

**Reprint
as at 1 July 2013**



Sale of Liquor Act 1989

Public Act 1989 No 63
Date of assent 17 August 1989
Commencement see section 1(2)

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Justice.

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An Act to reform the law relating to the sale of liquor to the public

1 Short Title and commencement

- (1) This Act may be cited as the Sale of Liquor Act 1989.
- (2) This Act shall come into force on 1 April 1990.

2 Interpretation

In this Act, unless the context otherwise requires,—

airport bar means premises used or intended to be used in the course of business principally for the provision of liquor to air travellers, whether arriving at or departing from the airport

Armed Forces Canteen Council means the council constituted under that name by section 3 of the Armed Forces Canteens Act 1948

bar, in relation to any hotel or tavern, includes any part of the hotel or tavern that is used principally or exclusively for the sale, supply, or consumption of liquor

building code has the meaning ascribed to it by the Building Act 2004

chartered club means any club—

- (a) that, immediately before the commencement of this Act, held a charter granted under the Sale of Liquor Act 1962, the Licensing Act 1908, or any former Licensing Act; or

- (b) that is a voluntary association of persons combined for promoting the common object of private social intercourse, convenience, and comfort and providing its own liquor, and not for the purposes of gain

club means—

- (a) any chartered club; or
- (b) any club that has as its object, or as one of its objects, participating in or promoting any sport or other recreational activity, otherwise than for gain; or
- (c) any other voluntary association of persons (whether incorporated or not) combined for any purpose other than gain

community trust means—

- (a) a community trust established under section 219G; or
- (b) a community trust that is the amalgamation of 2 or more community trusts under section 219Z

conveyance means any ship, ferry, aircraft, hovercraft, train, coach, or other vehicle used for the transport of persons

defence area has the same meaning as in section 2(1) of the Defence Act 1990

District Licensing Agency, in relation to any district, means the local authority for that district constituted as the District Licensing Agency by section 99

generally accepted accounting practice means—

- (a) financial reporting standards (within the meaning of section 2(1) of the Financial Reporting Act 1993) so far as those standards apply to licensing trusts or community trusts (as the case may require); and
- (b) in relation to matters for which no provision is made in financial reporting standards (within the meaning of section 2(1) of the Financial Reporting Act 1993) and that are not subject to any applicable rule of law, accounting policies that—
 - (i) are appropriate to the licensing trust or community trust; and
 - (ii) have authoritative support within the accounting profession in New Zealand

guardian, in relation to a person, means the person's guardian within the meaning of the Care of Children Act 2004

hotel means any premises used or intended to be used in the course of business principally for the provision to the public of—

- (a) lodging; and
- (b) liquor, meals, and refreshments for consumption on the premises

inspector means an inspector appointed under this Act

licence means a licence under this Act

licensed premises means any premises, or any part of any premises, on which liquor may be sold pursuant to a licence; and includes any conveyance, or any part of any conveyance, in which liquor may be sold pursuant to a licence

licensee means a person who holds a licence for the time being in force under this Act

Licensing Authority means the Liquor Licensing Authority constituted by section 85

licensing trust district means—

- (a) a licensing trust district specified in Schedule 3; and
- (b) a licensing trust district constituted under section 185

liquor means any fermented, distilled, or spirituous liquor (including spirits, wine, ale, beer, porter, honeymead, stout, cider, and perry) that is found on analysis to contain 1.15% or more alcohol by volume

local authority means a territorial authority within the meaning of the Local Government Act 2002

manager means a manager of licensed premises appointed under and for the purposes of this Act

member means a member of a licensing trust

Minister means the Minister of the Crown who, under the authority of the Prime Minister, is for the time being responsible for the administration of this Act

naval ship has the same meaning as in section 2(1) of the Defence Act 1990

New Zealand Fire Service means the fire service established under that name by section 3 of the Fire Service Act 1975

New Zealand Fire Service Commission means the commission constituted under that name by section 4 of the Fire Service Act 1975

no-licence district means a no-licence district to which Part 10 of the Sale of Liquor Act 1962 applied immediately before the commencement of this Act

objector means a person who has filed an objection under this Act

permanent club charter means a charter granted under section 260(3) of the Licensing Act 1908 or any former Licensing Act and in force immediately before the commencement of this Act

pharmacist means a health practitioner who is, or is deemed to be, registered with the Pharmacy Council established by section 114(5) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of pharmacy

principal entrance, in relation to any licensed premises, means any entrance to the premises so designated by the Licensing Authority

prison has the same meaning as in section 3(1) of the Corrections Act 2004

prohibited persons, in relation to any licence, means—

- (a) persons who are under the age of 18 years; and
- (b) persons to whom liquor may not be sold pursuant to the licence; and
- (c) persons who are intoxicated

public notice,—

- (a) for the purposes of this Act, other than Part 9A, means a notice published twice in a newspaper or newspapers—
 - (i) nominated for the purpose of any application or other matter under this Act (whether generally or in any particular case) by the Secretary of the District Licensing Agency; and
 - (ii) circulating in the locality to which the act, matter, or thing required to be publicly notified relates or refers, or in which it arises; and
 - (iii) with an interval of not less than 5 nor more than 10 days between each notification:

- (b) for the purposes of Part 9A, means a notice published twice in a newspaper or newspapers—
 - (i) circulating in the district of the licensing trust concerned or the region of the community trust concerned (as the case may be); and
 - (ii) with an interval of not less than 5 nor more than 10 days between each notification

restaurant means any premises in which meals are regularly supplied on sale to the public for consumption on the premises

restricted area, in relation to any licensed premises, means any part of those premises so designated by the Licensing Authority or the District Licensing Agency to which persons who are under the age of 18 years shall not be admitted

Secretary means the Secretary of the Licensing Authority or (as the case may require) the Secretary of a District Licensing Agency

sports club means any club that has as its object, or as one of its objects, participating in or promoting any sport or other recreational activity, otherwise than for gain

supervised area, in relation to any licensed premises, means any part of those premises so designated by the Licensing Authority or the District Licensing Agency to which a person under the age of 18 years may not be admitted unless accompanied by the person's parent or guardian

tavern means any premises used or intended to be used in the course of business principally for the provision to the public of liquor and other refreshments; but does not include an airport bar

temporary authority means a temporary authority order granted and in force under this Act

tourist-house means a hotel in which liquor is sold to members of the public only if they are lodging on the premises, or are on the premises for the purpose of having a meal

working day means any day except—

- (a) a Saturday, a Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and

- (b) a day in the period commencing with 20 December in any year and ending with 15 January in the following year.

Compare: 1962 No 139 ss 2, 162; 1969 No 130 s 19; 1970 No 35 s 2(2); 1974 No 13 s 2; 1976 No 167 s 18; 1979 No 59 s 8(3); 1980 No 168 s 9(1); 1981 No 125 s 33; 1982 No 113 s 5

Section 2 **building code**: inserted, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 2 **building code**: amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 2 **community trust**: inserted, on 1 October 2004, by section 4 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 2 **defence area**: amended, on 1 April 1990, pursuant to section 105(2) of the Defence Act 1990 (1990 No 28).

Section 2 **Defence Council**: repealed, on 1 April 2000, by section 2(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 2 **generally accepted accounting practice**: inserted, on 1 April 2005, by section 4 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 2 **generally accepted accounting practice** paragraph (a): amended, on 1 July 2011, by section 12 of the Financial Reporting Amendment Act 2011 (2011 No 22).

Section 2 **generally accepted accounting practice** paragraph (b): amended, on 1 July 2011, by section 12 of the Financial Reporting Amendment Act 2011 (2011 No 22).

Section 2 **guardian**: inserted, on 1 December 1999, by section 2(5) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 2 **guardian**: amended, on 1 July 2005, by section 151 of the Care of Children Act 2004 (2004 No 90).

Section 2 **local authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **Minister**: substituted, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 2 **naval ship**: amended, on 1 April 1990, pursuant to section 105(2) of the Defence Act 1990 (1990 No 28).

Section 2 **penal institution**: repealed, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 2 **pharmacist**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 2 **prison**: inserted, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 2 **prohibited persons** paragraph (a): amended, on 1 December 1999, by section 2(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 2 **public notice**: substituted, on 1 October 2004, by section 4 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 2 **restricted area**: amended, on 1 December 1999, by section 2(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 2 **supervised area**: substituted, on 1 December 1999, by section 2(4) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

2A Meaning of term evidence of age document

- (1) For the purposes of this Act, the term **evidence of age document** means a document specified in subsection (2) that—
 - (a) contains a photograph of the person to whom the document is issued; and
 - (b) contains information that enables the age of the person to be determined.
- (2) For the purposes of subsection (1), a **document** is—
 - (a) a New Zealand passport; or
 - (b) an overseas passport; or
 - (c) a driver licence issued under the Land Transport Act 1998; or
 - (d) a document in the prescribed form issued by a specified person, organisation, body corporate, government department, Crown agency, or statutory board.
- (3) For the purposes of subsection (2),—
 - (a) the term **prescribed** means prescribed by the Minister by notice in the *Gazette*;
 - (b) the term **specified** means specified by the Minister by notice in the *Gazette*.

Section 2A: inserted, on 1 September 1999, by section 3 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

3 Act binds the Crown

This Act binds the Crown.

4 Object of Act

[Repealed]

Section 4: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

5 Application of Act

- (1) Except as expressly provided in this Act or in any other enactment, this Act applies to the sale of liquor to the public.

- (2) Nothing in this Act applies to the sale or supply of liquor by any person in the course of that person's business as a maker, importer, distributor, or wholesaler of any liquor to—
 - (a) any person who is also in business as a maker, importer, distributor, or wholesaler of any liquor; or
 - (b) the holder of any licence; or
 - (c) the holder of any permanent club charter.
- (3) Nothing in this Act applies to—
 - (a) any person who supplies, keeps for sale, or sells any spirituous or distilled perfume in good faith as perfumery; or
 - (b) a pharmacist who supplies, keeps for sale, or sells any liquor exclusively for medicinal purposes; or
 - (c) a person who supplies, keeps for sale, or sells exclusively to pharmacists any liquor for the purposes of paragraph (b); or
 - (d) any person who supplies, keeps for sale, or sells any liquor at the House of Representatives by the permission and under the control of the House of Representatives; or
 - (e) any person who, in any Police canteen established with the authority of the Minister of Police, supplies, keeps for sale, or sells any liquor;
 - (f) any person who, in any canteen established for officers of a prison with the authority of the Minister of the Crown who is responsible for the Department of Corrections, supplies, keeps for sale, or sells any liquor;
 - (g) any person who, in any canteen established with the authority of the New Zealand Fire Service Commission, supplies, keeps for sale, or sells any liquor;
 - (h) any person who, in any canteen or mess, or in any other place in a naval ship or defence area, where the consumption and possession of liquor is authorised by or under the Defence Act 1990 or by or under the Chief of Defence Force, supplies, keeps for sale, or sells any liquor;

- (i) any person who supplies, keeps for sale, or sells any liquor at or from any amenity set up and conducted by the Armed Forces Canteen Council.

Compare: 1962 No 139 s 3; 1968 No 40 s 2(2); 1971 No 52 s 56; 1971 No 77 s 2; 1976 No 53 s 63; 1980 No 168 s 63

Section 5(3)(b): substituted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 5(3)(c): substituted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 5(3)(f): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 5(3)(f): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 5(3)(g): amended, on 1 April 2000, by section 4 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 5(3)(h): amended, on 1 April 1990, by section 105(1) of the Defence Act 1990 (1990 No 28).

Section 5(3)(h): amended, on 1 April 1990, pursuant to section 105(2) of the Defence Act 1990 (1990 No 28).

5A Exemption for homestays

Nothing in this Act applies to an individual who—

- (a) occupies premises that are used exclusively or principally as the home or residence of the individual or the individual and his or her family; and
- (b) for reward, permits guests to stay, from time to time, on the premises or other premises nearby; and
- (c) in the course of or incidental to the stay of not more than 10 guests, sells or supplies liquor to some or all of them.

Section 5A: inserted, on 1 December 1999, by section 5 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

6 Underlying principle of Act

- (1) The sale of liquor to the public or any member of the public requires a licence.
- (2) The following kinds of licence may be granted under this Act:
 - (a) on-licences (Part 1):
 - (b) off-licences (Part 2):
 - (c) club licences (Part 3):
 - (d) special licences (Part 4).

- (3) Nothing in this Act shall prevent the issue of 2 or more licences of different kinds in respect of the same premises.

Part 1

On-licences

7 On-licences

An on-licence authorises the holder of the licence—

- (a) to sell and supply liquor, to any person present on the premises or conveyance described in the licence, for consumption on the premises or conveyance; and
- (b) to allow the consumption of liquor on the premises or conveyance described in the licence.

