

LIQUOR TRADING

HOURS



Liquor trading hour restrictions: a rights-based approach

Restrictions on when alcohol may be sold are among the most effective tools available to reduce alcohol-related harm. This policy brief explores liquor trading hour regulation in South Africa through a constitutional, public health, and human rights lens, drawing on international evidence and World Health Organization guidance. It highlights inconsistencies between national policy commitments and provincial and municipal laws, and argues for the alignment of trading time regulation with evidence-based policy and constitutional obligations to protect community safety.

About the author

Stephen Harrison, attorney and sole proprietor of **Stephen Harrison Attorney**, a general legal practice with a focus on public interest law. His education and professional career have been at the interface of public law and public health, with experience in government, parastatal bodies, non-governmental organisations and higher education.

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Contents

Contents 2

Executive Summary 4

Introduction 6

Constitutional implications of South Africa's high alcohol consumption problem 7

Trading hour restrictions as a measure to protect fundamental rights 8

How has the South African state responded to date? 10

Policy developments 10

Legislative developments 13

Eastern Cape 13

Free State 14

Gauteng 14

KwaZulu-Natal 14

Limpopo 14

Mpumalanga 15

Northern Cape 15

North West 16

Western Cape 16

Conclusion 17

Recommendations 18

Legislative review 18

Public participation and transparency 19

Review of Norms and Standards 20

Evidence-based exercise of executive discretion 21

Civil society engagement 22

References 24

ANNEXURES 28

Annexure 1 29

Annexure 2 30

Executive Summary

South Africa faces an acute public health and safety crisis fuelled by harmful alcohol consumption. These harms undermine constitutionally protected rights to life, dignity, security, health, and the protection of children. The State has a constitutional duty to protect these rights by adopting reasonable, evidence-based measures to reduce harmful drinking.

International evidence consistently shows a strong link between extended liquor trading hours and increased alcohol-related harms, including violence, road accidents, and hospitalisation.

Conversely, restricting trading hours, particularly late-night sales, has been proven to reduce consumption, deaths, crime, and health costs. The World Health Organization (WHO) identifies limiting trading hours as one of the most cost-effective interventions to reduce alcohol harms, a recommendation reinforced through its SAFER initiative.

South Africa has recognised this evidence in policy. The 2015 National Liquor Norms and Standards (N&S) set uniform trading hours intended as maximum permissible limits which were adopted nationally.

The 2016 National Liquor Policy and the Western Cape's 2017 Alcohol Harms Reduction White Paper reaffirmed the importance of reducing alcohol availability through restricting trading hours. Yet, in practice, provincial and municipal laws often exceed the N&S, and recent reforms have tended to extend rather than restrict hours.

This inconsistency undermines national commitments, WHO guidance, and constitutional obligations to protect fundamental rights.

Urgent action is needed to align laws with evidence-based policy, prioritise human rights over business interests, to help ensure a safer and healthier society.

The following specific recommendations are made:

Legislative Review and Alignment

Provinces and municipalities must urgently review trading hours in their laws and align them with the N&S.

The Eastern Cape and Western Cape should amend provincial legislation to set maximum trading hour limits within which municipalities may operate.

Any proposal to extend trading hours should require a full evidence-based assessment of its likely impact on deaths, crime, and healthcare costs, ensuring that business interests do not outweigh constitutionally protected rights.

Public Participation and Transparency

Communities must be given meaningful opportunities to participate in decisions affecting trading hours.

Legislative and municipal processes should ensure that citizens understand the risks of extended hours and can have a real say in shaping outcomes.

Review of National Liquor Norms and Standards

The N&S should be updated to reflect the latest evidence on effectiveness and cost-effectiveness of trading hour restrictions.

An inter-ministerial process should drive this review, incorporating input from health, social, justice, economic sectors, and affected communities.

Evidence-Based Decision-Making

Municipal authorities must exercise their discretion rationally and transparently, basing decisions to extend hours on evidence of risk, not on commercial pressure. Extensions should be the exception, not the norm.

Civil Society Engagement

Civil society has a crucial role in raising awareness, supporting litigation, and holding government accountable for measures that increase the risk of harm.

