations made thereunder resided with the Provincial Minister responsible for economic affairs in the Province.
- 1.3 The Western Cape Government on 1 April 2016 transferred the executive responsibility for the Western Cape Liquor Authority and the administration of the Western Cape Liquor Act, 2008, and the regulations made thereunder to the Provincial Minister responsible for community safety in the Province.

2. OBJECTS OF THE BILL

- 2.1 The Bill seeks to amend certain provisions so as to reflect the transfer of the executive responsibility for the Western Cape Liquor Authority and the administration of the Western Cape Liquor Act, 2008, and the regulations made thereunder.

3. CONTENTS OF THE BILL

The aims and objectives of the various clauses are set out below.

- 3.1 **Clause 1** substitutes the definitions of “Department” and “Minister” and deletes the definition of “standing committee”.
- 3.2 **Clause 2** substitutes the words “standing committee” with the words “relevant standing committee” wherever they occur in the Western Cape Liquor Act, 2008.
- 3.3 **Clause 3** is a consequential amendment to the substitution of the definition of “Minister”.
- 3.4 **Clause 4** is a consequential amendment to the substitution of the definition of “Minister”.
- 3.5 **Clause 5** provides for the short title of the Act.

4. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for community safety is satisfied that the provisions of the Bill fall within the legislative competence of the Province.

5. CONSULTATION

Department of the Premier
Department of Economic Development and Tourism
Department of Community Safety
Department of Health
Department of Local Government
Department of Social Development
Western Cape Liquor Authority
South African Police Service
The South African Local Government Association member of the Liquor Licensing Tribunal
Provincial Treasury

6. FINANCIAL IMPLICATIONS

There are no financial implications because all budget resources have been transferred to the newly responsible department.

7. PERSONNEL IMPLICATIONS

Affected staff in the formerly responsible department (the Department of Economic Development and Tourism) have been transferred to the newly responsible department (the Department of Community Safety).

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vetdruk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

WYSIGINGSWETSONTWERP

Om die Wes-Kaapse Drankwet, 2008, ten opsigte van sekere omskrywings te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Wysiging van artikel 1 van Wet 4 van 2008, soos gewysig by artikel 2 van Wet 10 van 2010 en artikel 1 van Wet 3 van 2015

1. Artikel 1 van die Wes-Kaapse Drankwet, 2008 (die Hoofwet), word gewysig— 5
 - (a) deur die omskrywing van “Departement” deur die volgende omskrywing te vervang:

“**‘Departement’** die provinsiale departement verantwoordelik vir **[ekonomiese sake]** gemeenskapsveiligheid in die Provinsie;”;
 - (b) deur die omskrywing van “Minister” deur die volgende omskrywing te 10
 vervang:

“**‘Minister’** die provinsiale Minister verantwoordelik vir **[ekonomiese sake]** gemeenskapsveiligheid in die Provinsie;”;
 - (c) deur die omskrywing van “staande komitee” te skrap.

Vervanging van woorde 15

2. Die Hoofwet word gewysig deur die woorde “staande komitee”, oral waar dit voorkom, deur die woorde “tersaaklike staande komitee” te vervang.

Wysiging van artikel 16 van Wet 4 van 2008, soos gewysig by artikel 2 van Wet 3 van 2015

3. Artikel 16 van die Hoofwet word gewysig deur in paragraaf (d) van subartikel (1) 20 die woorde “verantwoordelik vir gemeenskapsveiligheid in die Provinsie” te skrap.