Section 7: substituted, on 1 April 2000, by section 6 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

8 Who may hold on-licence

- (1) An on-licence may be held by—

- (a) any person who has attained the age of 20 years; or
- (b) any company within the meaning of the Companies Act 1993 that is not prevented by a restriction in its constitution from selling liquor or from holding a licence under this Act; or
- (ba) any body corporate (whether incorporated in or outside New Zealand) that is authorised to sell liquor or hold a licence under this Act or under any previous enactment relating to the sale of liquor; or
- (bb) any board, organisation, or other body that is authorised by another Act to sell liquor or hold an on-licence under this Act; or
- (c) any licensing trust; or
- (d) any partnership comprising any persons, companies, or trusts referred to in paragraphs (a) to (c); or
- (e) any government department or other instrument of the Crown; or
- (f) any local authority, whether or not expressly authorised by any other enactment to hold an on-licence under this Act; or
- (g) any trustee within the meaning of the Trustee Act 1956; or

- (h) any manager acting for any person pursuant to a property order made under the Protection of Personal and Property Rights Act 1988, if the order authorises the manager to hold such a licence.
- (2) An on-licence may not be held by a club.
 - Section 8(1)(b): substituted, on 1 April 2000, by section 7(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).
 - Section 8(1)(ba): inserted, on 1 April 2000, by section 7(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).
 - Section 8(1)(bb): inserted, on 1 April 2000, by section 7(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).
 - Section 8(1)(f): amended, on 1 April 2000, by section 7(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

9 Applications for on-licences

- (1) Every application for an on-licence shall—
 - (a) be made in the name of the person who will hold the licence if the application is granted; and
 - (b) be made in the prescribed form and manner; and
 - (c) contain the prescribed particulars; and
 - (d) be accompanied by the prescribed fee; and
 - (e) where the application relates to any premises, be accompanied by a certificate by the local authority that the proposed use of the premises meets requirements of the Resource Management Act 1991 and of the building code.
- (2) An application in respect of any premises shall be filed with the District Licensing Agency for the district in which the premises are situated.
- (3) An application in respect of any conveyance shall be filed with the District Licensing Agency for the district in which the applicant's principal place of business in New Zealand is situated.
- (4) Within 20 working days after filing the application, the applicant shall give public notice of the application in the prescribed form.
- (5) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed

form is attached in a conspicuous place on or adjacent to the site to which the application relates.

- (6) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (5), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

Section 9(1)(e): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 9(5): added, on 1 April 2000, by section 8 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 9(6): added, on 1 April 2000, by section 8 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

10 Objections

[Repealed]

Section 10: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

11 Reports

[Repealed]

Section 11: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

12 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority

- (1) A District Licensing Agency must decide whether to grant an application for an on-licence in accordance with this Act, if—
- (a) no objection has been filed under section 10; and
 - (b) no reports containing matters in opposition have been filed with the District Licensing Agency under section 11.
- (2) In any other case, the District Licensing Agency must forward the complete file relating to the application to the Secretary of the Licensing Authority, and the Licensing Authority must determine the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
- (a) the application and any papers filed in support of the application; and

- (b) a copy of the public notice of the application, and a statement of the dates of publication of the notice; and
- (c) any objection, and any papers filed in support of any objection; and
- (d) any reports made under section 11; and
- (e) the certificate referred to in section 9(1)(e).

Section 12: substituted, on 1 April 2000, by section 11 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 12(3)(d): amended, on 6 April 2004, by section 10 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 12(3)(e): added, on 6 April 2004, by section 10 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

13 Criteria for on-licences

[Repealed]

Section 13: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

14 Conditions of on-licences

- (1) It shall be a condition of every on-licence that the licensee has available for consumption on the premises or conveyance a reasonable range of non-alcoholic refreshments.
- (2) It is a condition of every on-licence granted in respect of a hotel or tavern that no liquor is to be sold or supplied on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day to any person other than—
 - (a) any person who is for the time being living on the premises, whether as a lodger or an employee of the holder, or otherwise; or
 - (b) any person who is present on the premises for the purpose of dining.
- (3) Nothing in subsection (2) shall affect the sale or supply of liquor pursuant to and in accordance with any special licence granted in respect of the hotel or tavern.
- (4) On granting an application for an on-licence in respect of a hotel or a tavern, the Licensing Authority or District Licensing Agency, as the case may be, must designate the whole or 1 or more parts of the premises as restricted areas or supervised areas.

- (5) On granting an application for an on-licence, the Licensing Authority or District Licensing Agency, as the case may be, may impose conditions relating to the following matters:
- (a) the days on which and the hours during which liquor may be sold:
 - (b) the provision of food for consumption on the premises or conveyance:
 - (c) the sale and supply of low-alcohol beverages:
 - (d) the provision of assistance with or information about alternative forms of transport from the licensed premises:
 - (e) any other matter aimed at promoting the responsible consumption of liquor:
 - (f) the steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of liquor to prohibited persons are observed:
 - (g) the designation of the whole or any part or parts of the premises or conveyance as a restricted area or supervised area:
 - (h) the persons or types of persons to whom liquor may be sold or supplied.
- (6) Different conditions may be imposed under subsection (5)(a) in respect of different parts of the premises or conveyance.
- (7) In determining whether to impose conditions under subsection (5)(a) and, if so, what conditions, the Licensing Authority or District Licensing Agency, as the case may be, may have regard to the site of the premises in relation to neighbouring land use.
- (8) Subsection (5)(h) applies subject to the Human Rights Act 1993.

Section 14(2): substituted, on 1 December 1999, by section 13(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 14(4): substituted, on 1 April 2000, by section 13(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 14(5): substituted, on 1 April 2000, by section 13(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 14(6): substituted, on 1 April 2000, by section 13(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 14(7): substituted, on 1 April 2000, by section 13(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 14(8): added, on 1 April 2000, by section 13(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

15 No obligation to serve

- (1) An on-licence shall not oblige the licensee to serve liquor at any time or to any person.
- (2) Subsection (1) applies subject to the Human Rights Act 1993.

Section 15(2): substituted, on 1 February 1994, by section 145 of the Human Rights Act 1993 (1993 No 82).

16 Variation of conditions

- (1) The holder of an on-licence may at any time apply to the District Licensing Agency for the variation or cancellation of any condition of the licence imposed by the Licensing Authority or District Licensing Agency.
- (2) Within 20 working days after filing the application, the applicant shall give public notice of the application in the prescribed form.
- (2A) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
- (2B) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (2A), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.
- (3) Any person who has a greater interest in the application than the public generally may object to the grant of the application.
- (4) Every objection shall be in writing, and shall be filed with the District Licensing Agency within 10 working days after the first publication of the notice of the making of the application.
- (5) No objection may be made in relation to any matter other than one specified in section 13(1) and relevant to the application.
- (6) Sections 11 and 12 shall apply, with any necessary modifications, in respect of applications made under this section.
- (7) In considering the application, the Licensing Authority or District Licensing Agency, as the case may require, must have re-

gard to such of the matters specified in section 13(1) as are relevant to the application.

Section 16(1): substituted, on 1 April 2000, by section 14(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 16(2A): inserted, on 1 April 2000, by section 14(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 16(2B): inserted, on 1 April 2000, by section 14(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 16(3): amended, on 1 April 2000, by section 14(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 16(7): amended, on 1 April 2000, by section 14(4) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

17 Duration of on-licences

- (1) Every on-licence shall continue in force—
 - (a) until the close of the period of 1 year commencing with the date of its issue; or
 - (b) if an application for the renewal of the licence is duly made, until the application is determined.
- (2) Subsection (1) applies subject to—
 - (a) the requirements of this Act relating to the payment of fees; and
 - (b) the provisions of this Act relating to the suspension and cancellation of licences.

18 Renewal of on-licences

- (1) The holder of an on-licence, or the holder of a temporary authority issued in respect of an on-licence, may apply in accordance with this section for the renewal of the licence.
- (2) Every application for the renewal of an on-licence shall—
 - (a) be filed with the District Licensing Agency with which the application for the licence was filed; and
 - (b) be made no later than 20 working days before the expiry of the licence, or by such later date (not being later than the date of the expiry of the licence) as the District Licensing Agency may allow; and
 - (c) be made in the prescribed form and manner; and
 - (d) contain the prescribed particulars; and
 - (da) where the application relates to any premises, be accompanied by a statement by the applicant that—

- (i) the building in which the premises are situated has an evacuation scheme for public safety which meets the requirements of section 21A of the Fire Service Act 1975; or
 - (ii) the building, by reason of its current use, does not require such a scheme, or that the building is exempt from having to meet the requirements for such a scheme; and
- (e) be accompanied by the prescribed fee.
- (3) Within 10 working days after filing the application, the applicant shall give public notice of the application in the prescribed form.
- (4) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates, unless it is impracticable or unreasonable to do so.
- (5) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (4), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

Section 18(2)(da): inserted, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 18(4): added, on 1 April 2000, by section 15 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 18(5): added, on 1 April 2000, by section 15 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

19 Objections to renewal

[Repealed]

Section 19: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

20 Reports on applications for renewals

[Repealed]

Section 20: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

21 Unopposed applications to be granted, opposed applications to be forwarded to Licensing Authority

- (1) If, in respect of any application for the renewal of an on-licence,—
- (a) no objection is filed within the prescribed time; and
 - (b) no report filed with the District Licensing Agency under section 20 raises any matter in opposition to the application,—
- the District Licensing Agency shall renew the licence for a further period of 3 years on—
- (c) the conditions presently attaching to it; or
 - (d) such different conditions, relating to any matters specified in section 14(5), as the District Licensing Agency thinks fit.
- (1A) The District Licensing Agency must not exercise its power under subsection (1)(d) except in response to a request by the applicant.
- (2) In respect of any application for the renewal of an on-licence to which subsection (1) does not apply, the Secretary of the District Licensing Agency shall forward the complete file to the Secretary of the Licensing Authority for the determination by the Authority of the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
- (a) the application and any papers filed in support of the application; and
 - (b) a copy of the public notice of the application, and a statement of the dates of publication of the notice; and
 - (c) any objection, and any papers filed in support of any objection; and
 - (d) any reports made under section 20.

Section 21(1): amended, on 6 April 2004, by section 11(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 21(1)(c): added, on 6 April 2004, by section 11(2) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 21(1)(d): added, on 6 April 2004, by section 11(2) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 21(1A): inserted, on 6 April 2004, by section 11(3) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 21(3)(d): amended, on 1 April 2000, by section 18 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

22 Criteria for renewal

In considering any application for the renewal of an on-licence, the Licensing Authority shall have regard to the following matters:

- (a) *[Repealed]*
- (b) the conditions attaching to the licence:
- (c) *[Repealed]*
- (d) *[Repealed]*

Section 22(a): repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 22(c): repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 22(d): repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

23 Decision on application for renewal

- (1) After considering an application for the renewal of an on-licence, the Licensing Authority shall—
 - (a) renew the licence on the conditions presently attaching to it; or
 - (b) renew the licence on such different conditions (relating to any matters specified in section 14(5)) as the Licensing Authority thinks fit; or
 - (c) refuse to renew the licence.
- (2) The Licensing Authority shall not exercise its powers under paragraph (b) or paragraph (c) of subsection (1) except in response to—
 - (a) an objection duly made under section 19; or
 - (b) a report duly submitted under section 20; or
 - (c) a request by the applicant.
- (3) On renewing an on-licence, the Licensing Authority shall specify a date (being no later than 3 years after the date on which the renewal takes effect) on which the licence shall expire unless it is again renewed under this section.

24 Temporary authority

- (1) The District Licensing Agency may from time to time, on the application of any person who appears to the District Licensing Agency to have any right, title, estate, or interest in any

premises or conveyance, or any business conducted in any premises or conveyance, in respect of which an on-licence is in force, make an order authorising the applicant, or some suitable person nominated by the applicant, to carry on the sale and supply of liquor for such period, not exceeding 3 months, as the District Licensing Agency may specify in the order.

- (2) The District Licensing Agency may hear and determine an application for an order under this section *ex parte*, or direct that notice of the application and of the time and place fixed for any hearing shall be served on such persons and in such manner as the District Licensing Agency may specify.
- (3) On granting any application for an order under this section, the District Licensing Agency may impose such reasonable conditions as it thinks fit.
- (4) The holder of a temporary authority shall for the purposes of this Act have the same duties, obligations, and liabilities, as the holder of the on-licence to which the temporary authority relates.

Section 24(1): amended, on 1 April 2000, by section 19 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

25 Display of signs and licence

- (1) Every holder of an on-licence granted in respect of any premises shall ensure that there is displayed at all times a sign attached to the exterior of the premises, so as to be easily read by persons immediately outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of liquor.
- (2) Every holder of an on-licence shall ensure that there is displayed at all times a copy of the licence, and of the conditions of the licence, attached to the interior of the premises or conveyance so as to be easily read by persons entering through each principal entrance.

26 Managers

- (1) Every company, licensing trust, partnership, government department or other instrument of the Crown, or local authority that holds an on-licence shall appoint at least 1 manager in accordance with Part 6.

- (2) Any other holder of an on-licence may appoint a manager or managers in accordance with that Part.

