

Western Cape High Court dismisses Covid-19 regulations liquor ban challenge

Cooperative Governance and Traditional Affairs (Cogta) Minister, Dr Nkosazana Dlamini Zuma has welcomed the Western Cape High Court judgment dismissing wine producers' body, Vinpro's challenge of the constitutionality and lawfulness of liquor bans imposed during the Covid-19 pandemic.



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In a statement, the Ministry said Vinpro launched the application to ostensibly vindicate the constitutional values of respect for the rule of law, inter-governmental co-operation and public accountability.

It also sought to vindicate various constitutional rights, arguing, amongst others, that the power to impose restrictions on retail sales of liquor is exclusively vested in the provincial sphere of government.



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3 Dec 2021



“The Minister, representing the national government, successfully argued that the regulations were not aimed at addressing the impact of alcohol on society generally but were rather aimed at capacitating the health system during trying times.

“This, because South Africa has a much higher burden of alcohol-related trauma cases than experienced in many other countries,” said the Ministry in a statement on Wednesday.

Dlamini Zuma further successfully argued that the provisions of Section 26(2)(b) of the Disaster Management Act stipulate that the national executive must deal with a national disaster in terms of existing legislation and contingency arrangements as augmented by regulations or directions made or issued in terms of section 27(2), if a national state of disaster has been declared.

The Ministry said government remains committed to saving lives and protecting livelihoods as the country continues to grapple with Covid-19.



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12 Jul 2021



It said it was also important to note that although the regulations had the effect of suspending or limiting the sale and distribution of liquor, it would have done so in furtherance of the objective of reducing the socio-economic and other costs of alcohol use.

This also included promoting the development of a responsible and sustainable liquor industry as the envisaged result thereof was to ease the pressure on the health care system at a time when it was placed under severe strain by the demands of the Covid-19 pandemic.

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