Wysiging van artikel 18 van Wet 4 van 2008, soos gewysig by artikel 18 van Wet 10 van 2010 en artikel 4 van Wet 3 van 2015

4. Artikel 18 van die Hoofwet word gewysig deur in subartikel (3) die woorde “verantwoordelik vir gemeenskapsveiligheid in die Provinsie” te skrap. 25

Kort titel

5. Hierdie Wet heet die Wes-Kaapse Drankwysigingswet, 2016.

MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE DRANKWYSIGINGSWETSONTWERP, 2016

1. AGTERGROND

- 1.1 Die Wes-Kaapse Drankowerheid is ingevolge artikel 2 van die Wes-Kaapse Drankwet, 2008, as 'n regs persoon ingestel.
- 1.2 Sedert die instelling daarvan het die uitvoerende verantwoordelikheid vir die Wes-Kaapse Drankowerheid en die administrasie van die Wes-Kaapse Drankwet, 2008, en die regulasies wat daarkragtens gemaak is, by die Provinsiale Minister verantwoordelik vir ekonomiese sake in die Provinsie berus.
- 1.3 Die Wes-Kaapse Regering het op 1 April 2016 die uitvoerende verantwoordelikheid vir die Wes-Kaapse Drankowerheid en die administrasie van die Wes-Kaapse Drankwet, 2008, en die regulasies wat daarkragtens gemaak is, na die Provinsiale Minister verantwoordelik vir gemeenskapsveiligheid in die Provinsie oorgedra.

2. OOGMERKE VAN DIE WETSONTWERP

- 2.1 Die Wetsontwerp het ten doel om sekere bepalings te wysig ten einde die oordrag van die uitvoerende verantwoordelikheid vir die Wes-Kaapse Drankowerheid en die administrasie van die Wes-Kaapse Drankwet, 2008, en die regulasies wat daarkragtens uitgevaardig is, weer te gee.

3. INHOUD VAN DIE WETSONTWERP

Die doelwitte en oogmerke van die verskeie klousules word hieronder uiteengesit.

- 3.1 **Klousule 1** vervang die omskrywings van “Departement” en “Minister” en skrap die omskrywing van “staande komitee”.
- 3.2 **Klousule 2** vervang die woorde “staande komitee” deur die woorde “tersaaklike staande komitee” oral waar dit in die Wes-Kaapse Drankwet, 2008, voorkom.
- 3.3 **Klousule 3** is 'n gevolglike wysiging van die vervanging van die omskrywing van “Minister”.
- 3.4 **Klousule 4** is 'n gevolglike wysiging van die vervanging van die omskrywing van “Minister”.
- 3.5 **Klousule 5** maak voorsiening vir die kort titel van die Wet.

4. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir gemeenskapsveiligheid is tevrede dat die bepalings van die Wetsontwerp binne die wetgewende bevoegdheid van die Provinsie ressorteer.

5. OORLEGPLEGING

Departement van die Premier
Departement van Ekonomiese Ontwikkeling en Toerisme
Departement van Gemeenskapsveiligheid
Departement van Gesondheid
Departement van Plaaslike Regering
Departement van Maatskaplike Ontwikkeling
Wes-Kaapse Drankowerheid
Die Suid-Afrikaanse Polisiediens

Die Suid-Afrikaanse Vereniging van Plaaslike Regering-lid van die Drank-
lisensieringstribunaal
Provinsiale Tesourie

6. FINANSIËLE IMPLIKASIES

Daar is geen finansiële implikasies nie omdat alle begrotingshulpbronne na die nuwe verantwoordelike departement oorgedra is.

7. PERSONEELIMPLIKASIES

Geraakte personeel in die gewese verantwoordelike departement (die Departement van Ekonomiese Ontwikkeling en Toerisme) is na die nuwe verantwoordelike departement (die Departement van Gemeenskapsveiligheid) oorgeplaas.

Icandelo 18 loMthetho 4 ka-2008 lenziwa izilungiso, njengoko lenziwe izilungiso licandelo 18 loMthetho 10 ka-2010 nalicandelo 4 loMthetho 3 ka-2015

4. Icandelo 18 loMthetho-ngqangi lenziwa izilungiso ngokucima kwicandelwana (3) ibinzana “ojongene nokhuseleko loluntu kwiPhondo”.

Isihloko esifutshane

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5. Lo Mthetho ubizwa ngokuba nguMthetho woLungiso woTywala weNtshona Koloni, ka-2016.

