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South Africa’s top court reserves judgment in Northern Cape liquor hours case

The dispute over longer alcohol sales during Covid-era recovery could define how far provinces may set trading rules

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South Africa’s Constitutional Court reserved judgment on Thursday, November 12, in a case over extended liquor trading hours in the Northern Cape, leaving unresolved a dispute that could shape how much authority provinces have to set alcohol sales rules.

The case was brought by the Democratic Alliance and Freedom Front Plus, which are asking the court to declare unlawful and unconstitutional a decision by the Northern Cape's department of economic development and tourism to lengthen the hours during which liquor may be sold. Under the provincial rules at issue, retailers were allowed to sell alcohol from 9 a.m. to 10 p.m. on weekdays and from 9 a.m. to 11 p.m. on weekends.

The applicants argue that the longer trading hours conflict with the Liquor Act and the Disaster Management Act, which had imposed restrictions during the Covid-19 period to limit transmission and reduce related harm. Their challenge puts the court at the center of a broader dispute over how governments should weigh public health concerns against economic activity in the alcohol market.

During the hearing, lawyers for the state defended the Northern Cape's position and said the change was lawful. They told the court the extended hours were intended to help revive the local economy and give businesses a better chance to recover from losses suffered during lockdowns. The province also argued that the decision stayed within existing legal limits and that oversight by the liquor board remained in place.

The court did not issue an immediate ruling from the bench. Instead, it said it would consider the parties' submissions before handing down a judgment at a later date. No date for that ruling was given in the material provided.

Although the dispute centers on one province, the case is being watched more broadly because it may clarify how far provincial governments can go when they set liquor trading hours. That question matters to bars, restaurants, bottle stores and other alcohol retailers, as well as to producers and distributors of beer, wine and spirits, because permitted sales windows can affect staffing, deliveries, store hours and revenue patterns.

The case also reflects a continuing policy tension that has outlived the pandemic. Governments have argued at different times that limits on alcohol sales can reduce pressure on hospitals and curb alcohol-related harm, while business groups and some political parties have said strict limits can damage jobs, shrink tax revenue and slow recovery for small operators. The Northern Cape matter brings those competing aims

into a constitutional setting, with the country’s highest court now weighing whether the province acted within the law.

Both sides told the court that the dispute raises important constitutional questions. At its core is whether the province struck a lawful balance between public health protections and economic freedom when it expanded the hours for liquor sales. Until the Constitutional Court rules, that balance remains under legal scrutiny, and businesses in the beverage trade will be watching closely for guidance on how similar rules may be judged in the future.