

THE LIQUOR LICENCES REGULATIONS
(Under section 49 of the Act)

Date of commencement: 1st September, 1964.

Arrangement of Regulations

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Citation.

1. These regulations may be cited as the Liquor Licences Regulations, 1964.

Interpretation.

2. In these Regulations, unless the context otherwise requires —
“brewer” means person who brews for sale malt liquor other than African beer.

Power of Minister to exempt.

2bis. The Minister may, in writing and upon such terms and conditions as he may impose, exempt any person from the application of any of these Regulations. (Added L.N.79/1981.)

Fee on application.

3. (1) On an application for the grant of a licence of a number and type mentioned in the Schedule, there shall be paid —

(a) in respect of numbers 1, 2 and 7, an advertising fee of E330 for each, and

(b) in respect of numbers 5, 6 and 8, an advertising fee of E165 for each.

(Amended L.N.79/1981; L.N.80/1990; L.N.101/2005.)

(2) On an application for the transfer or removal of a licence of the number and type mentioned in paragraph (1) there shall be paid half the amount of the advertising fee prescribed under such paragraph for an application for the grant of a similar licence. (Added G.N. 98/1964; amended L.N.80/1990.)

(3) On an application for a renewal of a licence of the type mentioned in the Schedule there shall be paid an advertising fee of E165 in respect of each application. (Amended L.N. 64/1971; L.N.79/1981; L.N.80/1990; L.N.101/2005.)

Who may issue licences.

4. The Accountant-General or a Regional Administrator of the region concerned may issue a licence —

(a) of the class mentioned in column 2 of the Schedule, and,

(b) subject to the Act and these regulations, in a form approved by the authority.

Fees for licences and transfer, renewal and removal of licences.

5. (1) Subject to paragraph (2), there shall be paid to the Government, in respect of the grant or renewal of a licence, the amount of the fee mentioned in column three of the Schedule and appearing immediately opposite to the appropriate type of licence mentioned in column 2 thereof.

(2) Where the premises to be licensed are situated outside an urban area, the amount of the fee payable is eighty per cent of the amount of fee mentioned in relation to those types of licence immediately opposite to which appear, in column 1 of the Schedule, the numbers 2, 5, 7 and 8, respectively. (Amended L.N.80/1990.)

(2a) Where the Chairman decides in his discretion to consider a late application under section 14(5) of the Act, that application shall be subject to the prior payment of a penalty fee of E66 for each day that it is late. (Added L.N.80/1990; amended L.N.101/2005.)

(3) Any person who fails, within fourteen days from the date when his liability commenced, to take out a licence as required by law, shall pay — (Amended L.N.80/1990.)

(a) for each month or part of a month during which he operates without a licence, a sum calculated at the rate of fifteen per cent of the amount of the yearly licence fee, and (Amended L.N.79/1981; L.N.80/1990; L.N.101/2005.)

(b) the amount of the fee mentioned in paragraphs (1) and (2), as appropriate.

(Amended L.N.80/1990.)

(4) The payment by a person of an amount under paragraph (3) shall not be deemed to relieve him of any criminal liability incurred through his failure to take out a licence, nor does the fact of any criminal liability having been incurred relieve him of an obligation under that paragraph to pay such amount.

(5) There shall be paid, in the case of a transfer or removal of —

(a) a licence, other than a club or sports club licence, a fee equivalent to thirty per cent of the fee for the licence, and (Amended L.N.79/1981; L.N.80/1990.)

(b) a club or sports club licence, a fee of E40. (Amended G.N. 98/1964; L.N. 64/1971; L.N.79/1981; L.N.80/1990.)

(6) The Accountant-General or an officer deputed by him for the purpose, or the Regional Administrator concerned, shall endorse on a licence the fact of its transfer.

Wholesale liquor licence.

6. (1) A wholesale liquor licence shall authorize the sale of liquor only to holders of liquor licences, His Majesty the King, the Government, the diplomatic agents accredited to Swaziland and their families and the staff of the said agents and their families (provided they are citizens of the country they represent), organizations, institutions and persons falling within the provisions of section 9 of the Diplomatic Privileges Act, No. 18 of 1968, or religious institutions recognized by the Minister in respect of unfortified wines for use in any church for religious purposes at the days and hours prescribed by section 3 of the Shop Hours Act No. 75 of 1955, for a shop within an urban area, not being a shop to which the provisions of section 4 of such Act applies.

(2) Such licence is a licence for the purposes of sections 17 and 18 of the Act (report on application). (Amended L.N.80/1990.)