27 Annual returns

[Repealed]

Section 27: repealed, on 1 April 2000, by section 20 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

28 Special provisions relating to BYO restaurants

- (1) Where the Licensing Authority grants an on-licence in respect of a BYO restaurant, the Licensing Authority may, at the request of the applicant, endorse the licence in such a way as to indicate that this section applies to that licence.
- (2) An on-licence endorsed under this section shall authorise the holder to allow the consumption of liquor in the restaurant by any person who is there for the purpose of dining, if the liquor is brought to the restaurant by that person or any other person dining with that person.
- (3) An on-licence endorsed under this section shall also authorise the holder to sell and supply any food or hot beverage of which liquor is an ingredient for consumption in the restaurant by any person who is there for the purpose of dining, if the food or beverage as supplied to that person contains not more than 14.33% alcohol by volume.
- (4) Except as provided in subsection (3), an on-licence endorsed under this section shall not authorise the holder to sell or supply liquor to any person.
- (5) Nothing in section 25(1) or section 26 shall apply to an on-licence endorsed under this section.

Section 28(5): amended, on 1 April 2000, by section 21 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Part 2 Off-licences

29 Off-licences

- (1) An off-licence shall authorise the holder of the licence to sell or deliver liquor on or from the premises described in the licence to any person for consumption off the premises.

- (2) The holder of an off-licence may arrange for delivery to be made by the maker, importer, wholesaler, or distributor of any liquor from the premises of the maker, importer, wholesaler, or distributor; and, in any such case, the liquor shall be deemed for the purposes of this Act to have been delivered by the holder of the off-licence from the premises described in the licence.
- (3) An off-licence also authorises the complimentary supply of liquor by way of sample on the premises to which the licence relates.

Section 29(3): added, on 1 April 2000, by section 22 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

30 Who may hold off-licence

- (1) An off-licence may be held by—
 - (a) any person who has attained the age of 20 years; or
 - (b) any company within the meaning of the Companies Act 1993 that is not prevented by a restriction in its constitution from selling liquor or from holding a licence under this Act; or
 - (ba) any body corporate (whether incorporated in or outside New Zealand) that is authorised to sell liquor or hold a licence under this Act or under any previous enactment relating to the sale of liquor; or
 - (bb) any board, organisation, or other body that is authorised by another Act to sell liquor or hold an off-licence under this Act; or
 - (c) any licensing trust; or
 - (d) any partnership comprising any persons, companies, or trusts referred to in paragraphs (a) to (c); or
 - (e) any government department or other instrument of the Crown; or
 - (f) any local authority, whether or not expressly authorised by any other enactment to hold an off-licence under this Act; or
 - (g) any trustee within the meaning of the Trustee Act 1956; or
 - (h) any manager acting for any person pursuant to a property order made under the Protection of Personal and

- Property Rights Act 1988, if the order authorises the manager to hold such a licence; or
- (i) any club that, immediately before the commencement of this Act, held a charter under section 164 of the Sale of Liquor Act 1962; or
 - (j) any club, other than a sports club, that holds a club licence.
- (2) An off-licence may not be held by any other club.
- Section 30(1)(b): substituted, on 1 April 2000, by section 23(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).
- Section 30(1)(ba): inserted, on 1 April 2000, by section 23(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).
- Section 30(1)(bb): inserted, on 1 April 2000, by section 23(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).
- Section 30(1)(f): amended, on 1 April 2000, by section 23(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

31 Applications for off-licences

- (1) Every application for an off-licence shall—
- (a) be made in the name of the person who will hold the licence if the application is granted; and
 - (b) be made in the prescribed form and manner; and
 - (c) contain the prescribed particulars; and
 - (d) be accompanied by the prescribed fee; and
 - (e) be accompanied by a certificate by the local authority that the proposed use of the premises meets requirements of the Resource Management Act 1991 and of the building code.
- (2) Every application shall be filed with the District Licensing Agency for the district in which the premises are situated.
- (3) Within 20 working days after filing the application, the applicant shall give public notice of the application in the prescribed form.
- (4) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
- (5) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (4), if the

Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

Section 31(1)(e): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 31(4): added, on 1 April 2000, by section 24 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 31(5): added, on 1 April 2000, by section 24 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

32 Objections

[Repealed]

Section 32: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

33 Reports

[Repealed]

Section 33: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

34 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority

- (1) A District Licensing Agency must decide whether to grant an application for an off-licence in accordance with this Act, if—
 - (a) no objection has been filed under section 32; and
 - (b) no reports containing matters in opposition have been filed with the District Licensing Agency under section 33.
- (2) In any other case, the District Licensing Agency must forward the complete file relating to the application to the Secretary of the Licensing Authority, and the Licensing Authority must determine the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
 - (a) the application and any papers filed in support of the application; and
 - (b) a copy of the public notice of the application, and a statement of the dates of publication of the notice; and
 - (c) any objection, and any papers filed in support of any objection; and
 - (d) any reports made under section 33; and

- (e) the certificate referred to in section 31(1)(e).

Section 34: substituted, on 1 April 2000, by section 27 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 34(3)(d): amended, on 6 April 2004, by section 12 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 34(3)(e): added, on 6 April 2004, by section 12 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

35 Criteria for off-licences

[Repealed]

Section 35: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

36 Types of premises in respect of which off-licences may be granted

- (1) Except as provided in subsections (2) to (5), an off-licence shall be granted only—
- (a) to the holder of an on-licence in respect of a hotel or tavern, in respect of the premises conducted pursuant to that licence; or
 - (b) to the holder of a club licence, being a club that is entitled under paragraph (i) or paragraph (j) of section 30(1) to hold an off-licence, in respect of the premises conducted pursuant to that licence; or
 - (c) in respect of premises in which the principal business is the manufacture or sale of liquor; or
 - (d) in respect of—
 - (i) any supermarket having a floor area of at least 1 000 square metres (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items); or
 - (ii) any grocery store, where the Licensing Authority or District Licensing Agency, as the case may be, is satisfied that the principal business of the store is the sale of main order household foodstuff requirements.
- (2) The Licensing Authority or District Licensing Agency, as the case may be, may grant an off-licence in respect of any other

- premises if the Licensing Authority or District Licensing Agency, as the case may be, is satisfied, in a particular case,—
- (a) that, in the area in which the premises are situated, the sale of liquor in premises of a kind described in paragraph (c) or paragraph (d) of subsection (1) would not be economic; or
 - (b) that the sale of liquor would be an appropriate complement to the kind of goods sold in the premises.
- (3) Nothing in subsection (1) or subsection (2) shall authorise the grant of an off-licence in respect of—
- (a) any service station or other premises in which the principal business is the sale of petrol or other automotive fuels; or
 - (b) any shop of a kind commonly known as a dairy.
- (4) Nothing in subsection (2)(b) shall authorise the grant of an off-licence in respect of any supermarket or grocery store, or any other premises on which the principal business is the sale of food or groceries.
- (5) This section applies subject to sections 51 and 52.
- (6) *[Repealed]*

Section 36(1)(d)(ii): amended, on 6 April 2004, by section 13(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 36(2): amended, on 1 April 2000, by section 29(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 36(5): substituted, on 6 April 2004, by section 13(2) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 36(6): repealed, on 1 April 2000, by section 29(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

37 Conditions of off-licences

- (1) It is a condition of every off-licence that no liquor is to be sold or delivered on Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day.
- (1A) However, it is a condition of an off-licence that a person may sell or deliver grape wine or fruit wine on Easter Sunday if the grape wine or fruit wine is made—
- (a) on the premises; or
 - (b) from grapes or fruit harvested from land on which the premises are situated.

- (2) It is a condition of every off-licence granted to the holder of a club licence that liquor may be sold or supplied pursuant to the off-licence only to—
 - (a) any member of the club; or
 - (b) any member of any other club with which the holder of the licence has an arrangement for reciprocal visiting rights for members of the club.
- (3) It shall be a condition of every off-licence granted in respect of any premises described in section 36(1)(d) that no liquor be sold pursuant to the licence other than—
 - (a) wine that conforms to the standard prescribed by regulation 219 of the Food Regulations 1984 (SR 1984/262), or any other standard that may be set, by regulations made pursuant to the Food Act 1981 or by food standards issued pursuant to that Act, in substitution for that standard; and
 - (b) sparkling wine that conforms to the standard prescribed by regulation 220 of those regulations, or any other standard that may be set, by regulations made pursuant to the Food Act 1981 or by food standards issued pursuant to that Act, in substitution for that standard; and
 - (c) fruit wine that conforms to the standard prescribed by regulation 226 of those regulations, or any other standard that may be set, by regulations made pursuant to the Food Act 1981 or by food standards issued pursuant to that Act, in substitution for that standard; and
 - (d) sparkling fruit wine that conforms to the standard prescribed by regulation 227 of those regulations, or any other standard that may be set, by regulations made pursuant to the Food Act 1981 or by food standards issued pursuant to that Act, in substitution for that standard; and
 - (e) mead that conforms to the standard prescribed by regulation 226 of those regulations, or any other standard that may be set, by regulations made pursuant to the Food Act 1981 or by food standards issued pursuant to that Act, in substitution for that standard; and
 - (f) beer that conforms to the standard prescribed by regulation 218 of those regulations, or any other standard

that may be set, by regulations made under the Food Act 1981 or by food standards issued under that Act, in substitution for that standard.

- (3A) However, it is also a condition of every off-licence granted in respect of any premises described in section 36(1)(d) that any food condiment containing liquor may be sold or supplied if the food condiment has been—
- (a) prepared for culinary purposes; and
 - (b) rendered unsuitable for drinking.
- (4) On granting an application for an off-licence, the Licensing Authority or District Licensing Agency, as the case may be, may impose conditions relating to the following matters:
- (a) the days on which and the hours during which liquor may be sold or delivered:
 - (b) the designation of the whole or any part or parts of the premises as a restricted area or a supervised area:
 - (c) the steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of liquor to prohibited persons are observed.
 - (d) the persons or types of persons to whom liquor may be sold or supplied.
- (5) In determining the conditions to be imposed under subsection (4)(a), the Licensing Authority or District Licensing Agency, as the case may be, may have regard to the site of the premises in relation to neighbouring land use.
- (5A) Subsection (4)(d) applies subject to the Human Rights Act 1993.
- (6) Subject to subsection (3), on granting an application for an off-licence in respect of any premises in which the principal business is other than the manufacture or sale of liquor, the Licensing Authority or District Licensing Agency, as the case may be, may impose a condition relating to the kind or kinds of liquor that may be sold or delivered pursuant to the licence.

Section 37(1): substituted, on 1 December 1999, by section 30(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 37(1A): substituted, on 6 April 2004, by section 14(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 37(2): substituted, on 6 April 2004, by section 14(2) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 37(3): substituted, on 1 July 1996, by section 30(1) of the Food Amendment Act 1996 (1996 No 41).

Section 37(3)(e): amended, on 1 December 1999, by section 30(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 37(3)(f): added, on 1 December 1999, by section 30(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 37(3A): inserted, on 6 April 2004, by section 14(3) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 37(4): amended, on 1 April 2000, by section 30(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 37(4)(d): added, on 1 April 2000, by section 30(4) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 37(5): amended, on 1 April 2000, by section 30(6) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 37(5A): inserted, on 1 April 2000, by section 30(5) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 37(6): amended, on 1 April 2000, by section 30(6) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

38 No obligation to serve

- (1) An off-licence shall not oblige the licensee to sell or deliver liquor at any time or to any person.
- (2) Subsection (1) applies subject to the Human Rights Act 1993.

Section 38(2): substituted, on 1 February 1994, by section 145 of the Human Rights Act 1993 (1993 No 82).

39 Variation of conditions

- (1) The holder of an off-licence may at any time apply to the District Licensing Agency for the variation or cancellation of any condition of the licence imposed by the Licensing Authority or District Licensing Agency.
- (2) Within 20 working days after filing the application, the applicant shall give public notice of the application in the prescribed form.
- (2A) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
- (2B) The application is not required to ensure that notice of the application is attached in accordance with subsection (2A), if the

Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

- (3) Any person who has a greater interest in the application than the public generally may object to the grant of the application.
- (4) Every objection shall be in writing, and shall be filed with the District Licensing Agency within 10 working days after the first publication of the notice of the making of the application.
- (5) No objection may be made in relation to any matter other than one specified in section 35(1) and relevant to the application.
- (6) Sections 33 and 34 shall apply, with any necessary modifications, in respect of applications made under this section.
- (7) In considering the application, the Licensing Authority or District Licensing Agency, as the case may be, must have regard to such of the matters specified in section 35(1) as are relevant to the application.

Section 39(1): substituted, on 1 April 2000, by section 31(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 39(2A): inserted, on 1 April 2000, by section 31(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 39(2B): inserted, on 1 April 2000, by section 31(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 39(3): amended, on 1 April 2000, by section 31(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 39(7): amended, on 1 April 2000, by section 31(4) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

40 Duration of off-licences

- (1) Every off-licence shall continue in force—
 - (a) until the close of the period of 1 year commencing with the date of its issue; or
 - (b) if an application for the renewal of the licence is duly made, until the application is determined.
- (2) Subsection (1) applies subject to—
 - (a) the requirements of this Act relating to the payment of fees; and
 - (b) the provisions of this Act relating to the suspension and cancellation of licences.

