

RENEWAL NOTICES

1. What is the renewal notice?

A renewal notice is commonly referred to as a Form 22. A Form 22 is an advice issued by the Liquor Board in terms of the Liquor Act informing the licence holder of the amount of money owed by the licence holder to the Receiver of Revenue. This acts as a reminder to the licence holder that the licence has to be renewed for the following year.

2. Why does the Liquor Board have to send the renewal notice?

The Liquor Board is required in terms of regulation 116(2) of the Liquor Act, to issue a form 22 annually before the 31st of October to all licence holders whose licences are valid.

3. Why is it important to renew the licence?

Renewal of a liquor licence is the requirement of the Liquor Act and failure to comply with this requirement leads to the **automatic lapsing** of the non renewed licence. Once the licence has lapsed the holder thereof is required to apply for a new liquor licence. In accordance with a Court decision, Montague Springs (Pty.) Ltd. t/a Avalon Springs Hotel v. Liquor Board, Western Cape, and Others 1999 (4) S.A. 716 (C.), a licence that has lapsed cannot be re-instated, by either the Liquor Board or the Court.

4. Is there a cut-off date for the payment of renewal fees?

Yes. Renewal fees **MUST** be paid by the 31st of December of each year. If the fees are paid in January of the following year, a penalty fee of fifty percent (50%) of the renewal fees becomes payable to the Receiver of Revenue. If the renewal fees are paid in February, the penalty fee is hundred percent (100%) of the renewal fees.

5. What happens when the renewal fees are not paid by the end of February?

The licence lapses automatically and this results in the licence-holder having to apply for a new licence. This means that the same process that was followed when the licence-holder applied for the first time, has to be followed again.

6. Where must the renewal fees be paid?

The Receiver of Revenue is the competent authority to accept payment of, not only the renewal fees, but all the monies that are payable to the Liquor Board as a result of a liquor licence. The Liquor Board will return to sender all monies that are sent directly to its offices in settlement of a debt of a liquor licence and will not take responsibility for late renewal of that licence.

7. Where can licence-holders not residing in the Western Cape renew their licences?

The offices for the Receiver of Revenue in the resident Provinces should accept renewal fees for the Western Cape and then send proof of payment to the Liquor Board offices. It is however advisable that, if a licence-holder can pay at one of the Western Cape Revenue offices, s/he does so as this will ensure timeous receipt of proof of payment by the Liquor Board.

8. What are the responsibilities imposed by the Liquor Act on the Liquor Board and licence-holder regarding renewal notices?

8.1 Liquor Board

The Liquor Board is required by the Liquor Act to send a renewal notice to the licence-holder whose licence is valid before the 31st of October of each year for the renewal of a liquor licence for the following year. Only the Liquor Board is authorized to issue a Form 22 and any Form 22 not issued by the Liquor Board is invalid.

8.2 Licence-holder

- It is the responsibility of the licence-holder to renew the licence annually and within the prescribed period.
- It is the responsibility of the licence-holder to notify the Liquor Board about any change of address, when applicable. The Liquor Board, once the renewal form is sent, is not responsible for the non-receipt of such renewal form by the licence-holder.
- A licence-holder is urged to contact the Liquor Board and inquire about the renewal if s/he has not received it by 31st October of each year.
- It is the responsibility of the licence-holder to acquaint him/ herself of the provisions of the Liquor Act as ignorance is not a valid excuse for failure to renew a licence on time.

9. What happens in a case of a transfer of a licence

Where a transfer is finalized before the Liquor Board posts the renewal notices, the new licence-holder will receive the renewal form, but if the transfer is finalized after the renewal form has been sent to the old licensee, a replacement renewal form will be sent to the new licence-holder.