(3) The holder of a wholesale liquor licence shall fix and maintain, in a conspicuous place on the front of the licensed premises, a sign exhibiting, in capital block letters at least two inches high, his name and the following words —

“Licensed to sell liquor by wholesale only”.

(Amended G.N. 154/1964; L.N. 1/1971.)

Hotel liquor licence.

7. (1) An hotel liquor licence shall authorize the sale of liquor on the licensed premises for consumption, during the hours mentioned in this regulation, on the licensed premises only.

(2) In granting such licence, the Board shall, as appropriate, declare it to be an hotel liquor licence, either —

(a) for an urban area, called an urban hotel liquor licence, or

(b) for an area outside an urban area, called a rural hotel liquor licence.

(3) Such licence is a licence for the purposes of —

(a) section 17 of the Act (report on application); and

(b) section 18 of the Act (report by medical officer).

(4) The ordinary hours for the sale of liquor under an hotel liquor licence shall be as follows —

- (a) on Sunday, Good Friday and Christmas Day, between 12.00 noon and 3.00 p.m. and between 6.00 p.m. and 10.00 p.m.; and,
- (b) on all other days, between 11.00 a.m. and 3.00 p.m. and between 5.00 p.m. and 10.00 p.m.

(Amended L.N.79/1981.)

(5) Subject to such reasonable conditions as it may impose, the Board may, in its discretion, grant the privilege of an extension of hours —

- (a) to 11.00 p.m. on payment of a fee of E200; or
- (b) to 12 midnight on payment of a fee of E400.

(Amended L.N.79/1981; L.N.80/1990.)

(6) Regulation 6(3) shall also apply to the holder of an hotel liquor licence, save that the sign shall exhibit the following words —

“Licensed to sell liquor”.

(Amended L.N. 64/1971.)

Club liquor licence.

8. (1) A club liquor licence shall —

(a) authorize the sale and supply between the hours of 11.00 a.m. and 12 midnight, to members of the club, of liquor in any quantity for consumption on the premises; and (Amended L.N.79/1981.)

(b) be issued only to the secretary, manager or chief steward of the club:

Provided that if such secretary, manager or chief steward ceases for any reason to hold his position, the Chairman may, subject to confirmation at the next meeting of the Board and on payment of a fee of E20, if he is satisfied that the person who has been appointed by the club as the new secretary, manager or chief steward, as the case may be —

- (a) has been so appointed by the club in terms of its constitution;
- (b) is not disqualified from holding a liquor licence under the Act;
- (c) is otherwise a suitable person in whose name the licence may be issued;

cause the name of such person to be endorsed on the licence, and such person shall thereupon possess all the rights and be subject to all the duties, obligations and penalties of a licensee.

(Added L.N. 38/1971; amended L.N.80/1990.)

(2) A Board shall not grant an authority for the issuance, transfer, removal, or renewal, of a club liquor licence unless, by reference to the rules, or by report furnished under section 17, or otherwise, it is satisfied that — (Amended L.N.80/1990.)

- (a) the club is a *bona fide* club managed by a committee of its members;
- (b) that the committee holds regular meetings of which proper minutes are kept;
- (c) only members of the club, including *bona fide* reciprocity members, are permitted to pay for accommodation or refreshment supplied in it;
- (d) an ordinary member of the club is not elected —

- (i) less than fourteen days after nomination; or
 - (ii) without his name having been screened, for at least seven days, on the club premises;
- (e) the election of ordinary members is either by —
- (i) the committee, or
 - (ii) all members of the club, (but the rules of the club may disqualify from voting a member in arrear with a payment due to the club);
- (f) a person residing within ten miles of the club-house is not eligible as an honorary or temporary member of the club, save when the eligibility is, in terms of the rules of the club, granted by reason of that person —
- (i) holding some public office, or
 - (ii) being a *bona fide* candidate for membership, or when, by resolution of the club committee, that person is allowed the privileges of membership while engaged in a match or competition connected with the activities of the club;
- (g) a register of members and proper accounts are kept;
- (h) the annual subscription is at least five rand, save that in the case of *bona fide* country members the annual fee shall be not less than two rand; (Amended L.N. 64/1971.)
- (j) the club consists of at least fifty members;
- (k) save under a written agreement approved of by the Board, profit from the sale of liquor by the club does not accrue to an individual;
- (l) a democratic constitution which does not discriminate on the grounds of the race, colour, creed or nationality of its members and is written in the English language exists in respect of the club. (Added L.N.80/1990.)
- (3) Such licence is a licence for the purposes of —
- (a) section 17 (report on application); and
 - (b) section 18 (report by medical officer).