41 Renewal of off-licences

- (1) The holder of an off-licence, or the holder of a temporary authority issued in respect of an off-licence, may apply in accordance with this section for the renewal of the licence.
- (2) Every application for the renewal of an off-licence shall—
 - (a) be filed with the District Licensing Agency with which the application for the licence was filed; and
 - (b) be made no later than 20 working days before the expiry of the licence, or by such later date (not being later than the date of the expiry of the licence) as the District Licensing Agency may allow; and
 - (c) be made in the prescribed form and manner; and
 - (d) contain the prescribed particulars; and
 - (da) where the application relates to any premises, be accompanied by a statement by the applicant that—
 - (i) the building in which the premises are situated has an evacuation scheme for public safety which meets the requirements of section 21A of the Fire Service Act 1975; or
 - (ii) the building, by reason of its current use, does not require such a scheme, or that the building is exempt from having to meet the requirements for such a scheme; and
 - (e) be accompanied by the prescribed fee.
- (3) Within 10 working days after filing the application, the applicant shall give public notice of the application in the prescribed form.
- (4) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
- (5) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (4), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

Section 41(2)(da): inserted, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 41(4): added, on 1 April 2000, by section 32 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 41(5): added, on 1 April 2000, by section 32 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

42 Objections to renewal

[Repealed]

Section 42: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

43 Reports on applications for renewals

[Repealed]

Section 43: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

44 Unopposed applications to be granted, opposed applications to be forwarded to Licensing Authority

- (1) If, in respect of any application for the renewal of an off-licence,—
 - (a) no objection is filed within the prescribed time; and
 - (b) no report containing matters in opposition is filed with the District Licensing Agency under section 43,—the District Licensing Agency shall renew the licence for a further period of 3 years on—
 - (c) the conditions presently attaching to it; or
 - (d) such different conditions, relating to any matters specified in section 37(4) and (6) as the District Licensing Agency thinks fit.
- (1A) The District Licensing Agency must not exercise its power under subsection (1)(d) except in response to a request by the applicant.
- (2) In respect of any application for the renewal of an off-licence to which subsection (1) does not apply, the Secretary of the District Licensing Agency shall forward the complete file to the Secretary of the Licensing Authority for the determination by the Authority of the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
 - (a) the application and any papers filed in support of the application; and
 - (b) a copy of the public notice of the application, and a statement of the dates of publication of the notice; and

- (c) any objection, and any papers filed in support of any objection; and
- (d) any reports made under section 43.

Section 44(1): amended, on 6 April 2004, by section 15(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 44(1)(b): substituted, on 1 April 2000, by section 35(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 44(1)(c): added, on 6 April 2004, by section 15(2) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 44(1)(d): added, on 6 April 2004, by section 15(2) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 44(1A): inserted, on 6 April 2004, by section 15(3) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 44(3)(d): amended, on 1 April 2000, by section 35(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

45 Criteria for renewal

In considering any application for the renewal of an off-licence, the Licensing Authority shall have regard to the following matters:

- (a) *[Repealed]*
- (b) the conditions attaching to the licence:
- (c) *[Repealed]*
- (d) *[Repealed]*

Section 45(a): repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 45(c): repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 45(d): repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

46 Decision on application for renewal

- (1) After considering an application for the renewal of an off-licence, the Licensing Authority shall—
 - (a) renew the licence on the conditions presently attaching to it; or
 - (b) renew the licence on such different conditions (relating to any matters specified in section 37(4)) as the Licensing Authority thinks fit; or
 - (c) refuse to renew the licence.

- (2) The Licensing Authority shall not exercise its powers under paragraph (b) or paragraph (c) of subsection (1) except in response to—
 - (a) an objection duly made under section 42; or
 - (b) a report duly submitted under section 43; or
 - (c) a request by the applicant.
- (3) On renewing an off-licence, the Licensing Authority shall specify a date (being no later than 3 years after the date on which the renewal takes effect) on which the licence shall expire unless it is again renewed under this section.

47 Temporary authority

- (1) The District Licensing Agency may from time to time, on the application of any person who appears to the District Licensing Agency to have any right, title, estate, or interest in any premises, or any business conducted in any premises, in respect of which an off-licence is in force, make an order authorising the applicant, or some suitable person nominated by the applicant, to carry on the sale and delivery of liquor for such period, not exceeding 3 months, as the District Licensing Agency may specify in the order.
- (2) The District Licensing Agency may hear and determine an application for an order under this section *ex parte*, or direct that notice of the application and of the time and place fixed for any hearing shall be served on such persons and in such manner as the District Licensing Agency may specify.
- (3) On granting any application for an order under this section, the District Licensing Agency may impose such reasonable conditions as it thinks fit.
- (4) The holder of a temporary authority shall for the purposes of this Act have the same duties, obligations, and liabilities as the holder of the off-licence to which the temporary authority relates.

Section 47(1): amended, on 1 April 2000, by section 36 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

48 Display of signs and licence

- (1) Every holder of an off-licence, other than a club, shall ensure that there is displayed at all times a sign attached to the exterior

of the premises, so as to be easily read by persons immediately outside each principal entrance, stating the ordinary hours of business during which the premises will be open for the sale of liquor.

- (2) Every holder of an off-licence, other than a club, shall ensure that there is displayed at all times a copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons entering through each principal entrance.
- (3) Every club that holds an off-licence shall ensure that there is displayed at all times a copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons using the premises.

49 Managers

- (1) Every company, licensing trust, partnership, government department or other instrument of the Crown, or local authority that holds an off-licence shall appoint at least 1 manager in accordance with Part 6.
- (2) Any other holder of an off-licence may appoint a manager or managers in accordance with that Part.

50 Annual returns

[Repealed]

Section 50: repealed, on 1 April 2000, by section 37 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

51 Special provisions relating to caterers

- (1) An off-licence may be granted to a person who is conducting the business of a caterer.
- (1A) The Licensing Authority or District Licensing Agency must, when granting an off-licence under subsection (1), endorse the licence to indicate that this section applies to the licence.
- (2) An off-licence endorsed under this section shall authorise the holder to deliver liquor from the premises described in the licence and sell it on any other premises for consumption on those premises by persons attending any reception, function,

or other social gathering promoted by any person or association of persons other than the holder of the licence.

- (3) On endorsing an off-licence under this section, the Licensing Authority or the District Licensing Agency, as the case may be, may impose conditions relating to the provision of non-alcoholic refreshments and food.
- (4) Nothing in section 37(1) or section 48 shall apply to an off-licence endorsed under this section.

Section 51(1): substituted, on 6 April 2004, by section 16(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 51(1A): inserted, on 6 April 2004, by section 16(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 51(3): amended, on 1 April 2000, by section 38(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

52 Special provisions relating to auctioneers

- (1) An off-licence may be granted to the holder of an auctioneer's licence under the Auctioneers Act 1928.
- (1A) The Licensing Authority or District Licensing Agency must, when granting an off-licence under subsection (1), endorse the licence to indicate that this section applies to the licence.
- (2) Nothing in section 31(3) or section 32 or section 33 shall apply to an application for an off-licence endorsed under this section.
- (3) An off-licence endorsed under this section shall authorise the holder to sell liquor by auction in the course of his or her business as an auctioneer.
- (4) Nothing in sections 48 to 49 shall apply to an off-licence endorsed under this section.

Section 52(1): substituted, on 1 April 2000, by section 39(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 52(1A): inserted, as section 52(2), on 1 April 2000, by section 39(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 52(1A) subsection number: substituted, on 6 April 2004, by section 17 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 52(4): amended, on 1 April 2000, by section 39(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Part 3

Club licences

53 Club licences

A club licence shall authorise the holder of the licence to sell and supply liquor, on the premises described in the licence, for consumption on the premises, to—

- (a) any member of the club; or
- (b) any person who is a guest of, and is accompanied by, a member of the club; or
- (c) any member of any other club with which the holder of the licence has an arrangement for reciprocal visiting rights for members of the clubs.

54 Who may hold club licence

A club licence may be held by any club.

55 Applications for club licences

- (1) Every application for a club licence shall—
 - (a) be made in the name of the club that will hold the licence if the application is granted; and
 - (b) be made in the prescribed form and manner; and
 - (c) contain the prescribed particulars; and
 - (d) be accompanied by the prescribed fee; and
 - (e) be accompanied by a certificate by the local authority that the proposed use of the premises meets requirements of the Resource Management Act 1991 and of the building code.
- (2) Every application shall be filed with the District Licencing Agency for the district in which the premises are situated.
- (3) Within 20 working days after filing the application, the applicant shall give public notice of the application in the prescribed form.
- (4) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
- (5) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (4), if the

Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

Section 55(1)(e): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 55(4): added, on 1 April 2000, by section 40 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 55(5): added, on 1 April 2000, by section 40 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

56 Objections

[Repealed]

Section 56: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

57 Reports

[Repealed]

Section 57: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

58 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority

- (1) A District Licensing Agency must decide whether to grant an application for a club licence in accordance with this Act, if—
 - (a) no objection has been filed under section 56; and
 - (b) no reports containing matters in opposition have been filed with the District Licensing Agency under section 57.
- (2) In any other case, the District Licensing Agency must forward the complete file relating to the application to the Secretary of the Licensing Authority, and the Licensing Authority must determine the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
 - (a) the application and any papers filed in support of the application; and
 - (b) a copy of the public notice of the application, and a statement of the dates of publication of the notice; and
 - (c) any objection, and any papers filed in support of any objection; and
 - (d) any reports made under section 57; and

- (e) the certificate referred to in section 55(1)(e).

Section 58: substituted, on 1 April 2000, by section 43 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 58(3)(e): amended, on 6 April 2004, by section 18 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

59 Criteria for club licences

[Repealed]

Section 59: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

60 Conditions of club licences

- (1) The following shall be conditions of every club licence:
- (a) that there shall at all times be a secretary of the club:
 - (b) that within 10 working days of the appointment of a new secretary, the club shall inform the Secretary of the Licensing Authority or District Licensing Agency (whichever granted the licence) of the name of the new secretary:
 - (c) that all proceeds from the sale of liquor shall belong to the club:
 - (d) that the club has available for consumption on the premises a reasonable range of non-alcoholic refreshments.
- (2) On granting an application for a club licence, the Licensing Authority or District Licensing Agency, as the case may be, may impose conditions relating to the following matters:
- (a) the days on which and the hours during which liquor may be sold:
 - (b) the provision of food for consumption on the premises:
 - (c) the sale and supply of low-alcohol beverages:
 - (d) the provision of assistance with or information about alternative forms of transport from the licensed premises:
 - (e) any other matter aimed at the responsible consumption of liquor:
 - (f) the steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of liquor to prohibited persons are observed:
 - (g) the designation of the whole or any part or parts of the premises as a restricted area or supervised area:

- (h) the persons or types of persons to whom liquor may be sold or supplied.
- (2A) Different conditions may be imposed under subsection (2)(a) in respect of different parts of the premises.
- (2B) Subsection (2)(h) applies subject to the Human Rights Act 1993.
- (3) Where the application for a club licence was made by or on behalf of an unincorporated association of persons, the Licensing Authority or District Licensing Agency, as the case may be, may require, as a condition of the licence, that the association become incorporated.
- (4) In determining the conditions to be imposed under subsection (2)(a),—
 - (a) the Licensing Authority or District Licensing Agency, as the case may be, must have regard to the days on which the premises are being used in good faith for any of the purposes of the club, or the maintaining, upgrading, managing, and administering of the club's premises and facilities; and
 - (b) the Licensing Authority or District Licensing Agency, as the case may be, may have regard to the site of the premises in relation to neighbouring land use.

Section 60(1)(b): amended, on 1 April 2000, by section 45(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 60(2): substituted, on 1 April 2000, by section 45(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 60(2A): inserted, on 1 April 2000, by section 45(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 60(2B): inserted, on 1 April 2000, by section 45(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 60(3): amended, on 1 April 2000, by section 45(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 60(4)(a): amended, on 1 April 2000, by section 45(4)(a) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 60(4)(b): amended, on 1 April 2000, by section 45(4)(b) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

61 No obligation to serve

- (1) A club licence shall not oblige the licensee to serve liquor at any time or to any person.

- (2) Subsection (1) applies subject to the Human Rights Act 1993.

Section 61(2): substituted, on 1 February 1994, by section 145 of the Human Rights Act 1993 (1993 No 82).

62 Variation of conditions

- (1) The holder of a club licence may at any time apply to the District Licensing Agency for the variation or cancellation of any condition of the licence imposed by the Licensing Authority or District Licensing Agency.
- (2) Within 20 working days after filing the application, the applicant shall give public notice of the application in the prescribed form.
- (2A) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates.
- (2B) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (2A), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.
- (3) Any person who has a greater interest in the application than the public generally may object to the grant of the application.
- (4) Every objection shall be in writing, and shall be filed with the District Licensing Agency within 10 working days after the first publication of the notice of the making of the application.
- (5) No objection may be made in relation to any matter other than one specified in section 59(1) and relevant to the application.
- (6) Sections 57 and 58 shall apply, with any necessary modifications, in respect of applications made under this section.
- (7) In considering the application, the Licensing Authority or District Licensing Agency, as the case may require, must have regard to such of the matters specified in section 59(1) as are relevant to the application.