Introduction

South Africa has among the highest murder rates¹ and rape statistics² in the world, the highest rates of femicide in the world,³ a child homicide rate of more than twice the global average,⁴ and a road traffic death rate of double the global rate.⁵

South Africa ranks among the countries with the highest alcohol consumption in the world. According to a 2024 World Health Organisation (WHO) report, it has the sixth highest average per capita consumption amongst alcohol drinkers in the world - 27.2 litres per year compared to a global average of 12.4.⁶

The rates of alcohol consumption and levels of harm experienced by communities are not unrelated. Risky alcohol consumption practices are well-established as a significant contributory factor to injuries and death caused by road traffic accidents, interpersonal violence such as physical assaults, sexual violence, murder and many diseases.⁵

Harmful alcohol consumption practices have devastating implications for public health and safety in South Africa. The 2024 WHO report also found that 7.3% of all deaths in South Africa are attributable to alcohol.⁶ This impact is greatest among poorest communities, with about 60% of alcohol-related deaths in South Africa occurring in low socio-economic status (SES) groups, compared to 15% in the high SES groups.⁷

In this Policy Brief, we consider the Constitutional implications of South Africa's high alcohol consumption problem in relation to people's fundamental human rights – and what role restrictions on liquor trading hours can and should be playing in the discharge of the State's obligations to respect, protect and fulfil those rights.

Constitutional implications of South Africa's high alcohol consumption problem

The state must respect, protect and fulfil the rights in the Bill of Rights.

- Section 7(2) Constitution of RSA⁸

There are many reasons why policymakers and lawmakers around the world should be concerned about the negative impacts on society of harmful alcohol consumption practices, such as:

- negative costs to the fiscus;
- reduced workplace productivity;
- increased morbidity and mortality;
- strains on healthcare systems, social welfare and criminal justice systems;
- and the undermining of overall health and wellbeing of individuals and communities.

In South Africa, there is an important added Constitutional dimension to legislation and governance which should be of concern to policymakers and lawmakers. Given the established links between high alcohol consumption and all the above mentioned forms of violence and injury, there can be no doubt that continued and unchecked high alcohol consumption in South Africa undermines the enjoyment and fulfilment of people's Constitutionally protected rights to:

- have their dignity respected and protected - section 10 of the Constitution;
- life - section 11;
- freedom and security of the person, including the right to be free from all forms of violence from either public or private sources - section 12(1)(c);
- security in and control over their body - section 12(2)(b);
- an environment that is not harmful to their health or wellbeing - section 24(a); and
- in respect of children, be protected from maltreatment, neglect, abuse or degradation - section 28(1)(d).

Section 7(2) of South Africa's Constitution places an obligation on the State to protect, promote and fulfil the rights of people as expressed in the Bill of Rights. It follows that the State has a Constitutional obligation to respect, protect and fulfil the above-mentioned rights by taking reasonable measures to curb rates of harmful alcohol consumption and their effects, and refraining from taking measures which are likely to exacerbate rates of harmful alcohol consumption and their effects.

Trading hour restrictions as a measure to protect fundamental rights.

Multiple international research studies have pointed to an association between extended liquor trading hours (especially late at night) and alcohol-related harms. A series of systematic reviews conducted over the past 15 years supports this conclusion.⁹⁻¹⁵

A recent review by Nepal et al (2020),¹⁵ confirmed existing evidence that extending trading hours at on-licence premises was typically followed by increases in the incidence of harm, including assault, unintentional injuries and drink-driving offences. It also provided new evidence that restricting trading hours at both on- and off-licence premises was typically followed by decreases in the incidence of assault and hospitalisation.

This information has informed documentation produced by the WHO, of which South Africa is a member state, on effective interventions to reduce high alcohol consumption levels and related harm.

The WHO's 2010 Global Strategy to Reduce the Harmful Use of Alcohol¹⁶ recommended that states reduce alcohol related harms through regulating availability, including through regulating days and hours of retail sales.

In 2017, the WHO recommended that states "enact and enforce restrictions on the physical availability of retailed alcohol (via reduced hours of sale)" as one of the top three most cost-effective interventions to reduce the harmful use of alcohol.¹⁷

In 2018 the WHO, in conjunction with the United Nations, launched the SAFER initiative to support Member States in meeting global, regional and country health and development goals, focusing on the most cost-effective priority interventions (best buys) to prevent and reduce alcohol-related harms, namely to:

- **Strengthen restrictions on alcohol availability.**
- **Advance and enforce drink driving countermeasures.**
- **Facilitate access to screening, brief interventions, and treatment.**
- **Enforce bans or comprehensive restrictions on alcohol advertising, sponsorship, and promotion.**
- **Raise prices on alcohol through excise taxes and pricing policies.**¹⁸

The SAFER guidelines state:

"It is advisable to avoid extending the days and hours of alcohol sales, and to curtail them further when certain neighbourhoods or communities experience increased alcohol-related harm."¹⁸

Analysis in the Western Cape by Filby et al. (2023)¹⁹ modelled impacts of restricting on-consumption trading times province-wide to midnight, 1am and 2am (compared to the current scenario where trading hour regulation varies between municipalities in the province).