Sports club liquor licence.

9. (1) Regulation 8(1) shall also apply to a sports club liquor licence, except in so far as sub-paragraph (a) thereof relates to the time during which liquor may be supplied.
- (2) Regulation 8(2) shall also apply to such licence save that —
- (a) in relation to paragraph (d)(i) thereof, the sports club shall consist of at least thirty-five members; and,
 - (b) in addition, the Board shall be satisfied that the club is, *bona fide*, principally concerned with outdoor sports.
- (3) Subject to paragraph (4), the days and hours for the sale or supply of liquor in the case of such a licence, shall be as follows —
- (a) on Sundays, between 11 a.m. and 2 p.m. and between 5 p.m. and 8 p.m.;
 - (b) on Saturdays and public holidays, between 11 a.m. and 2.15 p.m. and between 5 p.m. and 10.30 p.m.; and,

(c) on other days, between 5 p.m. and 8 p.m.

(4) The Board may, in its discretion, vary those hours as a condition of the issuance of a licence.

(5) Such a licence is a licence for the purposes of —

(a) section 17 (report on application); and

(b) section 18 (report by medical officer).

Unfortified wine and malt liquor licence.

10. (1) An unfortified wine and malt liquor licence shall authorize the sale of unfortified wine and malt liquor, on the licensed premises, for consumption, during the hours mentioned in this regulation, on the licensed premises.

(2) Such licence may be granted only in respect of premises providing, to the satisfaction of the Board, a storeroom for liquor and a suitable bar and lounge for the consumption referred to:

Provided that this paragraph shall not apply to such licence granted in respect of any sports stadium if the Minister so directs in writing to the Chairman of the Board. (Added L.N. 57/1971.)

(3) Regulation 7(4), (5) and (6) shall also apply to premises the subject of an unfortified wine and malt liquor licence.

(4) The holder of an unfortified wine and malt liquor licence shall fix and maintain, in a conspicuous place on the front of the licensed premises, a sign setting forth, in capital block letters at least two inches high, his name and the following words —

“Licensed to sell unfortified wine and malt liquor”.

(5) Such licence is a licence for the purposes of —

(a) section 17 (report on application); and

(b) section 18 (report by medical officer).

Restaurant liquor licence.

11. (1) A restaurant liquor licence shall authorize the sale, during the licensed hours and on the licensed premises, of malt liquor and wine for consumption with ordinary meals on the licensed premises: (Amended L.N. 89/1977; L.N.79/1981.)

Provided that a Board may, if it is satisfied the restaurant caters, or is likely to cater, for tourists visiting Swaziland and is of a sufficiently high standard, in its discretion authorize the sale of any kind of liquor as defined in section 2 of the Act during the hours referred to in paragraph (3) hereof. (Added L.N. 38/1971.)

(Second proviso repealed L.N. 89/1977.)

(2) A Board shall not grant an authority for the issuance or renewal of a restaurant liquor licence unless it is satisfied that —

(a) the applicant keeps, or proposes to keep, upon the premises in respect of which the application is made, a *bona fide* restaurant of a high standard at which ordinary meals will regularly be provided for guests; and

(b) the premises afford reasonable accommodation for persons taking meals in that restaurant.

(3) The days and hours for the sale or supply of liquor, in the case of such a licence, are as follows —

(a) on Sundays and public holidays, between 12 noon and 3 p.m. and between 6 p.m. and 9 p.m.; and,

(b) on other days, between 12 noon and 3 p.m. and between 6 p.m. and 10.00 p.m.: (Amended L.N.79/1981.)

Provided that a Board may, subject to such reasonable conditions as it may in its discretion impose, grant the privilege of an extension to the following times on any day —

(a) 11.00 p.m. on payment of a fee of E200; or

(b) 12.00 midnight on payment of a fee of E400. (Added L.N. 38/1971; amended L.N. 64/1971; L.N.79/1981; L.N.80/1990.)

(4) Such a licence is a licence for the purposes of —

(a) section 17 of the Act (report on application);

(b) section 18 of the Act (report by medical officer).

(5) (Added L.N. 41/1976; repealed L.N. 89/1977.)

Bottle store liquor licence.

12. (1) Subject to paragraph (2), a bottle store liquor licence shall authorize the sale, during the licensed hours and on the licensed premises, of all kinds of liquor in bottles or jars properly and securely corked and sealed —

(a) in the case of wine, of no greater capacity than one imperial gallon, and

(b) in the case of other liquor, of no greater capacity than one imperial quart:

Provided that such liquor shall not be consumed on the premises.