Section 62(1): substituted, on 1 April 2000, by section 46(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 62(2A): inserted, on 1 April 2000, by section 46(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 62(2B): inserted, on 1 April 2000, by section 46(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 62(3): amended, on 1 April 2000, by section 46(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 62(7): amended, on 1 April 2000, by section 46(4) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

63 Duration of club licences

- (1) Every club licence shall continue in force—
 - (a) until the close of the period of 1 year commencing with the date of its issue; or
 - (b) if an application for the renewal of the licence is duly made, until the application is determined.
- (2) Subsection (1) applies subject to—
 - (a) the requirements of this Act relating to the payment of fees; and
 - (b) the provisions of this Act relating to the suspension and cancellation of licences.

64 Renewal of club licences

- (1) The holder of a club licence may apply in accordance with this section for the renewal of the licence.
- (2) Every application for the renewal of a club licence shall—
 - (a) be filed with the District Licensing Agency with which the application for the licence was filed; and
 - (b) be made no later than 20 working days before the expiry of the licence, or by such later date (not being later than the date of the expiry of the licence) as the District Licensing Agency may allow; and
 - (c) be made in the prescribed form and manner; and
 - (d) contain the prescribed particulars; and
 - (da) where the application relates to any premises, be accompanied by a statement by the applicant that—
 - (i) the building in which the premises are situated has an evacuation scheme for public safety which meets the requirements of section 21A of the Fire Service Act 1975; or
 - (ii) the building, by reason of its current use, does not require such a scheme, or that the building is exempt from having to meet the requirements for such a scheme; and

- (e) be accompanied by the prescribed fee.
- (3) Within 10 working days after filing the application, the applicant shall give public notice of the application in the prescribed form.
- (4) Within 10 working days after filing the application, the applicant must ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates, unless it is impracticable or unreasonable to do so.
- (5) The applicant is not required to ensure that notice of the application is attached in accordance with subsection (4), if the Secretary of the District Licensing Agency agrees that it is impracticable or unreasonable to do so.

Section 64(2)(da): inserted, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 64(4): added, on 1 April 2000, by section 47 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 64(5): added, on 1 April 2000, by section 47 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

65 Objections to renewal

[Repealed]

Section 65: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

66 Reports on applications for renewals

[Repealed]

Section 66: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

67 Unopposed applications to be granted, opposed applications to be forwarded to Licensing Authority

- (1) If, in respect of any application for the renewal of a club licence,—
 - (a) no objection is filed within the prescribed time; and
 - (b) no report filed with the District Licensing Agency under section 66 raises any matter in opposition to the application,—

the District Licensing Agency shall renew the licence for a further period of 3 years on—

- (c) the conditions presently attaching to it; or
- (d) such different conditions, relating to any matters specified in section 60(2), as the District Licensing Agency thinks fit.

- (1A) The District Licensing Agency must not exercise its power under subsection (1)(d) except in response to a request by the applicant.
- (2) In respect of any application for the renewal of a club licence to which subsection (1) does not apply, the Secretary of the District Licensing Agency shall forward the complete file to the Secretary of the Licensing Authority for the determination by the Authority of the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
 - (a) the application and any papers filed in support of the application; and
 - (b) a copy of the public notice of the application, and a statement of the dates of publication of the notice; and
 - (c) any objection, and any papers filed in support of any objection; and
 - (d) any reports made under section 66.

Section 67(1): amended, on 6 April 2004, by section 19(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 67(1)(c): added, on 6 April 2004, by section 19(2) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 67(1)(d): added, on 6 April 2004, by section 19(2) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 67(1A): inserted, on 6 April 2004, by section 19(3) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 67(3)(d): amended, on 1 April 2000, by section 50 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

68 Criteria for renewal

In considering any application for the renewal of a club licence, the Licensing Authority shall have regard to the following matters:

- (a) *[Repealed]*
- (b) the conditions attaching to the licence:

(c) *[Repealed]*

(d) *[Repealed]*

Section 68(a): repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 68(c): repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 68(d): repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

69 Decision on application for renewal

- (1) After considering an application for the renewal of a club licence, the Licensing Authority shall—
 - (a) renew the licence on the conditions presently attaching to it; or
 - (b) renew the licence on such different conditions (relating to any matters specified in section 60(2)) as the Licensing Authority thinks fit; or
 - (c) refuse to renew the licence.
- (2) The Licensing Authority shall not exercise its powers under paragraph (b) or paragraph (c) of subsection (1) except in response to—
 - (a) an objection duly made under section 65; or
 - (b) a report duly submitted under section 66; or
 - (c) a request by the applicant.
- (3) On renewing a club licence, the Licensing Authority shall specify a date (being no later than 3 years after the date on which the renewal takes effect) on which the licence shall expire unless it is again renewed under this section.

70 Display of signs and licence

Every holder of a club licence shall ensure that there is displayed at all times a copy of the licence, and of the conditions of the licence, attached to the interior of the premises so as to be easily read by persons using the premises.

71 Managers

Every holder of a club licence shall appoint at least 1 manager in accordance with Part 6.

72 Annual returns

[Repealed]

Section 72: repealed, on 1 April 2000, by section 51 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Part 4
Special licences

73 Special licences

A special licence authorises the holder of the licence to sell and supply liquor, on the premises or conveyance described in the licence, to any person attending any occasion or event or series of occasions or events described in the licence.

Section 73: substituted, on 1 April 2000, by section 52 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

74 Special licences for social gatherings

Without limiting anything in section 73, a special licence may be granted in accordance with this Part to the holder of an on-licence or to the holder of a club licence, authorising the holder from time to time to sell and supply liquor for consumption on the premises at any time when the premises are required to be closed for the sale of liquor, to persons attending social gatherings of any kind or kinds specified in the licence.

Section 74: amended, on 1 April 2000, by section 53 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

75 Who may hold special licence

A special licence may be held by—

- (a) any person who has attained the age of 20 years; or
- (b) any company within the meaning of the Companies Act 1993 that is not prevented by a restriction in its constitution from selling liquor or from holding a licence under this Act; or
- (ba) any body corporate (whether incorporated in or outside New Zealand) that is authorised to sell liquor or hold a licence under this Act or under any previous enactment relating to the sale of liquor; or

- (bb) any board, organisation, or other body that is authorised by another Act to sell liquor or hold an on-licence under this Act; or
- (c) any licensing trust; or
- (d) any partnership comprising any persons, companies, or trusts referred to in paragraphs (a) to (c); or
- (e) any government department or other instrument of the Crown; or
- (f) any local authority, whether or not expressly authorised by any other enactment to hold a special licence under this Act; or
- (g) any club; or
- (h) any trustee within the meaning of the Trustee Act 1956; or
- (i) any manager acting for any person pursuant to a property order made under the Protection of Personal and Property Rights Act 1988, if the order authorises the manager to hold such a licence.

Section 75(b): substituted, on 1 April 2000, by section 54(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 75(ba): inserted, on 1 April 2000, by section 54(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 75(bb): inserted, on 1 April 2000, by section 54(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 75(f): amended, on 1 April 2000, by section 54(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

76 Applications for special licences

- (1) Every application for a special licence shall—
 - (a) be made in the name of the person who will hold the licence if the application is granted; and
 - (b) be made in the prescribed form and manner; and
 - (c) contain the prescribed particulars; and
 - (d) be accompanied by the prescribed fee.
- (2) An application in respect of any premises shall be made to the District Licensing Agency for the district in which the premises are situated.
- (3) An application in respect of any conveyance shall be made to the District Licensing Agency for the district in which the applicant's principal place of business is situated.

- (4) Within 10 working days after filing the application, the applicant must, if required to do so by the Secretary, ensure that notice of the application in the prescribed form is attached in a conspicuous place on or adjacent to the site to which the application relates, unless the Secretary agrees that it is impracticable or unreasonable to do so.

Section 76(4): substituted, on 1 April 2000, by section 55 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

77 Objections

[Repealed]

Section 77: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

78 Reports

[Repealed]

Section 78: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

79 Criteria for special licences

[Repealed]

Section 79: repealed, on 18 June 2013, by section 418(2) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

80 Conditions of special licences

- (1) It shall be a condition of every special licence that the licensee has available for consumption on the premises or conveyance a reasonable range of non-alcoholic refreshments.
- (2) On granting an application for a special licence, the District Licensing Agency may impose conditions relating to the following matters:
- (a) the days on which and the hours during which liquor may be sold:
 - (b) the provision of food for consumption on the premises or conveyance:
 - (ba) the sale and supply of low-alcohol beverages:
 - (bb) the provision of assistance with or information about alternative forms of transport from the licensed premises:

- (bc) any other matter aimed at promoting the responsible consumption of liquor:
 - (c) the designation of the whole or any part or parts of the premises or conveyance as a restricted area or a supervised area:
 - (d) the steps to be taken by the licensee to ensure that the provisions of this Act relating to the sale of liquor to prohibited persons are observed:
 - (e) the exclusion of the public:
 - (f) the filing of returns relating to liquor sold pursuant to the licence:
 - (g) the containers in which liquor may be sold.
- (3) In determining the conditions to be imposed under subsection (2)(a),—
- (a) the District Licensing Agency shall have regard to the days on which and the times at which persons will be participating in the occasion or event or series of occasions or events in respect of which the licence is sought, and the nature of the activities to be conducted on those occasions or during those events; and
 - (b) the District Licensing Agency may have regard to the site of the premises in relation to neighbouring land use and, where the premises are located in a building, to whether—
 - (i) the building has an evacuation scheme for public safety which meets the requirements of section 21A of the Fire Service Act 1975; or
 - (ii) the building, by reason of the activity which is associated with the issue of the licence, requires an evacuation scheme for public safety which meets the requirements of section 21A of the Fire Service Act 1975.

Section 80(2)(ba): inserted, on 1 April 2000, by section 59(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 80(2)(bb): inserted, on 1 April 2000, by section 59(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 80(2)(bc): inserted, on 1 April 2000, by section 59(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 80(2)(g): added, on 1 April 2000, by section 59(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 80(3)(b): substituted, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

81 No obligation to serve

- (1) A special licence shall not oblige the licensee to serve liquor at any time or to any person.
- (2) Subsection (1) applies subject to the Human Rights Act 1993.

Section 81(2): substituted, on 1 February 1994, by section 145 of the Human Rights Act 1993 (1993 No 82).

82 Duration of special licences

- (1) Subject to subsections (2) and (3), a special licence shall continue in force as follows:
 - (a) in the case of a licence granted for 1 occasion or event, for the day or days on which that occasion or event occurs;
 - (b) in the case of a licence granted for a series of occasions or events, for the period during which that series occurs;
 - (c) in the case of a special licence granted under section 74, for such period not exceeding 12 months as the District Licensing Agency may specify on granting the licence.
- (2) If, in the case of a licence granted for 1 occasion or event, the occasion or event is postponed to any day not specified in the licence, the licence shall have effect in respect of the day on which the occasion or event is held.
- (3) A licence granted in respect of a series of occasions or events shall not continue in force for longer than 12 months.

Section 82(1)(a): amended, on 1 April 2000, by section 60(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 82(2): amended, on 1 April 2000, by section 60(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

83 Display of licence

On granting a special licence, the District Licensing Agency may give such directions relating to the display of the licence, and of the conditions of the licence, as the Agency thinks necessary or desirable; and, where any such directions are given, the holder of the licence shall ensure that they are complied with.

84 Managers

- (1) Subject to subsection (2), every company, licensing trust, partnership, government department or other instrument of the Crown, local authority, or club who holds a special licence shall appoint at least 1 manager in accordance with Part 6.
- (2) The District Licensing Agency may exempt the holder of any special licence from the requirements of subsection (1) if it is satisfied that the licensee, or some other person nominated by the licensee, will manage the conduct of the sale of liquor pursuant to the licence.
- (3) Any other holder of a special licence may appoint a manager or managers in accordance with Part 6.

Part 5
Licensing Authority and District
Licensing Agencies

Licensing Authority
[Repealed]

Heading: repealed, on 19 December 2012, pursuant to section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

85 Licensing Authority established*[Repealed]*

Section 85: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

86 Term of office of members of Authority*[Repealed]*

Section 86: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

87 Resignation or removal from office*[Repealed]*

Section 87: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

88 Deputies of members

[Repealed]

Section 88: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

89 Remuneration and travelling expenses

[Repealed]

Section 89: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

90 Officers of Authority and professional assistance

[Repealed]

Section 90: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

91 Functions of Authority

[Repealed]

Section 91: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

92 Powers of Authority

[Repealed]

Section 92: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

93 Authority may give directions where appropriate Agency in doubt

[Repealed]

Section 93: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

94 Authority may refer matters for investigation

[Repealed]

Section 94: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

95 Authority may refer matters to District Licensing Agency

[Repealed]

Section 95: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

96 Authority may send statements to Agencies*[Repealed]*

Section 96: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

97 Meetings of Authority*[Repealed]*

Section 97: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

98 Annual report*[Repealed]*

Section 98: repealed, on 19 December 2012, by section 418(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

*District Licensing Agencies***99 Local authority to be District Licensing Agency**

- (1) For the purposes of this Act, each local authority shall be the District Licensing Agency for its district.
- (2) Except as otherwise provided in this Act, in exercising its powers as the District Licensing Agency a local authority shall be governed by the provisions of the Local Government Act 2002.

