

## VOLUME IX

### CHAPTER 43:11 - LIQUOR: SUBSIDIARY LEGISLATION INDEX TO SUBSIDIARY LEGISLATION

Liquor Regulations

Liquor (Temporary Liquor Licence) (Exemption) Regulations

#### **LIQUOR REGULATIONS**

*(section 42)*

*(31st March, 2008)*

#### ARRANGEMENT OF REGULATIONS

#### REGULATION

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First Schedule  
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Third Schedule

S.I. 26, 2008,  
S.I. 22, 2009.

#### **1. Citation**

These Regulations may be cited as the Liquor Regulations.

#### **2. Form of application for licence**

(1) An application under section 13(1) of the Act, for a licence, shall be in Form 1 set out in the Third Schedule.

(2) An application under section 13(1) of the Act shall be accompanied by a non-refundable application fee of P100.

(3) Where the control authority approves an application made under section 13 (1) of the Act, the applicant shall pay a licence fee specified against a licence being applied for as set out in the First Schedule.

#### **3. Publication of notice of application**

(1) An application in accordance with section 13(2) of the Act shall be published in Form 2 set out in the Third Schedule.

(2) The control authority shall not consider an application for a licence where both the first and second notice of the application were not published for at least 21 days, in accordance with section 13.

#### **4. Issuance of licence**

The control authority shall, where it is satisfied that an applicant meets the requirements

for the issue of a licence, issue, to the applicant, a licence in Form 3 set out in the Third Schedule.

#### **5. Licences reserved for citizens**

(1) The following licences shall be reserved for citizens of Botswana or to companies wholly owned by citizens of Botswana—

- (a) bar liquor licence;
- (b) bottle store liquor licence;
- (c) liquor depot licence; and
- (d) discotheque/nightclub liquor licence.

(2) The provisions of subsection (1) (a) shall not apply to a bar liquor licence operating in restaurants.

#### **6. Facilities to be maintained on licensed premises**

(1) Notwithstanding the provisions of section 15 of the Act, the licensing authority shall not issue or renew—

- (a) a bar liquor licence, depot liquor licence, discotheque/nightclub liquor licence, club liquor licence or temporary liquor licence, unless the business premises have separate toilet facilities for males and females; and
- (b) a club liquor licence where—
  - (i) the applicant is not registered under the Societies Act, or
  - (ii) the business premises do not have sitting facilities;
- (c) a depot liquor licence where the business premises are not in a commercially designated area or in an area authorised by the Land Authority of that area for such use;
- (d) a discotheque/nightclub liquor licence where—
  - (i) the business premises do not meet the statutory fire protection requirements,
  - (ii) the business premises do not meet the minimum car parking requirements,
  - (iii) the licensee has not employed at least two security guards,
  - (iv) the licensee does not maintain a clean surrounding within 30 meters radius of the business premises, or
  - (v) the business premises are not soundproof;
- (e) a temporary liquor licence for—
  - (i) a festival, picnic or other public activity, for a period exceeding three days; or
  - (ii) a trade fair, for a period exceeding 15 days; or
  - (iii) a picnic, unless the picnic is to be held at a place designated as a picnic site; and
- (f) a licence under this Act unless there is a refuse collection point on the business premises.

(2) A bar liquor licensee may—

- (a) play music within the licensed premises provided the music is not loud and cannot be heard at a distance of more than 200 metres from the licensed premises; or
- (b) provide sport and recreational facilities such as darts, pool and snooker.

(3) A temporary liquor licensee selling intoxicating liquor at a trade fair shall inform customers who buy the intoxicating liquor from him or her that the intoxicating liquor shall be consumed at the temporarily licensed premises from which the intoxicating liquor was bought.

(4) A person who buys intoxicating liquor from a temporary liquor licensee at a trade fair shall consume the intoxicating liquor from the temporarily licensed premises from which the intoxicating liquor was bought.

#### **7. Distance from school, etc.**

(1) The licensing authority shall not issue a licence under the Act where the proposed business premises are not at least 500 metres away from a school, highway, major road or church.

(2) Notwithstanding subregulation (1), where the proposed business premises is an

existing liquor shop, the licensing authority may issue a licence.

(3) The licensing authority may negotiate with a licensee whose-

- (a) licence was issued before the coming into effect of these Regulations; and
- (b) licensed premises do not meet the requirements set out in subregulation (1), for the transfer of the licence in accordance with section 20(2)(b) of the Act.

#### **8. Days and hours of operation**

(1) The days and hours of operation for a business or trade licensed under the Act shall be as set out in the Second Schedule.

(2) Notwithstanding the provisions of subregulation (1), where a restaurant licensed under the Trade Act and a bar liquor licensed under the Act are issued for the same business premises, the bar liquor licensee shall sell liquor daily between the hours of 12 noon and 2.30 pm and between the hours of 6.30 pm and 10.30 pm.

