

LIQUOR ACT, 2003  
(Act No. 9 of 2004)

**LIQUOR REGULATIONS, 2008**  
(Published on 31st March, 2008)

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IN EXERCISE of the powers conferred on the Minister of Trade and Industry by section 42 of the Liquor Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Liquor Regulations, 2008. Citation
2. (1) An application under section 13(1) of the Act, for a licence, shall be in Form 1 set out in the Third Schedule. Form of application for licence
- (2) An application under section 13(1) of the Act shall be accompanied by a non refundable application fee of P100.00.
- (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. (1) An application in accordance with section 13(2) of the Act shall be published in Form 2 set out in the Third Schedule. Publication of notice of application
- (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. 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. Issuance of licence

Licences reserved for citizens

**5.** (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/night club liquor licence.

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

Facilities to be maintained on licensed premises

**6.** (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/night club 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/night club 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 sound proof;

(e) a temporary liquor licence for —

- (i) a festival, picnic or other public activity, for a period exceeding 3 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 meters 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.

Cap. 18:01

<p><b>7.</b> (1) The licensing authority shall not issue a licence under the Act where the proposed business premises are not at least 500 meters away from a school, highway, major road or church.</p>	<p>Distance from school, etc.</p>
<p>(2) The licensing authority may negotiate with a licensee whose —</p> <p>(a) licence was issued before the coming into effect of these Regulations; and</p> <p>(b) licensed premises do not meet the requirements set out in sub regulation (1), for the transfer of the licence in accordance with section 20(2)(b) of the Act.</p>	
<p><b>8.</b> (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.</p>	<p>Days and hours of operation</p>
<p>(2) Notwithstanding the provisions of sub regulation (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 1200 hours and 1430 hours and between the hours of 1830 hours and 2230 hours.</p>	<p>Act No. 5 of 2004</p>
<p><b>9.</b> (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 P100.00.</p>	<p>Application for renewal of licence</p>
<p>(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).</p>	
<p><b>10.</b> (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 P100.00.</p>	<p>Application for transfer of licence</p>
<p>(2) Where the control authority approves an application made under section 20 (1) of the Act, the applicant shall pay a transfer fee of P100.00.</p>	
<p><b>11.</b> (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 P100.00.</p>	<p>Application for duplicate licence</p>
<p>(2) Where the control authority approves an application made under section 21 of the Act, the applicant shall pay a duplicate fee of P100.00.</p>	
<p><b>12.</b> The following are designated authorised officers for the purposes of the Act —</p>	<p>Authorised officers</p>
<p>(a) a member of the Botswana Police Service;</p> <p>(b) a member of the Local Police;</p> <p>(c) a bye-law enforcement officer; and</p> <p>(d) an officer from the Ministry of Trade and Industry.</p>	
<p><b>13.</b> The following shall be exempt from holding a licence under the Act —</p> <p>(a) categories A, B, and C, tourism enterprises licensed under the Tourism Act and selling liquor; and</p>	<p>Exemptions Cap. 42:09</p>
<p>(b) sellers of traditional beer.</p>	
<p><b>14.</b> 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 P500.00 or to imprisonment for a term not exceeding six months, or to both.</p>	<p>Offence and penalty</p>

## FIRST SCHEDULE

LIQUOR ACT, 2003  
(Act No. 9 of 2004)  
(reg. 2 (3))

### LICENCE FEES

<i>Licence</i>	<i>Fee</i>
1. Bar liquor	P1 000.00
2. Bottle store liquor	P500.00
3. Liquor depot	P200.00
4. Discotheque/night club	P2 000.00
5. Distributor liquor	P2 200.00
6. Club liquor	P1 000.00
7. Temporary liquor	P10.00 per day
8. Wholesale liquor	P1 500.00

## SECOND SCHEDULE

LIQUOR ACT, 2003  
(Act No. 9 of 2004)  
(reg. 8)

### DAYS AND HOURS OF OPERATION

<i>Licence</i>	<i>Days</i>	<i>Hours</i>
1. Bar liquor	Monday to Thursday Friday to Saturday Sunday and public holiday	1400 hrs to 2200 hrs 1200 hrs to 2300 hrs 1500 hrs to 2200 hrs
2. Bottle store liquor	Monday to Saturday	1000 hrs to 1900 hrs
3. Liquor depot	Monday to Thursday Friday to Saturday Sunday and public holiday	1400 hrs to 2200 hrs 1200 hrs to 2300 hrs 1500 hrs to 2200 hrs
4. Discotheque/night club	Monday to Thursday Friday to Saturday Sunday and public holiday	1900 hrs to 0000 hrs 1900 hrs to 0200 hrs 1500 hrs to 2200 hrs
5. Club liquor	Monday to Thursday Friday to Saturday Sunday and public holiday	1400 hrs to 2200 hrs 1200 hrs to 2300 hrs 1500 hrs to 2200 hrs
6. Temporary liquor		
Trade fair	Monday to Saturday	1200 hrs to 1800 hrs
Festivals	Monday to Saturday	1400 hrs to 0000 hrs
Picnics	Monday to Saturday	1200 hrs to 1900 hrs
Other public activities	Monday to Saturday	1400 hrs to 0000 hrs
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, 2003  
(Act No. 9 of 2004)

FORM 1  
(reg. 2 (1))

APPLICATION FOR A LIQUOR LICENCE

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:

<i>Name</i>	<i>Nationality</i>	<i>Address</i>	<i>% share in equity holding</i>
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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 2 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 .....

LIQUOR ACT  
(Act No. 9 of 2004)

FORM 2  
(reg. 3 (1))

NOTICE OF APPLICATION FOR A LIQUOR LICENCE

NOTICE is hereby given that the undersigned has applied for a .....  
..... Licence in terms of section 13 of the Liquor Act (Act No. 9 of 2004) 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....., 200....

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 .....  
.....

Date .....

LIQUOR ACT  
(Act No. 9 of 2004)

FORM 3  
(reg. 4)

LIQUOR LICENCE

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): .....

.....

LIQUOR ACT  
(Act No. 9 of 2004)

FORM 4  
( reg. 9 (1))

APPLICATION FOR THE RENEWAL OF A LICENCE

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.

**LIQUOR ACT  
(Act No. 9 of 2004)**

**FORM 5  
(reg. 10 (1))**

**APPLICATION FOR THE TRANSFER OF A LICENCE**

**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.**

LIQUOR ACT  
(Act No. 9 of 2004)

FORM 6  
(reg. 11 (1))

APPLICATION FOR A DUPLICATE LICENCE

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: .....

**MADE this 27th day of March, 2008.**

**N.D. MOROKA,**  
*Minister for Trade and Industry.*

*L2/7/102 VII*