Section 99(2): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

100 Functions of District Licensing Agency

The principal functions of a District Licensing Agency shall be as follows:

- (a) to consider and determine such applications for the grant of on-licences, off-licences, and club licences as it is not required by this Act to forward for determination by the Licensing Authority:
- (b) to grant such applications for renewal of on-licences, off-licences, and club licences or for the variation of conditions as it is not required by this Act to forward for determination by the Licensing Authority:

- (c) to consider and determine applications for temporary authority to carry on the sale and supply of liquor in accordance with section 24 or section 47:
- (d) to consider and determine applications for special licences in accordance with this Act:
- (e) to grant such applications for renewal of managers' certificates as it is not required by this Act to forward for determination by the Licensing Authority:
- (f) to conduct such inquiries and to make such reports as may be required of it by the Licensing Authority under section 95:
- (g) such other functions as may be conferred on the District Licensing Agency by or under this Act or any other enactment.

Section 100(a): substituted, on 1 April 2000, by section 64 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 100(b): substituted, on 1 April 2000, by section 64 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

101 Powers of District Licensing Agency

A District Licensing Agency shall have all such powers as are conferred on it by or under this Act or any other Act, and all such other powers as may be reasonably necessary to enable it to exercise its jurisdiction and perform its duties satisfactorily.

102 Secretary of District Licensing Agency

For the purposes of this Act, the chief executive of the local authority shall be the Secretary of the District Licensing Agency.

Section 102: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

103 Inspectors

- (1) For the purposes of this Act, the District Licensing Agency shall appoint 1 or more inspectors.
- (2) Inspectors shall have the powers conferred on them by or under this Act.
- (3) The fact that any person is in the employment of the local authority shall not be a bar to his or her appointment as an inspector.

104 Local authority may delegate powers and duties

- (1) Any local authority may delegate to any committee appointed under clause 30 of Schedule 7 of the Local Government Act 2002 such of its powers, duties, and discretions under this Act as it considers necessary.
- (2) A committee to which any such powers, duties, or discretions have been delegated may, with the approval of the local authority, subdelegate to the Secretary or to any subcommittee such of those powers, duties, and discretions as relate to any matter that is the subject of an application to which no objections have been received.
- (3) All delegations and subdelegations under this section shall be in writing, and shall state each power, duty, and discretion being delegated or subdelegated.
- (4) Copies of all such delegations and subdelegations shall be kept in the office of the local authority and shall be available for inspection during ordinary business hours.
- (5) Every delegation or subdelegation made under this section shall be revocable at will, and no such delegation or subdelegation shall prevent the exercise of any power, duty, or discretion by the local authority or committee making the delegation or subdelegation.
- (6) Subject to any general or special directions given or conditions attached by the local authority or committee making the delegation or subdelegation, the committee or subcommittee or the Secretary to which or to whom any powers, duties, or discretions are delegated or subdelegated may exercise those powers, duties, and discretions in the same manner and with the same effect as if they had been conferred directly by this section and not by delegation or subdelegation.
- (7) Until a delegation or subdelegation made under this section is revoked, it shall continue in force according to its tenor.
- (8) Where any committee or subcommittee or the Secretary purports to act pursuant to a delegation or subdelegation made under this section, that committee or subcommittee or the Secretary shall be presumed to be acting in accordance with the terms of the delegation or subdelegation in the absence of proof to the contrary.

Section 104(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

105 Annual reports

- (1) Within 3 months after the end of every financial year, every District Licensing Agency shall prepare and send to the Licensing Authority a report of the District Licensing Agency's proceedings and operations during the year.
- (2) The Licensing Authority or the District Licensing Agency shall supply a copy of each such report to any person who requests it on payment of such reasonable fee as the Authority or Agency may prescribe.

*General provisions relating to Authority and
Agencies*

106 Procedure

- (1) If no objection to an application is filed within the prescribed time, the Licensing Authority or (in the case of any matter within the jurisdiction of a District Licensing Agency) the District Licensing Agency may either grant the application on the papers or convene a public hearing to consider the application.
- (2) Where an objection is filed within the prescribed time, the Licensing Authority or the District Licensing Agency must convene a public hearing to consider the application, unless—
 - (a) the application is withdrawn; or
 - (b) having considered the application, the Licensing Authority or District Licensing Agency believes that the objection is vexatious or based on grounds outside the scope of this Act; or
 - (c) the objector does not require a public hearing.
- (3) The Licensing Authority or the District Licensing Agency shall give at least 10 working days' notice of the public hearing to—
 - (a) the applicant; and
 - (b) each objector; and
 - (c) the constable, the inspector, the member of the fire service, and the Medical Officer of Health, to whom a copy

of the application has been sent in accordance with this Act.

- (4) Each of the persons referred to in subsection (3) shall be entitled to appear and be heard at the hearing, whether personally or by counsel, and to call, examine, and cross-examine witnesses.

Section 106(2): substituted, on 1 April 2000, by section 65 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 106(3)(c): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

107 Proceedings of Licensing Authority or Agency

- (1) Whenever the Licensing Authority meets for the purpose of hearing any appeal, or the Authority or any District Licensing Agency meets for the purposes of exercising any power or function that it is authorised or required by this Act to exercise at a public sitting, the meeting shall, except in a case to which section 106(1) applies and subject to the provisions of subsections (3) and (4), be held in public.
- (2) Any other meeting of the Authority or of any District Licensing Agency may, in the discretion of the Authority or Agency, be held in public or in private.
- (3) Whenever the Authority or Agency holds a public sitting it may in its discretion hold any part of the sitting in private if, having regard to the interests of persons appearing and being heard and to the public interest, it thinks it proper to do so.
- (4) The Authority or Agency may in any case deliberate in private as to its decision on any matter or as to any question arising in the course of any proceedings.
- (5) The Authority or Agency may make an order prohibiting the publication of any report or description of any part of the proceedings in any matter before it; but no such order shall be made prohibiting the publication of the names and descriptions of the parties to the matter, or of particulars of any premises affected.
- (6) In any proceedings before the Authority, any counsel or solicitor engaged by the Authority pursuant to this Act may appear and be heard as counsel assisting the Authority.

- (7) Any decision, order, direction, certificate, or other document issued by the Authority or Agency may be signed on its behalf by the chairperson or the secretary.
- (8) Subject to the provisions of this Act and of any regulations made under this Act, the Authority or Agency may regulate its procedure in such manner as it thinks fit.

108 Right of certain persons to appear

In any proceedings before the Licensing Authority or a District Licensing Agency the following persons may appear and be heard:

- (a) any inspector under this Act:
- (b) any constable:
- (c) any Medical Officer of Health within the meaning of the Health Act 1956:
- (d) any member of the fire service established under the Fire Service Act 1975 authorised to undertake fire safety inspections:
- (e) any person authorised in that behalf by any local authority:
- (f) any other person who satisfies the Authority or the Agency that he or she has an interest in the proceedings, apart from any interest in common with the public.

Section 108: amended, on 1 April 2000, by section 66 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 108(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

109 Evidence in proceedings before Authority or Agency

- (1) The Licensing Authority or a District Licensing Agency may receive as evidence any statement, document, information, or matter that in its opinion may assist it to deal effectually with any matter before it, whether or not the statement, document, or matter would be admissible in a court of law.
- (2) Subject to the foregoing provisions of this section, the Evidence Act 2006 shall apply to the Authority or the Agency and to the members of the Authority or Agency, and to all proceedings before the Authority or Agency, in the same

manner as if the Authority or the Agency were a court within the meaning of that Act.

Section 109(2): amended, on 1 August 2007, by section 216 of the Evidence Act 2006 (2006 No 69).

110 Authority and Agencies deemed to be commissions of inquiry

- (1) The Licensing Authority and every District Licensing Agency shall each, within the scope of its jurisdiction, be deemed to be a commission of inquiry under the Commissions of Inquiry Act 1908, and, subject to the provisions of this Act and of any regulations made under this Act, the provisions of that Act shall apply accordingly.
- (2) For the purposes of this section, the power to issue summonses requiring the attendance of witnesses before the Authority or Agency or the production of documents, or to do any other act preliminary or incidental to the hearing of any matter by the Authority or Agency may be exercised by the chairperson, or by the Secretary purporting to act by direction or with the authority of the chairperson.
- (3) In addition to its powers under the Commissions of Inquiry Act 1908, the Authority or any Agency may at any time if it thinks fit rehear any matter that has been determined by it.

111 Authority or Agency may waive certain omissions

Where any person has neglected or omitted to do any act or thing in the precise manner or within the precise time prescribed by this Act, the Authority or (as the case may require) the Agency or the chairperson, if satisfied that the neglect or omission was not wilful, may, by certificate signed by the chairperson, waive the same on such terms as they think equitable.

112 Authority or Agency may state case for opinion of High Court

- (1) The Authority or any Agency may state a case for the opinion of the High Court on any question of law arising in any proceedings before it.

- (2) *[Repealed]*
- (3) The High Court may order the removal into the Court of Appeal of any case stated under this section; and on the removal the Court of Appeal has the same power to adjudicate on the proceedings as the High Court had.
- (4) Either party may, with the leave of the High Court or of the Court of Appeal, appeal to the Court of Appeal against any decision of the High Court on a case stated under this section, and subpart 8 of Part 6 of the Criminal Procedure Act 2011 applies as far as applicable with the necessary modifications as if it were an appeal under section 303 of that Act.
- (5) On the removal of any case to the Court of Appeal or on an appeal to the Court of Appeal under this section, the decision of the Court of Appeal is final; and the same judgment must be entered in the High Court, and the same execution and other consequences and proceedings follow, as if the decision had been given in the High Court.

Section 112(2): repealed, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

Section 112(3): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 112(4): inserted, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 112(5): inserted, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

113 Decisions to be given in writing

Every decision of the Licensing Authority or of a District Licensing Agency, and the reasons for the decision, shall be recorded in writing, and a copy shall be given to—

- (a) the applicant; and
- (b) each objector who appeared at the hearing; and
- (c) any other objector who requests a copy; and
- (d) each person referred to in section 106(3)(c).

114 Issue of licences

- (1) Where the Licensing Authority or a District Licensing Agency grants an application for a licence, the Secretary shall issue the licence as soon as the Secretary is satisfied that any require-

ment imposed by the Licensing Authority or the District Licensing Agency as a condition of the grant of the application has been met.

- (2) No premises or conveyance shall be deemed for the purposes of this Act to be licensed premises until the licence is issued.

Part 6

Management of licensed premises

115 Manager to be on duty at all times and responsible for compliance

- (1) At all times when liquor is being sold or supplied to the public on any licensed premises a manager must be on duty.
- (2) A manager on duty in respect of licensed premises is responsible for—
- (a) the compliance with and enforcement of—
 - (i) the provisions of this Act; and
 - (ii) the conditions of the licence in force in respect of the premises; and
 - (b) the conduct of the premises with the aim of contributing to the reduction of liquor abuse.
- (3) At all times while a manager is on duty in respect of any licensed premises, the name of the manager must be prominently displayed inside the premises so as to be easily read by persons using the premises; and the person so named at any time is to be treated for the purposes of this Act as the manager at that time.
- (4) At all times when liquor is being sold or supplied on licensed premises the licensee must take all reasonable steps to enable the manager to comply with this section.

Section 115: substituted, on 1 April 2006, by section 120 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Managers' certificates

116 Managers to hold certificate

No person is to be appointed as a manager of any licensed premises for the purposes of this Act unless the person holds a manager's certificate granted under this Part.

Section 116: substituted, on 1 April 2006, by section 121 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

117 Kinds of managers' certificates

- (1) Every manager's certificate must be either a general manager's certificate or a club manager's certificate.
- (2) A general manager's certificate authorises the holder to manage any licensed premises.
- (3) A club manager's certificate authorises the holder to manage any licensed premises in respect of which only a club licence or a special licence is in force.

Section 117: substituted, on 1 April 2006, by section 121 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 117(3): amended, on 1 April 2006, by section 20 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

117A General manager must hold prescribed qualification

- (1) The Licensing Authority or District Licensing Agency must not issue or renew a general manager's certificate on or after the commencement of this section unless the manager holds a prescribed qualification.
- (2) In this section, **prescribed qualification** means—
 - (a) a qualification prescribed by regulations made under this Act; or
 - (b) the successful completion of a course of training, the requirements or criteria of which have been prescribed by regulations made under this Act.

Section 117A: substituted, on 1 April 2006, by section 21 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

118 Applications for managers' certificates

- (1) Every application for a managers' certificate shall—
 - (a) be made in the name of the person who will hold the certificate if the application is granted; and
 - (b) be made in the prescribed form and manner; and
 - (c) contain the prescribed particulars; and
 - (d) be accompanied by the prescribed fee.
- (2) An application shall be filed with the following District Licensing Agency:

- (a) where the applicant intends to be the manager of any particular licensed premises, the District Licensing Agency with which the application for the licence was filed; or
- (b) in any other case, the District Licensing Agency for the district in which the applicant is residing.