In each scenario, the study found that the restrictions would result in decreases in alcohol consumption; numbers of deaths; hospital costs; and costs of combatting alcohol-related crime.

The earlier the closing time, the greater the impact. The authors quantified these estimated impacts, considering harms emanating from six alcohol-related conditions^a.

^a HIV, intentional injury, road injury, liver cirrhosis, breast cancer and TB

The actual impacts are likely to be significantly underestimated because excessive alcohol consumption is known to contribute to more than 200 different diseases, injuries and conditions.²⁰

It follows that reducing late night trading hours offers the South African state a reasonable means to curb harmful alcohol consumption levels in the country, and their attendant harms, and thereby to protect and uphold the various Constitutionally protected rights of people in South Africa, as discussed above.

How has the South African state responded to date?

Given the fact that the reduction of trading hours (and in particular late night trading hours) is among the most cost-effective interventions to prevent and reduce alcohol-related harms, and thereby to protect and uphold Constitutionally protected rights of persons living in the country, we now consider how government has responded to these imperatives from a policy and legislative perspective.

Policy developments

At a national policy level, the South African government has recognised the importance of reducing the availability of liquor through the regulation of trading hours for a decade or more.

The Department of Trade and Industry's Liquor Policy Paper, gazetted on 30 September 2016, outlined national policy direction as follows:

"To reduce the harmful use of alcohol, it is also important to regulate the availability of liquor. One of the strategies to reduce the availability of liquor includes the need to regulate days and hours when liquor sales should be permitted. Liquor authorities and municipalities need to control access to liquor by restricting times for sales of liquor. This should be done by setting norms and standards around trading hours. The set uniform trading hours within the norms and standards should be integrated in national, provincial and municipal legislation."²¹

By the time this Liquor Policy was published, the envisaged norms and standards, including uniform trading hours, had already been gazetted for over a year. The National Liquor Norms and Standards (N&S) were gazetted on 13 February 2015 under cover of a government notice signed by then Minister of Trade and Industry, Dr Rob Davies.²²

The N&S were “adopted by the National Liquor Policy on 5 September 2014 for implementation throughout the Republic”. Under this statement, the gazetted version bears the signatures of the relevant MECs responsible for liquor matters in each of the nine provinces.^b

This was the culmination of a process initiated by the National Liquor Policy Council (NLPC)^c in May 2012, which agreed on the need for national N&S regulating the industry and talk to “problematic” areas including trading hours.²³

Consultations for the N&S took place in different provinces at organised public workshops. They were gazetted for further public comment in 2013^d and again in 2014^e prior to finalisation.

The retail liquor trading hours described in the N&S are set out in **Annexure 1**.

In general, the N&S envisaged closing hours of midnight for on-consumption premises, and shorter hours for general-consumption in residential areas. This was in most cases a reduction in on-consumption trading hours as compared to those prevailing at the time in

^b A caveat, however, is attached to the signature of then MEC Alan Winde of the Western Cape, who annotated his signature with the following statement: “NOTED BUT WE DO HAVE PROVINCIAL LEGISLATION THAT IS WITHIN OUR LEGISLATIVE COMPETENCY. I ALSO AM NOT IN FAVOUR OF THE EXTRA RED TAPE BURDEN ON LEGITIMATE BUSINESSES.”

^c The NLPC is chaired by the Minister of Trade and Industry and includes MECs responsible for liquor licensing in each province and various designated persons (s 38 Liquor Act 59 of 2003).

^d Notice 1194 of 2013, Gazette 37110, 4 December 2013

^e Notice 80 of 2014, Gazette 37322, 11 February 2014

terms of the Liquor Act, 1989²⁴ (which was then still applicable in North West and Limpopo) and other provincial legislation.

A notable exception relates to nightclubs, where the N&S allow trading up to 06h00 in the morning – an anomaly which is difficult to reconcile with harm reduction objectives.

It is important to note that in clause 4.14.2 of the N&S they are described as “set minimum standards.” Given their role as guidelines to assist with alcohol harms reduction this must mean that the trading hours set are the outside limit of trading hours – and that legislation may allow for shorter, but not longer, trading hours.

Clause 4.14.2 of the N&S states that the set trading hours “are applicable to municipal areas where by-laws are not enforced.” Rather than allowing for specific exceptions in some areas, this clause has application in all municipalities, as a stop-gap while legislation is being developed country-wide consistent with the N&S.