IMEMORANDAM YEENJONGO ZOMTHETHO OSAYILWAYO WEZILUNGISO WOTYWALA WENTSHONA KOLONI, 2016

1. IMVELAPHI

- 1.1 UGunyaziwe wezoTywala weNtshona Koloni wamiselwe njengequmrhu elisemthethweni ngokwecandelo 2 loMthetho woTywala weNtshona Koloni, 2008.
- 1.2 Susela oko lamiselwayo ke, uxanduva lolawulo oluphezulu lukaGunyaziwe wezoTywala weNtshona Koloni nolawulo loMthetho woTywala weNtshona Koloni, 2008, nemigaqo eyenziweyo phantsi kwalo mthetho ziphantsi koMphathiswa wePhondo ojongene nemicimbi yezoqoqosho kwiPhondo.
- 1.3 URhulumente weNtshona Koloni ngomhla wo-1 kuTshazimpuzi 2016 uwelisele uxanduva lolawulo oluphezulu lukaGunyaziwe wezoTywala weNtshona Koloni kwakunye nolawulo loMthetho woTywala weNtshona Koloni, 2008, nemigaqo eyenziwe phantsi kwalo Mthetho kuMphathiswa wePhondo ojongene nokhuseleko loluntu kwiPhondo.

2. IINJONGO ZOMTHETHO OYILWAYO

- 2.1 UMthetho oYilwayo ujolise ekwenzeni izilungiso kumalungiselelo athile ukuze kuboniswe ukuweliselwa koxanduva lwamagunya olawulo oluphezulu lukaGunyaziwe wezoTywala weNtshona Koloni nolawulo loMthetho woTywala weNtshona Koloni, 2008, kwakunye nemigaqo eyenziwe phantsi kwalo mthetho.

3. ISIQULATHO SOMTHETHO OYILWAYO

Iinjongo zamagatya ohlukeneyo zidweliswe apha ngezantsi.

- 3.1 **Isoloty 1** lisusa igama lifake elinye kwingcaciso “iSebe” nakwingcaciso “uMphathiswa” ze licime ingcaciso ngegama elithi “ikomiti esisigxina”.
- 3.2 **Isoloty 2** lisusa igama lifake elinye kwibinzana “ikomiti esisigxina” ibe libinzana “ikomiti esisigxina efanelekileyo” naphi na apho avela khona kuMthetho woTywala weNtshona Koloni, 2008.
- 3.3 **Isoloty 3** lenza isilungiso esivele ngenxa yokususwa kwegama kufakwe elinye kwingcaciso yegama “uMphathiswa”.
- 3.4 **Isoloty 4** lenza isilungiso esivele ngenxa yokususwa kwegama kufakwe elinye kwingcaciso yegama elithi “uMphathiswa”.
- 3.5 **Isoloty 5** lenza amalungiselelo okunika uMthetho isihloko esifutshane.

4. AMAGUNYA OKUWISA UMTHETHO

UMphathiswa wePhondo ojongene nokhuseleko loluntu wanelisekile ukuba izibonelelo zoMthetho oYilwayo ziwela kumagunya angokwasemthethweni ePhondo.

5. UTHETHWANO

ISebe leNkulumbuso
ISebe lezoPhuhliso loQoqosho noKhenketho
ISebe loKhuseleko loLuntu
ISebe lezeMpilo
ISebe looRhulumente boMmandla
ISebe lezoPhuhliso loLuntu
UGunyaziwe wezoTywala weNtshona Koloni
INkonzo yeSipolisa yoMzantsi Afrika

UMbutho wooRhulumente boMmandla woMzantsi Afrika olilungu kwiNkundla yeeLayisenisi zoTywala UNondyebo wePhondo.

6. UKUCHAPHAZELAKA KWEZEMALI

Akukho nto ichaphazela ezemali kuba lonke uhlahlo-mali luweliselwe kwisebe elithwaliswe olu xanduva.

7. UKUCHAPHAZELEKA KWABASEBENZI

Abasebenzi abachaphazelekayo kwisebe ebelikade linolu xanduva (iSebe lezoPhuhliso loQoqosho noKhenketho) baweliselwe kwisebe elithwaliswe olu xanduva (iSebe lezoKhuseleko loLuntu).