119 Reports

- (1) On receiving an application for a manager's certificate, the Secretary shall send a copy of it, and of each document filed with it, to—
 - (a) the constable in charge of the Police station nearest to—
 - (i) the premises, where the applicant intends to be the manager of any particular premises; or
 - (ii) the Secretary's office, where the applicant intends to be the manager of any particular conveyance; or
 - (iii) the applicant's place of residence in any other case; and
 - (b) an inspector.
- (2) The inspector must inquire into and file with the District Licensing Agency a report on the application.
- (3) The Police must inquire into and, if they have any matters in opposition, file a report on the application within 15 working days after receiving the application.
- (4) The District Licensing Agency may assume that, if no report is received from the Police within 20 working days after the application is referred to the Police, they have no matters in opposition to the application.
- (5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

Section 119(1)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 119(2): substituted, on 1 April 2000, by section 68 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 119(3): substituted, on 1 April 2000, by section 68 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 119(4): added, on 1 April 2000, by section 68 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 119(5): added, on 1 April 2000, by section 68 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

120 Unopposed applications may be granted by District Licensing Agency, opposed applications to be forwarded to Licensing Authority

- (1) If, in respect of any application for a manager's certificate, no matter in opposition is filed under section 119, the District Licensing Agency must determine the application in accordance with this Act.
- (2) In any other case, the Secretary of the District Licensing Agency must forward the complete file to the Secretary of the Licensing Authority, and the Licensing Authority must determine the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
 - (a) the application and any papers filed in support of the application; and
 - (b) any reports made under section 119.

Section 120: substituted, on 1 April 2000, by section 69 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

121 Criteria for managers' certificates

- (1) In considering any application for a general manager's certificate, the Licensing Authority or District Licensing Agency, as the case may be, must have regard to the following matters:
 - (a) the character and reputation of the applicant;
 - (b) any convictions recorded against the applicant;
 - (c) any experience, in particular recent experience, that the applicant has had in controlling any premises or conveyance in respect of which a licence was in force;
 - (d) any relevant training, in particular recent training, that the applicant has undertaken and evidence that the applicant holds the prescribed qualification required under section 117A;
 - (e) any matters dealt with in any report made under section 119.
- (2) In considering any application for a club manager's certificate, the Licensing Authority or District Licensing Agency, as the case may be, must have regard to the following matters:

- (a) the character and reputation of the applicant:
- (b) any convictions recorded against the applicant:
- (c) any experience, in particular recent experience, that the applicant has had in managing any premises in respect of which a licence was in force:
- (d) any relevant training, in particular recent training, that the applicant has undertaken and any relevant qualifications that the applicant holds:
- (e) any matters dealt with in any report made under section 119:
- (f) where the applicant intends to be the manager of a particular club, the extent of the applicant's involvement in the management and activities of the club.

Section 121: substituted, on 1 April 2000, by section 70 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 121(1): substituted, on 1 April 2006, by section 122 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

122 Duration of managers' certificates

- (1) Every manager's certificate shall continue in force—
 - (a) until the close of the period of 1 year commencing with the date of its issue; or
 - (b) if an application for the renewal of the certificate is duly made, until the application is determined.
- (2) Subsection (1) applies subject to—
 - (a) the requirements of this Act relating to the payment of fees; and
 - (b) the provisions of this Act relating to the suspension and cancellation of managers' certificates.

123 Renewal of managers' certificates

- (1) The holder of a manager's certificate may apply in accordance with this section for the renewal of the certificate.
- (2) Every application for the renewal of a manager's certificate shall—
 - (a) be filed with—
 - (i) the District Licensing Agency for the district in which the applicant is presently employed as a manager; or

- (ii) where the applicant is no longer employed as a manager, the District Licensing Agency for the district in which the applicant is residing; and
- (b) be made before the date of the expiry of the certificate; and
- (c) be made in the prescribed form and manner; and
- (d) contain the prescribed particulars; and
- (e) be accompanied by the prescribed fee.

124 Reports and applications for renewals

- (1) On receiving an application for the renewal of a manager's certificate, the Secretary shall send a copy of it, and of each document filed with it, to—
 - (a) the constable in charge of the Police station nearest to—
 - (i) the premises, where the applicant is the manager of any particular premises; or
 - (ii) the Secretary's office, where the applicant is the manager of any particular conveyance; or
 - (iii) the applicant's place of residence, in any other case; and
 - (b) an inspector.
- (2) The inspector must inquire into and file with the District Licensing Agency a report on the application.
- (3) The Police must inquire into and, if they have any matters in opposition, file a report on the application within 15 working days after receiving the application.
- (4) The District Licensing Agency may assume that, if no report is received from the Police within 20 working days after the application is referred to the Police, they have no matters in opposition to the application.
- (5) The Secretary must send to the applicant a copy of any reports filed with the District Licensing Agency under this section.

Section 124(1)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Sections 124(2): substituted, on 1 April 2000, by section 71 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Sections 124(3): substituted, on 1 April 2000, by section 71 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Sections 124(4): added, on 1 April 2000, by section 71 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Sections 124(5): added, on 1 April 2000, by section 71 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

125 Unopposed applications to be granted, opposed applications to be forwarded to Licensing Authority

- (1) If, in respect of any application for the renewal of a manager's certificate, no report filed with the District Licensing Agency under section 124 raises any matter in opposition to the application, the District Licensing Agency shall renew the certificate on the conditions presently attaching to it for a further period of 3 years.
- (1A) However, if the District Licensing Agency renews a general manager's certificate during the period specified in subsection (1B) and the certificate is for a manager who does not hold a prescribed qualification referred to in section 117A (as substituted by the Sale of Liquor Amendment Act 2004), the District Licensing Agency must renew the certificate for a further period of 2 years.
- (1B) The period—
 - (a) begins 1 month after an Order in Council is made appointing a commencement date for Part 2 of the Sale of Liquor Amendment Act 1999; and
 - (b) ends on the close of the day before that commencement date.
- (2) In respect of any application for the renewal of a manager's certificate to which subsection (1) does not apply, the Secretary of the District Licensing Agency shall forward the complete file to the Secretary of the Licensing Authority for the determination by the Authority of the application in accordance with this Act.
- (3) For the purposes of this section, the **complete file** means—
 - (a) the application and any papers filed in support of the application; and
 - (b) any reports made under section 124.

Section 125(1A): inserted, on 6 April 2004, by section 22 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 125(1B): inserted, on 6 April 2004, by section 22 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 125(3)(b): amended, on 1 April 2000, by section 72 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

126 Criteria for renewal

In considering any application for the renewal of a manager's certificate, the Licensing Authority shall have regard to the following matters:

- (a) the character and reputation of the applicant:
- (b) any convictions recorded against the applicant since the certificate was issued or last renewed:
- (c) the manner in which the manager has managed the sale and supply of liquor pursuant to the licence with the aim of contributing to the reduction of liquor abuse:
- (d) any matters dealt with in any report made under section 124.

Section 126(c): amended, on 1 April 2000, by section 73 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

127 Decision on application for renewal

- (1) After considering an application for the renewal of a manager's certificate, the Licensing Authority shall either renew the certificate or refuse to renew it.
- (2) If it renews the certificate, the Licensing Authority shall specify a date (being no later than 3 years after the date on which the renewal takes effect) on which the certificate shall expire unless it is again renewed under this section.
- (3) However, if the Licensing Authority renews a general manager's certificate during the period specified in subsection (4) and the certificate is for a manager who does not hold a prescribed qualification referred to in section 117A (as substituted by the Sale of Liquor Amendment Act 2004), the Licensing Authority must specify an expiry date that is no later than 2 years after the date on which the renewal takes effect.
- (4) The period—
 - (a) begins 1 month after an Order in Council is made appointing a commencement date for Part 2 of the Sale of Liquor Amendment Act 1999; and
 - (b) ends on the close of the day before that commencement date.

Section 127(3): added, on 6 April 2004, by section 23 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 127(4): added, on 6 April 2004, by section 23 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Miscellaneous provisions

128 Temporary manager

- (1) In any case where a manager is ill or is absent for any reason, or is dismissed, or resigns, the licensee may appoint as a temporary manager a person who is not then the holder of a manager's certificate.
- (2) The appointee shall, within 2 working days after the appointment, apply for a manager's certificate; and, if such an application is made, the temporary manager shall, from the time of the appointment until the application is determined, be deemed for the purposes of this Act to be the holder of a manager's certificate.
- (3) If the appointee does not apply for a manager's certificate within that period of 2 working days, or if the application is refused, the licensee shall cease to employ the appointee as a manager.

129 Acting manager

- (1) Notwithstanding any other provision of this Act, a licensee may appoint an acting manager—
 - (a) for any period not exceeding 3 weeks at any one time where the licensee or a manager is unable to act because of illness or absence; and
 - (b) for periods not exceeding in the aggregate 6 weeks in each period of 12 months to enable the licensee or a manager to have a vacation or annual leave.
- (2) Every person appointed as an acting manager in accordance with this section shall, while the appointment continues, be deemed for the purposes of this Act to be the holder of a manager's certificate, and it shall not be necessary for that person to apply for or hold such a certificate.

130 Notice of appointment, etc, of manager, temporary manager, or acting manager

- (1) A licensee must give notice, in accordance with subsection (1A), of the appointment, or the cancellation or termination of the appointment, of any manager, temporary manager, or acting manager.
- (1A) Notice is given in accordance with this subsection if the notice is given within 2 working days after the appointment, or the cancellation or termination of the appointment, to—
 - (a) the Licensing Authority; and
 - (b) the District Licensing Agency with which the application for the licence was filed; and
 - (c) the constable in charge of the Police station nearest to—
 - (i) the premises, where the licence is in force in respect of any premises; or
 - (ii) the office of the District Licensing Agency with which the application was filed, where the licence is in force in respect of any conveyance.
- (2) It shall not be necessary to comply with subsection (1) in respect of the appointment of a temporary manager or an acting manager for any period not exceeding 48 hours.
- (3) The Licensing Authority may, within 5 working days after receiving a notice of the appointment of any temporary manager or acting manager, notify the licensee that it does not approve the appointment, in which case it shall give a copy of the notice to the constable referred to in subsection (1A)(c).
- (4) On receiving notice under subsection (3), the licensee shall terminate the appointment with effect from a date not later than 5 working days after the date of the notice.

Section 130(1): substituted, on 1 April 2000, by section 74 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 130(1A): inserted, on 1 April 2000, by section 74 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 130(1A)(c): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 130(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 130(3): amended, on 6 April 2004, by section 24 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

*Enforcement provisions***131 Power of inspectors to enter licensed premises**

- (1) Any inspector may at any reasonable time enter on and inspect any licensed premises, or any part of any licensed premises, to ascertain whether the licensee or any manager is complying with the conditions of the licence.
- (2) Any inspector who exercises the power conferred by subsection (1) shall carry a warrant of authority and evidence of identity, and shall produce those documents—
 - (a) on first entering the licensed premises to the person appearing to be in charge of the premises; and
 - (b) whenever subsequently required to do so on the licensed premises by any other person appearing to be in charge of the premises or any part of them.
- (3) For the purposes of exercising the power conferred by this section, an inspector may—
 - (a) require the production of any licence, or any book, notice, record, list, or other document that is required by this Act to be kept, and examine and make copies of it; and
 - (b) require the licensee or manager to provide any information or assistance reasonably required by the inspector relating to any matter within the duties of the licensee or manager.
- (4) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who, without reasonable excuse, refuses or fails to admit to any licensed premises any inspector who demands entry under this section.
- (5) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who, being the licensee or a manager of any licensed premises, without reasonable excuse, refuses or fails—
 - (a) to produce the licence or any document when required to do so under paragraph (a) of subsection (3); or
 - (b) to provide any assistance or information when required to do so under paragraph (b) of that subsection.

Section 131(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 131(4): amended, on 1 December 1999, by section 75(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 131(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 131(5): amended, on 1 December 1999, by section 75(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

131A Building Act 2004

- (1) Where an inspector believes that any building or sitework does not comply with the Building Act 2004, the inspector shall by notice in writing give to the appropriate territorial authority details of the respects in which the building or sitework is believed not to comply.
- (2) For the purposes of this section, the terms **building**, **sitework**, and **territorial authority** have the meanings ascribed to them by the Building Act 2004.

Section 131A: inserted, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 131A heading: substituted, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 131A(1): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 131A(2): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

132 Variation, suspension, or cancellation of licences other than special licences

- (1) Any constable or any inspector may at any time apply to the Licensing Authority in accordance with this section for an order—
 - (a) varying or revoking any condition of a licence, other than a special licence, imposed by the Licensing Authority or a District Licensing Agency, or imposing any new condition (relating to any matters specified in section 14(5) or section 37(4) or section 60(2)); or
 - (b) suspending the licence; or
 - (c) cancelling the licence.
- (2) Every application for an order under this section shall—
 - (a) be made in the prescribed form and manner; and
 - (b) contain the prescribed particulars; and

- (c) be made to the Licensing Authority.
- (3) The grounds on which an application for an order under this section may be made are as follows:
 - (a) that the licensed premises have been conducted in breach of any of the provisions of this Act or of any conditions of the licence or otherwise in an improper manner;
 - (b) that the conduct of the licensee is such as to show that he or she is not a suitable person to hold the licence;
 - (c) the licensed premises are being used in a disorderly manner so as to be obnoxious to neighbouring residents or to the public.
- (4) The Secretary shall—
 - (a) send a copy of the application to the licensee; and
 - (b) fix the earliest practicable date for a public hearing of the application; and
 - (c) give at least 10 working days' notice of the date, time, and place of the hearing to the applicant and the licensee.
- (5) The applicant and the licensee shall be entitled to appear and be heard at the hearing, whether personally or by counsel, and to call, examine, and cross-examine witnesses.
- (6) If the Licensing Authority is satisfied that any of the grounds specified in subsection (3) is established and that it is desirable to make an order under this section, it may, by order,—
 - (a) vary or revoke any condition of the licence imposed by the Licensing Authority or a District Licensing Agency; or
 - (b) impose any new condition (relating to any matter specified in section 14(5) or section 37(4) or section 60(2)); or
 - (c) suspend the licence for such period not exceeding 6 months as the Licensing Authority thinks fit; or
 - (d) cancel the licence.
- (7) Instead of making an order under subsection (6), the Licensing Authority may adjourn the application for such period as it thinks fit to give the licensee an opportunity to remedy any matters that the Licensing Authority may require to be remedied within that period.