This interpretation is consistent with the preceding clause (4.14.1) which states “Uniformity in terms of trading hours is also necessary throughout the country at all spheres of government” and with clause 6 which states “These Norms and Standards were adopted ... for implementation throughout the Republic.” It is also consistent with the National Liquor Policy 2016, published the following year, which states that the “set uniform trading hours within the norms and standards should be integrated in national, provincial and municipal legislation.”²¹

Another relevant policy document is the Western Cape’s Alcohol Harms Reduction White Paper of 2017,²⁵ which identified the problem of variability of permissible trading times among municipalities across the province, with some being “excessive”. It proposed provincial determination of “set maximum limits for trading hours in line with the alcohol-related harms reduction approach of reducing consumption.”

Legislative developments

Despite the policy developments described above, and the adoption of the N&S by all provincial governments (subject to the caveat by the Western Cape described above), there has been little progress toward reduction of trading hours in line with the N&S – and where moves have been made toward such harmonisation, some are in the process of being reversed. Below we provide a brief overview of the status of legislative developments on trading times in the nine provinces.

By way of context, regulation of the trading hours of retail liquor outlets is generally considered to fall within the functional area of “control of undertakings that sell liquor to the public” in Schedule 5B of the Constitution.

Provincial governments have the legislative competence to legislate on these matters,^f but municipalities also have the right to make and administer by-laws on such matters provided that they do not conflict with national or provincial legislation.^g

In respect of those provinces in which legally permissible trading hours are prescribed by provincial legislation, such trading hours are tabulated in **Annexure 2**. The extent of their consistency with the national N&S are colour coded, with trading times that are completely consistent with the N&S coloured in **green**, those which may or may not be consistent with the N&S (depending on day of the week, area zoning or type of premises) coloured in **orange**, and those which exceed the N&S coloured in **red**.

Eastern Cape

Section 42 of the Eastern Cape Liquor Act, 2003,²⁶ provides that liquor retailers can sell liquor on any day of the week, and that the hours of trade are to be determined by the relevant municipality.^h Legally permissible trading hours vary between municipalities and typically significantly exceed the N&S in certain respects.²⁷ Some of these by-laws, like

^f Section 104(1)(ii) Constitution

^g Section 156(2) and (3) Constitution

^h The Eastern Cape Liquor Act is due to be replaced by the Eastern Cape Liquor Authority Act, No. 4 of 2018. The date of commencement of this Act is still to be proclaimed. Section 77 of the Act envisages trading hours determined by municipal by-law or conditions attached to the applicable licence.

that of Buffalo City,²⁸ allow for municipalities to grant applicants extensions on permissible trading hours beyond those prescribed in the bylaw.

Free State

Permissible trading hours are determined in terms of regulations²⁹ made under the Free State Gambling, Liquor and Tourism Act, 2010.³⁰ There appears to have been no attempt to incorporate the trading hours stated in the N&S, despite there being amendments to the regulations in 2022, and Free State trading hours significantly exceed those set out in the N&S in multiple respects.

Gauteng

Trading hours are determined in terms of regulations³¹ made under the Gauteng Liquor Act, 2003.³² There have been no changes to the regulated trading times since adoption of the N&S and the Gauteng trading hours significantly exceed those set out in the N&S in multiple respects.

KwaZulu-Natal

In terms of section 78 of the KwaZulu-Natal Liquor Licensing Act, 2010,³³ the provincial liquor licensing authority may determine the trading days and hours applicable to a licensee, provided that these do not exceed those stipulated in Schedule 3 of the Act, or the relevant municipal bylaw, whichever is less. The outer parameters of trading hours in Schedule 3 of the Act significantly exceed those set out in the N&S, and have not been amended since 2010.

Limpopo

The Limpopo Liquor Act, 2009,³⁴ came into effect on 1 August 2023, together with the Limpopo Liquor Regulations made thereunder. The regulated trading times as set out in the original regulations were substantially aligned to the N&S with a reduction of trading hours from those under the Liquor Act, 1989,²⁴ which applied until then. Notably, on-consumption licenses were required to stop selling alcohol by midnight.

Unhappy with the new trading hour restrictions, the Sekhukhune Liquor Traders Association and the Economic Freedom Fighters (EFF) instituted proceedings in the Limpopo High Court to urgently interdict the coming into effect of the regulations, and ultimately to have them overturned.

The applicants were unsuccessful in interdicting the regulations,³⁵ although traditional provisions in section 71 of the Act effectively allowed for a grace period for existing licensees to come under its provisions.