(2) Liquor shall not be sold in bottles or jars of a capacity of less than one reputed half-pint.

(3) A license granted under this section shall entitle the holder thereof to sell liquor except on Sundays and public holidays as follows —

(a) on Saturday between 9.00 a.m. and 5.00 p.m.;

(b) on all other days between 9.00 a.m. and 6.00 p.m.

(Amended G.N. 154/1964; L.N.79/1981; L.N.91/1981.)

(4) Upon payment of a fee of E400, the Board may, in its discretion, grant the privilege of an extension of hours to 8 p.m. on any day excluding only Sunday. (Amended L.N. 64/1971; L.N.80/1990.)

(5) Paragraph (3) of regulation 6 shall also apply to the holder of a bottle store liquor licence except that the sign shall exhibit the following words —

“Licensed to sell liquor”.

(6) Such licence is a licence for the purposes of section 17 (report on application).

Restricted bottle store liquor licence.

13. (1) Subject to paragraph (2), a restricted bottle store liquor licence shall authorize the sale, during the licensed hours and on the licensed premises, of unfortified wine and malt liquor in bottles or jars properly and securely corked and sealed —

- (a) in the case of wine, of no greater capacity than one imperial gallon, and,
- (b) in the case of malt liquor, of no greater capacity than one imperial quart:

Provided that such liquor shall not be consumed on the premises.

(2) Liquor shall not be sold in bottles or jars of a capacity of less than one reputed half-pint.

(3) A Board may in its discretion grant such licence to a general dealer, licensed under a law relating to trading licences, whose premises it considers suitable.

(4) Regulation 12(3) and (5) and regulation 10(4) shall also apply to a restricted bottle store liquor licence.

(5) Such licence is a licence for the purposes of sections 17 and 18 (report on application). (Amended L.N.80/1990.)

Brewer's licence.

14. (1) A brewer's licence shall authorize the brewer named in it to export, and, during the licensed hours, to sell to holders of a liquor licence, other than holders of an African beer manufacturing and wholesale licence or an African beer licence, malt liquor brewed by him on premises licensed under the Customs and Excise Act, No. 21 of 1971.

(2) The licensed hours for sale of malt liquor, in the case of such a licence, shall be those prescribed by section 3 of the Shop Hours Act, No. 75 of 1955, for a shop within an urban area, not being a shop to which the provisions of section 4 of that Act apply. (Amended G.N. 154/1964.)

(3) An application for such a licence may be made at any time.

(4) Save that the report shall be furnished to the Minister and not to the clerk, such licence is a licence for the purposes of —

- (a) section 17 (report on application); and
- (b) section 18 (report by medical officer).

African beer manufacturing and wholesale licence.

15. (1) The Minister may, in his discretion grant either one or more licences, or an exclusive licence, (subject to such conditions as he may consider necessary, including a condition as to the revocation of the licence in certain specified circumstances) conferring on the manufacturer named in it the right or, as the case may be, the exclusive right, subject to paragraph (2), to sell African beer manufactured by the manufacturer to holders of an appropriate licence.

(2) Neither the grant of an exclusive licence under paragraph (1) nor anything contained in this regulation, as amended, shall be deemed —

- (a) to affect the validity of an African beer manufacturing and wholesale licence granted prior to, or
- (b) otherwise, to be a contrary intention within the meaning of section 23 of the Interpretation Act No. 21 of 1970.

(Amended L.N.28/1967.)

- (3) An application for such a licence may be made at any time.
- (4) (Repealed L.N.65/1969.)

Canteen licence.

16. (1) A canteen licence shall be issued as either —
- (a) a police canteen licence, or
 - (b) a regimental canteen licence, or
 - (c) a prison canteen licence; (Added L.N.37/1969.)

authorizing the sale, at any time, and at such places as may be specified in the licence, of liquor to, respectively, members or ex-members of the Swaziland police or to members of His Majesty's naval, land and air forces or to members of the prison service. (Added L.N.37/1969.)

(2) Such licence shall not be granted to a person not being a member of the Swaziland Police or of those forces or to members of the prison service. (Added L.N. 37/1969.)

(3) An application for a canteen licence may be made at any time.

(4) Before considering an application for such a licence, the Minister shall require the applicant to produce a certificate certifying that the applicant is a fit and proper person to receive and hold such licence and stating —

- (a) his full name and rank,
- (b) the place at which the canteen is to be opened, and
- (c) the period of the licence for which the application is made.