#### **9. Application for renewal of licence**

(1) An application under section 17(1) of the Act, for the renewal of a licence, shall be in Form 4 set out in the Third Schedule and shall be accompanied by a non-refundable application fee of P100.

(2) Where the control authority approves an application made under section 17 (1) of the Act, the applicant shall pay a fee equivalent to a licence fee prescribed under regulation 2(3).

#### **10. Application for transfer of licence**

(1) An application under section 20(1) of the Act, for a licence to be transferred, shall be in Form 5 set out in the Third Schedule and shall be accompanied by a non-refundable application fee of P100.

(2) Where the control authority approves an application made under section 20 (1) of the Act, the applicant shall pay a transfer fee of P100.

#### **11. Application for duplicate licence**

(1) An application under section 21 of the Act, to obtain a duplicate licence shall be in Form 6 set out in the Schedule and shall be accompanied by an application fee of P100.

(2) Where the control authority approves an application made under section 21 of the Act, the applicant shall pay a duplicate fee of P100.

#### **12. ...**

#### **13. Exemptions**

The following shall be exempt from holding a licence under the Act —

- (a) categories A, B, and C, tourism enterprises licensed under the Tourism Act and selling liquor; and
- (b) sellers of traditional beer.

#### **14. Offence and penalty**

A person who contravenes a provision of these Regulations commits an offence and is liable, where a penalty is not provided for under the Act, to a fine not exceeding P500 or to imprisonment for a term not exceeding six months, or to both.

### **FIRST SCHEDULE**

#### **LICENCE FEES**

##### **LIQUOR ACT**

(Cap 43:11)

(reg 2 (3))

##### *Licence*

	<i>Fee</i>
1. Bar liquor	P1,000
2. Bottle store liquor	P500
3. Liquor depot	P200
4. Discotheque/nightclub	P2,000
5. Distributor liquor	P2,200
6. Club liquor	P1,000
7. Temporary liquor	P10 per day

8. Wholesale liquor

P1,500

**SECOND SCHEDULE  
DAYS AND HOURS OF OPERATION**

LIQUOR ACT  
(Cap 43:11)

(reg 8)

<i>Licence</i>	<i>Days</i>	<i>Hours</i>
1. Bar liquor	Monday to Thursday	1400 hrs to 2200 hrs
	Friday to Saturday	1200 hrs to 2300 hrs
	Sunday and public holiday	1500 hrs to 2200 hrs
2. Bottle store liquor	Monday to Saturday	1000 hrs to 1900 hrs
3. Liquor depot	Monday to Thursday	1400 hrs to 2200 hrs
	Friday to Saturday	1200 hrs to 2300 hrs
	Sunday and public holiday	1500 hrs to 2200 hrs
4. Discotheque/nightclub	Monday to Thursday	1900 hrs to 0000 hrs
	Friday to Saturday	1900 hrs to 0200 hrs
	Sunday and public holiday	1500 hrs to 2200 hrs
5. Club liquor	Monday to Thursday	1400 hrs to 2200 hrs
	Friday to Saturday	1200 hrs to 2300 hrs
	Sunday and public holiday	1500 hrs to 2200 hrs
6. Temporary liquor	Trade fair	Monday to Saturday
	Festivals	Monday to Saturday
	Picnics	Monday to Saturday
	Other public activities	Monday to Saturday
7. Wholesale liquor	Monday to Saturday	0800 hrs to 1700 hrs
8. Distributor liquor	Monday to Saturday	0800 hrs to 1700 hrs

**THIRD SCHEDULE**

LIQUOR ACT  
(Cap 43:11)

**FORM 1**

**APPLICATION FOR A LIQUOR LICENCE**

(reg 2 (1))

1. Proposed business .....
  - (a) Type of business/licence applied for .....
  - (b) Location of proposed business .....
2. Particulars of applicant
  - A. For Business Names
 

Name and address: \_\_\_\_\_ Business name: \_\_\_\_\_

.....

.....

.....
  - B. For Companies
    - (i) Registered name of company .....
    - (ii) Trading name of company if different from (i) above
    - (iii) Percentage share of citizen equity holding.....
    - (iv) Particulars of all shareholders:

Name	Nationality	Address	%share in equity holding
.....	.....	.....	.....

3. Particulars of business premises

- (a) Plot No. or Land Board Certificate No. and date.....
- (b) Is the plot zoned commercial or industrial .....
- (c) If the premises are leased, state the name of the owner .....
- (d) Size of the premises (sqm of floor space).....
- (e) Has your premises been inspected and certified suitable by the Environmental Health Officer ? .....