The DG Murray Trust was admitted as an amicus curiae in the matter. At the time of writing this report, the review proceedings had not further progressed in court.

In the meantime, however, on 21 March 2025, the MEC for Economic Development, Environment and Tourism promulgated Limpopo Liquor Amendment Regulations for comment³⁶ which drastically extend late night closing hours in all on-consumption licence categories and for special event permits. See Annexure 2 for detail.

Mpumalanga

Mpumalanga's Liquor Licensing Act, 2006,³⁷ provides that the provincial liquor licensing authority must, when issuing a licence, restrict trading days and hours in accordance with recommendations made by the Municipality concerned, subject to prescribed requirements. Those prescribed requirements are set out in the Mpumalanga Liquor Licensing Regulations, 2015,³⁸ which were gazetted a few months after the N&S. The prescribed trading times align to some extent with those in the N&S, but also deviate in material respects.

Northern Cape

On 1 April 2024, the Northern Cape Gambling and Liquor Act, 2024,³⁹ came into effect. Whereas the draft Bill gazetted for comment in 2023 had proposed a reduction of late night closing hours from 02h00 to 00h00 in alignment with the N&S, the final Act as passed retained a 02h00 closing time for on-consumption licences. It also extended closing times of night clubs to 06h00 which, though consistent with the N&S, is of concern from a perspective of risk of harm.

The DG Murray Trust subsequently instituted judicial proceedings in the Northern Cape High Court to set aside the relevant trading hour provisions as unconstitutional based on both procedural and substantive grounds. This matter was still pending at the time of writing this Policy Brief.

North West

Until 31 March 2025, trading hours in the North West were regulated in terms of the Liquor Act, 1989.²⁴ On 1 April 2025, however, the North West Liquor Licensing Act, 2016,⁴⁰ as amended in 2019, came into effect.⁴¹ The liquor trading hours provided for in the Act at that point coincided to a large extent with the trading hours as set out in the N&S – including a closing time of midnight for on-consumption premises other than night clubs.

However on 29 April 2025, a mere 28 days after commencement of the 2016 Act, the MEC signed a Proclamation (which was gazetted on 9 May 2025), amending Schedule 3 of the Act “to determine the trading hours for Category A on consumption liquor outlets to be from 10h00 until 02:00 as has been the conventional trading hours.”⁴² The proclamation invoked a highly unusual provision of the North West Liquor Licensing Act, 2016, as amended, purporting to give the MEC power to amend Schedule 3 of the Act which stipulates the permissible trading hours.

Western Cape

In terms of section 59(1) of the Western Cape Liquor Act, 2008,⁴³ municipalities may determine trading hours for licensed liquor businesses in terms of their by-laws. The Act provides no outer limits within which municipally determined hours must fall. Each of the 25 municipalities in the province has passed its own by-laws which vary hugely from one municipality to the next, with many of the prescribed trading hours significantly exceeding those in the N&S.²⁷

As mentioned above, the province’s 2017 Alcohol Harms Reduction White Paper identified this variability and the “excessive” nature of some of these hours as a problem, and recommended that provinces determine set maximum limits to reduce alcohol-related harms. In June 2023, the Western Cape government called for inputs on a proposal “to introduce evidence-based and uniform liquor trading hours to reduce harm while remaining mindful of the economic impact”,⁴⁴ but there have been no known public developments on this since then.

In the meantime, there continue to be instances of municipalities in the Western Cape amending by-laws to significantly extend late night liquor trading hours, in the past year including the Kannaland municipality⁴⁵ and the George Municipality.⁴⁶ The Kannaland

bylaw was particularly egregious as it extended on-consumption closing hours to 04h00 seven days a week. This bylaw was, however, subsequently challenged in the High Court by the DG Murray Trust. The bylaw was set aside as unconstitutional by agreement between the parties which became an order of the Cape High Court.⁴⁷

Most of the municipal by-laws make provision for extensions to be granted by Municipalities beyond the hours prescribed in those laws. The City of Cape Town, for example, allows for consideration of on-consumption trading hour extensions of closing hours from 02h00 to up to 04h00 in general business, industrial and agricultural areas.⁴⁸

Conclusion

Restricting liquor trading hours offers South Africa a practical and cost-effective means to address harmful alcohol consumption practices and upholding constitutional rights. The above review leads to the inescapable conclusion that government has failed to establish or implement a cost-effective strategy to significantly reduce the harms of alcohol, namely reduction in liquor trading hours despite policy commitments to do so, including by adoption of the N&S.