(5) In the case of a —

- (a) police canteen licence, such certificate shall be signed by the Commissioner of Police; and
- (b) regimental canteen licence, by the Commanding Officer of the applicant, and
- (c) prison canteen licence, by the Director of Prisons. (Added L.N. 37/1969.)

Employer's liquor licence.

17. (1) Subject to this regulation, an employer's liquor licence shall authorize the sale and free supply, at any time, by an employer to his employees, of unfortified wine, malt liquor and African beer, subject to such conditions, if any, as the Minister may consider necessary.

(2) Such licence shall not be required by an employer, who employs on his permanent staff less than fifty persons, and who supplies free of charge to these persons such liquor as is mentioned in paragraph (1).

(3) Subject to paragraph (4), it shall be an implied condition of such licence that any profits, resulting to the employer, from the sales to his employees, after deduction of the expense mentioned in paragraph (5), shall be utilized in welfare work, for the benefit of the employees, in such manner as may be approved in each case by the Minister.

(4) The profits, if any, shall be ascertained from a written return of the sales and free supply, by the employer to his employees, which the employer shall render to the Minister during the first week of January of every year.

- (5) Such return shall be audited at the expense of the employer by an auditor appearing to the Minister to be competent for the purpose.
- (6) The Minister may at any time cancel such licence.
- (7) For the purposes of sections 21 and 22, a dealing in liquor includes the free supply of liquor to employees by such an employer.
- (8) An application for an employer's liquor licence may be made at any time.
- (9) Save that the reports shall be furnished to the Minister and not the clerk, such licence is a licence for the purposes of —
 - (a) section 17 (report on application); and
 - (b) section 18 (report by medical officer).

African beer licence.

- 18. (1) Subject to this regulation, the Regional Administrator may grant an African Beer licence authorising the sale of African Beer for consumption on or off the premises or both, upon such conditions as he may think fit.
- (2) An application for such licence may be made at any time. (Amended L.N. 28/1967; L.N. 65/1969.)

Temporary liquor licence.

- 19. (1) A temporary liquor licence shall —
 - (a) be issued for such period as the Regional Administrator may approve;
 - (b) be issued only to the holder of an hotel liquor licence or an unfortified wine and malt liquor licence whose premises are situate within the region of such Regional Administrator; and (Amended L.N. 38/1971)
 - (c) authorize the holder to sell the appropriate liquor in unsealed quantities not exceeding such as may reasonably be consumed at a place of recreation or public amusement mentioned in the licence; and:
 - Provided that such licence shall not authorize the sale of liquor on premises in respect of which a restaurant liquor licence or unfortified wine and malt liquor licence business is being conducted. (Amended L.N. 38/1971.)
 - (d) be subject to such other conditions as the Regional Administrator may think fit to endorse on the licence.
- (2) An application for such a licence may be made at any time.

Late extension (occasional) liquor licence.

- 20. (1) A late extension (occasional) liquor licence shall —
 - (a) be issued for such period, not exceeding three hours, as the Regional Administrator may fix;
 - (b) be issued, on a special occasion, only to the holder of an hotel liquor licence, or a sports club liquor licence or a club liquor licence; (Amended L.N.57/1971.)
 - (c) authorize the holder to keep his licensed premises open for the sale of liquor after the closing time fixed in respect of his licence; and

(d) be subject to such other conditions as the Regional Administrator may think fit to endorse on the licence.

(2) An application for such licence may be made at any time.

SCHEDULE

(Replaced L.N.79/1981; amended L.N.91/1981; replaced A.8/1985; L.N.80/1990; L.N.101/2005.)

(Under Regulation 3(1))

<i>No. Types of Licence</i>	<i>Fee</i>
1. Wholesale Liquor Licence.....	E2475.00 for one year
2. Hotel Liquor Licence.....	E1650.00 for one year
3. Club Liquor Licence.....	E990.00 for one year
4. Sport Club Liquor Licence	E495.00 for one year
5.	
6. Unfortified Wine and Malt	E495.00 for one year
7. Bottle Store Liquor Licence	E1320.00 for one year
8. Restricted Bottle Store Liquor Licence	E660.00 for one year
9. Brewer's Licence.....	E330.00 for one year
10. African Beer Manufacturing and Wholesale Licence.....	E1600.00 for one year
11. Canteen Licence	E247.00 for one ear
12. Employer's Liquor Licence.....	E330.00 for one year
13. African Beer Licence.....	E82.50 for one year
14. Temporary Liquor Licence	E82.50 for each day
15. Late Extension (Occasional) Liquor Licence	E90.00 for each period of extension.