4. Residence and work permits (for non-citizen applicants)

- (a) Date of expiry of the residence permit.....
- (b) Date of expiry of the work permit .....

5. General information

- (a) Have you ever been convicted, in the last two years, of any offence involving dishonesty?  
.....
- (b) If so, give particulars of each conviction .....
- (c) I certify that the information supplied in my application is to the best of my knowledge and belief, true.

Date ..... Applicant's signature .....

**For official use only**

Application received by: .....

Date..... Signature:.....

Decision by the Liquor Control Authority

Date ..... Chairperson's Signature .....

**FORM 2  
NOTICE OF APPLICATION FOR A LIQUOR LICENCE**

LIQUOR ACT  
(Cap 43:11)  
(reg 3 (1))

NOTICE is hereby given that the undersigned has applied for a .....  
..... Licence in terms of section 13 of the Liquor Act (Cap. 43:11) in  
respect of premises situated at .....  
and the Liquor Control Authority has determined that the application shall  
be heard by the Control Authority on the ..... day of ....., 20.....  
Any person who wishes to object to the grant of the licence should within 21 days of the last  
publication of this notice, give notice in writing to the said Control Authority of his intention to  
oppose the application and state the grounds on which his objection is based.

Name .....

Signature.....

Address .....

.....

.....

**FORM 3  
LIQUOR LICENCE**  
LIQUOR ACT

(Cap 43:11)  
(reg 4)

Licence No. ....  
Date of issue .....  
Location of business .....  
Place of issue.....  
Licensee/trading name .....  
.....  
Type of business .....  
To trade in the following: .....  
.....  
For a period from: ..... to .....  
Conditions (if any): .....  
.....

**FORM 4**  
**APPLICATION FOR THE RENEWAL OF A LICENCE**

LIQUOR ACT  
(Cap 43:11)  
(reg 9 (1))

Name and address of the applicant .....  
.....  
Physical address of the applicant .....  
Name of Manager and Directors .....  
.....  
Names of shareholders .....  
.....  
Name and address of the Company Secretaries .....  
.....  
Licence ..... No. issued at .....  
On the ..... day of ..... 20.....  
Is the business operating? YES..... NO.....  
If NO, give reasons.....  
Has the owner/manager been convicted of any offence under the Liquor Act during the last  
12 months? YES ..... NO.....  
If YES state the nature of offence .....  
I certify that the information given above is true.  
Signature of applicant ..... Date .....

**For official use only**

Date renewal application received .....  
Date renewal application approved/rejected .....  
If rejected, reason(s) for rejection .....  
.....

.....  
Licensing Officer

**General Information**

The following shall be submitted with an application for the renewal of a licence

- (a) an environmental health report for the business premises;
- (b) proof of registration and of shareholding where applicant is a company;
- (c) a valid identification document; and
- (d) a valid certified copy of work and resident permits for non-citizens.

**FORM 5**

**APPLICATION FOR THE TRANSFER OF A LICENCE**

LIQUOR ACT  
(Cap 43:11)  
(reg 10 (1))

**Part A**

Notice is hereby given in terms of section 20 of the Liquor Act that I/we .....  
.....have disposed of my/our entire interest in carrying on the  
business of ..... to .....  
who will continue to trade at the same premises and under the same style of a .....  
.....  
....

**Part B**

Notice is hereby given in terms of section 20 of the Liquor Act that I/we intend to transfer my/  
our business of ..... from .....  
..... to

and I/we shall continue to trade under the same name of ..... and  
same style.

Name: ..... Date: .....

Address: .....  
.....  
.....

**Note: Fill the part that is applicable to you.**

**FORM 6  
APPLICATION FOR A DUPLICATE LICENCE**

LIQUOR ACT  
(Cap 43:11)  
(reg 11(1))

Name and address of applicant: .....  
.....  
.....

Physical address of the applicant:.....  
.....  
.....

Particulars of the destroyed/lost licence: .....

Licence No: .....

Date of issue: .....

Date of expiry.....

Type of business/licence: .....

Circumstances under which the licence was destroyed/lost: .....  
.....  
.....

Signature of the applicant .....

Date: .....

**For official use only**

Date of issue or rejection: .....

Comments: .....  
.....  
.....

Signature: .....

**LIQUOR (TEMPORARY LIQUOR LICENCE) (EXEMPTION) REGULATIONS**

(section 38)  
(21st November, 2008)

## ARRANGEMENT OF REGULATIONS

### REGULATION

1. Citation
2. Application for temporary liquor licence

S.I. 97, 2008

#### **1. Citation**

These Regulations may be cited as the Liquor (Temporary Liquor Licence) (Exemption) Regulations.

#### **2. Application for temporary liquor licence**

An applicant for a temporary liquor licence is exempted from the provisions of section 13 (2), (3), (4) and (5).