Instead, many of the recently proposed and enacted legislative changes to legally permissible trading hours have resulted in an extension, rather than a reduction, of trading hours despite the evidence that this results in an escalation of harm to public health and safety.

This means the government has failed, and continues to fail in its duty to protect the people against the infringement of Constitutionally protected rights which result from harms associated with exceptionally harmful alcohol consumption levels in the country. Below we outline measures which should be taken by government to rectify this failure, and what role civil society may play in supporting these measures.

Recommendations

Legislative review

All provincial and local governments should urgently review their existing laws governing liquor trading hours, to assess if they provide adequate protection against alcohol-related harms.

Priority should be given to review of trading hours which exceed the limits set in the National Liquor N&S. This is necessary to ensure that everyone enjoys equal protection and benefit of the law, as contemplated in section 9 of the Constitution.

Everyone is equal before the law and has the right to equal protection and benefit of the law.

- s 9(1) Constitution of RSA

For the same reason, the Eastern Cape and Western Cape provincial governments should urgently consider amending their liquor laws to set maximum trading hours within which municipalities may determine trading hours for liquor retailers.

Given the abundance of evidence showing the association between extending liquor trading hours and increases in the incidence of harm, including amongst others assault, unintentional injuries and drink-driving, it is imperative that the introduction of any legislative measure to extend liquor trading hours should be preceded by a full assessment of the impact of the proposed extensions.

The work by Filby et al (2023)¹⁹ shows that it is possible to quantitatively estimate the impact of trading hour extensions on variables such as number of deaths, hospital costs, and costs of combatting alcohol-related crime.

If counterarguments are made that costs associated with harms flowing from extended trading hours will be offset by economic benefit to the community from increased sales, government must insist on sales data being made transparently available to enable verification and analysis of the data.

Furthermore, government must ensure that legislative measures allowing business to trade longer hours do not prioritise business interests, which do not enjoy constitutional protection, over the constitutionally protected rights to dignity, life, freedom and security of the person, an environment that is not harmful to health and wellbeing, and the rights of children to be protected.

Public participation and transparency

Legislative processes which may result in changes to liquor trading hours must incorporate government's Constitutional obligations to engage in meaningful public participation in law-making processes.ⁱ

The Constitutional Court in *Mogale and Others v Speaker of the National Assembly and Others*⁴⁹ underscored the importance of public participation as follows:

"The importance of public participation in South Africa cannot be understated. Affected persons must be afforded the opportunity to meaningfully participate in the legislative process. Public participation acts as a safeguard to prevent the interests of the marginalised being ignored or misrepresented. The significance of public participation for the advancement of South Africa's democratic project is underscored by the colonial and apartheid governments' complete disregard of the views of the people in legislating their lives." (para 3)

In *Minister of Health v New Clicks South Africa (Pty) Ltd*,⁵⁰ the Constitutional Court succinctly outlined the test to be applied to consideration of the adequacy of public participation in law making processes as follows:

"The forms of facilitating an appropriate degree of participation in the law-making process are indeed capable of infinite variation. What matters is that at the end of the day a reasonable opportunity is offered to members of the public and all interested parties to **know about the issues** and to have an adequate say." (para 630, emphasis added)

ⁱ See sections 59(1)(a), 72(1)(a), 118(1)(a) and 152(1)(a) of the Constitution

Government knows that legislative changes to extend liquor trading hours may escalate risk of harms including:

- interpersonal violence such as murder, assaults and rape;
- unintentional injuries, such as road accidents;
- and disease transmission resulting in premature death and morbidity.

Government is aware of guidance from the WHO that shows restricting the availability of liquor by limiting trading hours is one of the most cost-effective measures to reduce alcohol-related harms.

If government wishes to extend liquor trading hours, the *New Clicks* judgment quoted above requires that communities who will be affected by changes in liquor trading hours should be educated about these issues, and consulted on the extension of trading hours, as a prerequisite for a meaningful legislative consultation process.

Review of Norms and Standards

The N&S should be updated to incorporate new evidence regarding the effectiveness and cost-effectiveness of restricting liquor trading hours to assist with the reduction of alcohol-related harms.

The cross-cutting impact of extended liquor trading hours on a range of sectors, such as health, social services, justice, and economic development, makes it important for the review of the N&S to incorporate an inter-ministerial process to ensure that a broad range of stakeholders, including communities and government at all levels, inform the outcome of such a review.

The review should include addressing the apparent anomaly, from a public health and safety perspective, of including a 06h00 closing hour limit for night clubs, and the possible misconception that the 24/7 trading hours allowed for manufacturers is intended to include direct retail sales to consumers by micro-manufacturers.

