



21 August 2024

## **Issued by the DG Murray Trust (DGMT): Western Cape High Court finds the Kannaland Municipality's extension of liquor trading hours to be unconstitutional**

The Western Cape High Court has issued a final order setting aside the Kannaland Municipality's controversial by-law which extends liquor trading hours. In a case brought against the municipality by the DG Murray Trust (DGMT), Judge Erasmus declared the by-law unconstitutional and invalid, confirming that the municipality failed to uphold its obligations to protect public health and safety. The ruling was by mutual agreement between DGMT and the municipality.

The by-law extended liquor trading hours to 04:00 daily for on-consumption outlets and increased hours for off-consumption sales from 09:00-20:00, Monday to Saturday, and from 09:00-13:00 on Sunday. Prior to Judge Erasmus' ruling, the Western Cape High Court had suspended the implementation of the by-law pending a court review.

"This is a win for advocates calling for policies and legislative frameworks that would reduce the impact of heavy and binge drinking on the economy, public health and society," says Dr David Harrison, CEO of DGMT.

International research demonstrates a clear link between late-night alcohol sales and increased rates of violent crime, including homicides, sexual assaults and traffic accidents.

"Studies commissioned by DGMT show that a midnight closure for liquor outlets in the Western Cape could significantly reduce alcohol-related harm. Extending trading hours beyond midnight, let alone beyond 2:00, poses serious risks to community safety," says Harrison.

The Western Cape High Court's decision sets an important precedent, signalling to other municipalities that they have a constitutional obligation to protect the public from the harmful effects of alcohol. It underscores that public health and community well-being must take priority over profit-driven considerations.

Despite the court ordering the Kannaland Municipality to cover the applicant's legal costs, DGMT has decided to waive the cost order. This gesture reflects DGMT's commitment to resolving the issue collaboratively, mindful of the financial constraints the municipality faces.

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DGMT believes that the main goal — protecting community health and well-being — has been achieved without fostering ill will.

Beyond this case, DGMT has been actively engaged in advocacy efforts around responsible alcohol regulation. In December 2023, DGMT was admitted as amicus curiae (friend of the court) in a case involving the Limpopo Liquor Act, where the Economic Freedom Fighters (EFF) and the Sekhukhune Liquor Traders Association are challenging the provincial government and the Limpopo Liquor Board over regulations limiting alcohol sales to midnight. That case is ongoing.

Additionally, in 2023, DGMT supported the Department of Social Development's Prevention and Treatment for Substance Use Disorders policy, which advocates for stricter regulation of alcohol and substance use across South Africa.

/ENDS

**Dr David Harrison is available to do interviews and provide further comment. To arrange interviews, please contact DGMT Communications Specialist Corné Kritzingler on 060 679 7964 or send an email to [corne@dgmt.co.za](mailto:corne@dgmt.co.za).**