Evidence-based exercise of executive discretion

In the Eastern and Western Cape, some municipal by-laws allow municipalities to adjudicate applications for extensions on trading hours beyond the prescribed times in those by-laws on a case-by-case basis. There is great variability in those by-laws regarding which factors need to be considered in decision-making.⁵¹

Irrespective of the extent to which the laws spell out factors which should be taken into account before arriving at a decision to accept or reject an application for an extension in trading hours, the decision-making process constitutes an administrative action which must meet the requirements of the Promotion of Administrative Justice Act, 2000⁵² (PAJA).

Section 6(2)(e)(iii) of PAJA provides that a court may review administrative action if it was taken “because irrelevant considerations were taken into account or relevant considerations were not considered”.

The association between extended liquor trading hours and increased risk of harms such as interpersonal violence, accidents and disease transmission, is clearly a relevant consideration when a decision is made to extend trading hours. These risks extend beyond the risk of nuisance to the neighbours of the relevant licensed premises. It is also relevant for decision-makers considering applications for extensions to consider the previously mentioned guidance provided by the WHO as part of its SAFER initiative, namely:

“It is advisable to avoid extending the days and hours of alcohol sales, and to curtail them further when certain neighbourhoods or communities experience increased alcohol-related harm.”¹⁸

Moreover, we reiterate the point made earlier that government must not prioritise business interests which benefit from longer trading hours and do not enjoy constitutional protection, over the constitutionally protected rights of South Africans to dignity, life, freedom and security of the person, an environment that is not harmful to health and wellbeing, and the rights of children to be protected.

Rational decision-making therefore requires an assessment of the likelihood and magnitude of such increased risk, and the availability and effectiveness of measures to counter such risks, in relation to each application for an extension of liquor trading hours.

The considerations also point to the need for decisions to extend trading hours to be the exception, rather than the norm.

Civil society engagement

Although we hope that government will act rationally in discharging their obligations to respect, uphold and protect constitutionally protected rights, the history of legislative development around liquor trading hours in South Africa suggests that this is not always the case. There is therefore a need for active involvement of communities and civil society in supporting alcohol-harm reduction measures and holding government to account.

Although the association between longer liquor trading hours and increased risk of harm is supported by the scientific literature and WHO guidance, and has found expression in South Africa's liquor policies, it is unclear to what extent this has filtered down to communities most affected by the harmful effects of continued high levels of heavy drinking in South Africa.

The widespread dissemination of this information is important to enable communities to assert their expectation that government is required to act to respect their rights and protect them from harms associated with increased hours of trade for liquor outlets. Information sharing is also important to ensure that communities can actively and effectively engage in government public participation processes surrounding policy and legislative developments relating to liquor trading hours affecting them.

Civil society should also not shy away from involvement in litigation where this is necessary to support positive government initiatives against unwarranted legal challenge, or to hold government accountable for legislative and executive action which increases the risk of harm to communities.

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ANNEXURES

Annexure 1

Trading times as per National Liquor Norms and Standards, 2015

TYPE	DAYS	HOURS
1. Manufacturers:		
All Manufactures	7 days a week	24 hours for both macro and micro
Tasting	Monday – Sunday including Public Holidays	10:00 - 18:00
2. Distribution:		
Distribution	Monday – Saturday	06:00 - 18:00
	Sundays including Public Holidays	09:00 - 17:00
3. Off Consumption (Business and Residential zoned):		
Off-consumption licenses	Monday – Saturday	09:00 - 20:00
	Sundays including Public Holidays	09:00 - 17:00
4. On Consumption (Business Zone):		
Other on-consumption licenses	Monday – Sunday	10:00 - 00:00
Night Club	Monday – Sunday	18:00 - 06:00
5. On Consumption (those in residential areas):		
Other on-consumption licenses	Monday – Saturday Sundays	10:00 - 21:00 10:00 - 17:00
Night Club	Monday – Saturday Sundays	18:00 - 06:00 18:00 - 00:00
Accommodation	Monday –Sundays	10:00 - 00:00
6. Special events:		
Business zone	On the day of the event	10:00 - 00:00
Residential area	On the day of the event	10:00 - 22:00

Annexure 2

Comparison of provincial trading hours to national Norms and Standards

	Last amended 2022
Accommodation establishment	10:00 – 00:00
Restaurant	10:00 – 02:00
Club	10:00 – 02:00
Tavern	10:00 – 02:00
Night Club	18:00 – 04:00
Casino	08:00 – 06:00
Gambling Establishment (except casino)	08:00 – 06:00
Liquor Store	08:00 – 20:00
Grocer Wine	08:00 - 20:00

Free State

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Gauteng

	Last amended 2004
Hotel	10:00 – 04:00
Restaurant	10:00 – 02:00
Theatre	10:00 – 02:00
Tavern	10:00 – 02:00
Pool club	10:00 – 02:00
Dance hall	10:00 – 02:00
Night club	18:00 – 02:00
Pub	10:00 – 02:00
Gaming	10:00 – 02:00
Catering or occasional permit	10:00 – 02:00
Club	10:00 – 02:00

	Last amended 2004
Sports ground	10:00 – 02:00
Shebeen	10:00 – 02:00
Special (off-consumption)	10:00 – 02:00 Sun 09:00 – 15:30
Sorghum beer (on-consumption)	10:00 – 02:00
Micro-manufacturer	08:00 – 20:00 Sun 09:00 – 15:30
Sorghum beer (off-consumption)	08:00 – 20:00 Sun 09:00 – 15:30
Special (off-consumption)	10:00 – 02:00
Liquor store	08:00 – 20:00 Sun 09:00 – 15:30
Grocer's wine	08:00 – 20:00 Sun 09:00 – 15:30

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KwaZulu-Natal

	Last amended 2010
Accommodation	10:00 - 02:00
Restaurant	10:00 - 02:00
Club	10:00 - 02:00
Nightclub	10:00 - 04:00
Gaming premises	24 hours
Sports ground	10:00 - 23:00
Pub	10:00 - 02:00

	Last amended 2010
Tavern	10:00 - 24:00
Theatre	10:00 - 24:00
Liquor store	08:00 - 20:00 (M-F) 08:00 - 17:00 (Sat) 10:00 - 15:30 (Sun)
Grocer's wine	08:00 - 20:00 (M-F) 08:00 - 17:00 (Sat) 10:00 - 15:30 (Sun)
Micro-manufacturer	07:00 - 22:00

A rights-based approach to liquor trading hours in South Africa

	Last amended 2025
Micro-manufacturers	24 hrs (on/off)
Liquor store	09:00 - 20:00 (Mon-Sat) 09:00 - 17:00 (Sun)
Grocer	09:00 - 20:00 (Mon-Sat) 09:00 - 17:00 (Sun)
Accommodation	10:00 - 02:00
Provision of food	10:00 - 02:00
Wine-house	10:00 - 02:00
Entertainment	10:00 - 04:00 (Mon-Sun, Business) 10:00 - 04:00 (Mon-Sun, Residential)
Club	10:00 - 02:00
Special Event	10:00 - 04:00 (business) 10:00 - 02:00 (residential)

Limpopo

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Mpumalanga

	Last amendment 2015
Retail sale for on-consumption	10:00 - 24:00
Retail sale for off-consumption	08:00 - 20:00 (Mon-Sat) 10:00 - 17:00 (Sun)
Retail sale for on- and off-consumption	10:00 - 24:00 (Mon-Sat) 10:00 - 17:00 (Sun)
Special licence for on-and off-consumption from premises where liquor is sold	10:00 - 02:00
Special event licence	10:00 - 04:00
Micro-manufacturers on- and off-consumption	ON: 10:00 - 24:00 OFF: 10:00 - 24:00
Traditional African beer micro-manufacturers on- and off-consumption	ON: 10:00 - 24:00 OFF: 10:00 - 24:00

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Northern Cape

	Last amendment 2024
On-consumption licences	10:00 - 02:00
Nightclubs	18:00 - 06:00 (Mon-Sat) 18:00 - 00:00 (Sun)
Off-consumption	09:00 - 20:00 (Mon-Fri) 09:00 - 17:00 (Sat-Sun)

A rights-based approach to liquor trading hours in South Africa

North West

	Last amended 2025
Accommodation	10:00 – 02:00
Restaurant	10:00 – 02:00
Club	10:00 – 02:00
Nightclub	10:00 – 02:00
Gaming Premises	10:00 – 02:00
Sports Ground	10:00 – 02:00
Pub	10:00 – 02:00
Tavern	10:00 – 02:00
Theatre	10:00 – 02:00

	Last amended 2025
Liquor store	08:00 – 20:00 (Mon-Sat) 09:00 – 17:00 (Sun & Pub. Hol.)
Grocer's wine	08:00 – 17:00 (Mon-Sat) 09:00 – 17:00 (Sun & Pub. Hol.)
Special event	10:00 – 00:00 (Business) 10:00 – 22:00 (Residential)
Micro Manufacturers	24 hrs (on/off)