Section 132(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 132(1)(a): amended, on 19 December 2002, by section 3(1) of the Sale of Liquor Amendment Act 2002 (2002 No 75).

Section 132(6)(a): amended, on 19 December 2002, by section 3(2) of the Sale of Liquor Amendment Act 2002 (2002 No 75).

**132A Suspension or cancellation of licences by Licensing
Authority in respect of certain offences**

- (1) This section applies in respect of an offence committed—
 - (a) by a licensee or manager against section 155(1), section 165, section 166(1), or section 167; or
 - (b) by a person (not being a licensee or manager) against section 155(2) or section 166(2).
- (2) A constable must, immediately after the licensee or manager or person has been convicted of the offence, send a report to the Licensing Authority.
- (3) The report must include—
 - (a) a certificate of the conviction from the Registrar of the court concerned; and
 - (b) a summary of the evidence on which the conviction was based; and
 - (c) a statement by the Police as to whether or not the licensed premises concerned have been conducted in breach of any other provisions of this Act or of any conditions of the licence or otherwise in an improper manner and, if so, a statement of the circumstances; and
 - (d) a statement by the Police as to whether or not the conduct of the licensee is such as to show that the licensee is not a suitable person to hold the licence and, if so, a statement of the circumstances; and
 - (e) a recommendation by the Police as to whether the licence of the licensee should be suspended or cancelled; and
 - (f) the reasons for the recommendation.
- (4) Immediately after receiving the report, the Licensing Authority must consider it.

- (5) If, after considering the report, the Licensing Authority considers that it should hold a public hearing into whether the licence held by the licensee should be suspended or cancelled, the Secretary must—
- (a) advise the licensee accordingly; and
 - (b) send a copy of the report of the Police to the licensee; and
 - (c) fix the earliest practicable date for a public hearing of the matter; and
 - (d) give at least 10 working days' notice of the date, time, and place of the hearing to the Police and the licensee.
- (6) At the hearing, the Police and the licensee (whether personally or by counsel),—
- (a) are entitled to appear and be heard; and
 - (b) may call, examine, and cross-examine witnesses.
- (7) A certificate of the conviction included in the report of the Police under subsection (3)(a) is conclusive evidence that the licensee or manager or person committed the offence referred to in the certificate.
- (8) At the conclusion of the hearing, the Licensing Authority may make an order under subsection (9) if it is satisfied that—
- (a) the licensed premises concerned have been conducted in breach of the provisions of this Act or of any conditions of the licence or otherwise in an improper manner; or
 - (b) the licensee is not a suitable person to hold a licence; and
 - (c) in either case, it is desirable to make an order under that subsection.
- (9) An order made under this subsection is an order to—
- (a) suspend the licence for such period, not exceeding 6 months, as the Licensing Authority thinks fit; or
 - (b) cancel the licence.
- (10) Instead of making an order under subsection (9), the Licensing Authority may adjourn the hearing for such period as it thinks fit to give the licensee an opportunity to remedy any matters that the Licensing Authority may require to be remedied within the period.

Section 132A: inserted, on 1 December 1999, by section 76 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 132A(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

133 Variation, suspension, or cancellation of special licences

- (1) Any constable or any inspector may at any time apply to a District Licensing Agency in accordance with this section for an order—
 - (a) varying or revoking any condition of a special licence imposed by the Agency, or imposing any new condition (relating to any matters specified in section 80(2)); or
 - (b) suspending the licence; or
 - (c) cancelling the licence.
- (2) Every application for an order under this section shall—
 - (a) be made in the prescribed form and manner; and
 - (b) contain the prescribed particulars; and
 - (c) be made to the District Licensing Agency that issued the licence.
- (3) The grounds on which an application for an order under this section may be made are as follows:
 - (a) that the licensed premises have been conducted in breach of any of the provisions of this Act or of any conditions of the licence or otherwise in an improper manner;
 - (b) that the conduct of the licensee is such as to show that he or she is not a suitable person to hold the licence;
 - (c) the licensed premises are being used in a disorderly manner so as to be obnoxious to neighbouring residents or to the public.
- (4) The Secretary shall—
 - (a) send a copy of the application to the licensee; and
 - (b) fix the earliest practicable date for a public hearing of the application; and
 - (c) give at least 10 working days' notice of the date, time, and place of the hearing to the applicant and the licensee.
- (5) The applicant and the licensee shall be entitled to appear and be heard at the hearing, whether personally or by counsel, and to call, examine, and cross-examine witnesses.

- (6) If the District Licensing Agency is satisfied that any of the grounds specified in subsection (3) is established and that it is desirable to make an order under this section, it may, by order,—
- (a) vary or revoke any condition of the licence imposed by the Agency; or
 - (b) impose any new condition (relating to any matter specified in section 80(2)); or
 - (c) suspend the licence for such period not exceeding 6 months as the Agency thinks fit; or
 - (d) cancel the licence.
- (7) Instead of making an order under subsection (6), the District Licensing Agency may adjourn the application for such period as it thinks fit to give the licensee an opportunity to remedy any matters that the Agency may require to be remedied within that period.
- (8) If the District Licensing Agency makes an order under this section, the Secretary shall send a copy of the order to the Secretary of the Licensing Authority.

Section 133(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

134 Suspension of licence for non-compliance with public health or fire precaution requirements

- (1) Where any Medical Officer of Health or any member of the fire service established under the Fire Service Act 1975 authorised to undertake fire safety inspections has reason to believe that, because of the failure of the holder of any on-licence or club licence to comply with any requirements (other than requirements under the Building Act 2004) relating to public health or to the escape of people in the event of fire (whether in accordance with an evacuation scheme for public safety which meets the requirements of section 21A of the Fire Service Act 1975 or by other means), the health of persons using the premises is likely to be injured or their safety is likely to be endangered, the Medical Officer of Health or the member of the fire service may apply to the District Licensing Agency for the suspension of the licence.

- (2) The District Licensing Agency shall give notice in writing to the licensee calling upon the licensee to appear before the Agency at a time and place to be specified in the notice, being not earlier than 7 working days after the giving of the notice, to show cause why the licence should not be suspended.
- (3) If, after hearing the licensee (if he or she appears), the District Licensing Agency is satisfied that the licensee has failed to comply with any requirement referred to in subsection (1), it may order the licensee to do all such things as may be necessary to meet those requirements within such reasonable time as it may specify, and, in the case of default, may suspend the licence until those requirements have been met.
- (4) Notwithstanding anything in subsection (3), if, in any case to which that subsection applies, the District Licensing Agency is satisfied that, because of the licensee's failure to comply with any requirement referred to in subsection (1), the health of persons using the premises to which the application relates is likely to be injured or their safety is likely to be endangered, the Agency shall suspend the licence until it is satisfied that all things necessary or desirable to remedy the default have been done.
- (5) Without limiting subsection (3) but notwithstanding subsection (4), if, in any case to which that latter subsection applies, the District Licensing Agency is satisfied—
 - (a) that the risk to the health or the danger to the safety of persons using the premises has arisen from any circumstances beyond the control of the licensee or manager; or
 - (b) that the risk or danger can be averted by ordering the closure of part only of the premises,—the Agency may, instead of suspending the licence, order the closure of any part of the premises accordingly for the undertaking of the necessary work. If the work is not completed to the satisfaction of the Agency within such period as the Agency may allow, the Agency shall suspend the licence under subsection (4).
- (6) While any such licence is so suspended the premises shall be deemed not to be licensed premises.

Section 134(1): amended, on 31 March 2005, by section 414 of the Building Act 2004 (2004 No 72).

Section 134(1): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 134(3): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

Section 134(4): amended, on 1 July 1992, by section 92(1) of the Building Act 1991 (1991 No 150).

135 Suspension or cancellation of managers' certificates

- (1) Any constable or any inspector may at any time apply in accordance with this section for an order by the Licensing Authority—
 - (a) suspending a manager's certificate; or
 - (b) cancelling a manager's certificate.
- (2) Every application for an order under this section shall—
 - (a) be made in the prescribed form and manner; and
 - (b) contain the prescribed particulars; and
 - (c) be made to the Licensing Authority.
- (3) The grounds on which an application for an order under this section may be made are as follows:
 - (a) that the manager has failed to conduct any licensed premises in a proper manner;
 - (b) that the conduct of the manager is such as to show that he or she is not a suitable person to hold the certificate.
- (4) The Secretary shall—
 - (a) send a copy of the application to the manager and to the licensee of any licensed premises to which any allegations against the manager relate; and
 - (b) fix the earliest practicable date for a public hearing of the application; and
 - (c) give at least 10 working days' notice of the public hearing to the applicant and the manager.
- (5) The applicant and the manager shall be entitled to appear and be heard at the hearing, whether personally or by counsel, and to call, examine, and cross-examine witnesses.
- (6) If the Licensing Authority is satisfied that either of the grounds specified in subsection (3) is established and that it is desirable to make an order under this section, it may, by order,—

- (a) suspend the certificate for such period not exceeding 6 months as the Licensing Authority thinks fit; or
 - (b) cancel the certificate.
- (7) Instead of making an order under subsection (6), the Licensing Authority may adjourn the application for such period as it thinks fit to give the manager an opportunity to remedy any matters that the Licensing Authority may require to be remedied within that period.

Section 135(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

136 Restraining continuing breaches of conditions of licence
[Repealed]

Section 136: repealed, on 1 April 2000, by section 77 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

136A Offences under Part 5 of Rugby World Cup 2011 (Empowering) Act 2010

To avoid doubt, an offence committed under Part 5 of the Rugby World Cup 2011 (Empowering) Act 2010 may be taken into account, if and to the extent that it is relevant, for the purposes of applying the provisions of this Act.

Section 136A: inserted, on 20 December 2010, by section 92 of the Rugby World Cup 2011 (Empowering) Act 2010 (2010 No 123).

Part 7
Appeals

137 Appeals to Licensing Authority against decisions of District Licensing Agencies

- (1) Any party to any proceedings before a District Licensing Agency who is dissatisfied with the decision may appeal to the Licensing Authority against the decision on giving notice of appeal to the Licensing Authority within 10 working days after the date on which notice of the decision is given to that party.
- (2) Notwithstanding anything in subsection (1), the Licensing Authority, on the application of any person having a right of appeal under this section, may grant leave to that person to give notice of appeal after the expiration of the time prescribed by

that subsection, and within such time as the Licensing Authority thinks fit, where, in the opinion of the Licensing Authority, there was reasonable cause for the failure or inability of that person to give notice within the time prescribed by that subsection.

- (3) The notice of appeal shall be in writing, and shall be sent to the Secretary of the Licensing Authority.
- (4) It shall not be necessary to state in the notice of appeal the grounds of appeal.
- (5) Either before or immediately after the notice of appeal is sent to the Secretary, a copy of the notice shall be served on each of the other parties to the proceedings before the District Licensing Agency, and a copy shall be left with the Secretary of that Agency.
- (6) Every such appeal shall be by way of rehearing.
- (7) On hearing any such appeal, the Licensing Authority may confirm, modify, or reverse the decision under appeal.
- (8) Except in a case to which subsection (9) applies, the effect of the decision under appeal shall be suspended pending the outcome of the appeal.
- (9) In the case of an appeal against a decision to suspend the licence under section 134, the decision shall continue to have effect pending the outcome of the appeal.

138 Appeals to High Court against decisions of Licensing Authority on grounds of suitability

- (1) Where the Licensing Authority—
 - (a) refuses any application for the grant or renewal of any licence or any manager's certificate on the ground of the suitability of the applicant; or
 - (b) cancels or suspends any licence or manager's certificate on the ground of the suitability of the licensee or manager,—the applicant or licensee or manager may appeal to the High Court against the decision of the Licensing Authority on giving notice of appeal within 10 working days after the date on which notice of the decision is given to the applicant, licensee, or manager.

- (2) The notice of appeal shall be in writing and shall be filed in the High Court.
- (3) It shall not be necessary to state in the notice of appeal the grounds of the appeal.
- (4) Either before or immediately after the filing of the notice of appeal, a copy of the notice shall be served on each of the other parties to the proceedings before the Licensing Authority, and a copy shall be left with the Secretary of the Authority.
- (5) *[Repealed]*
- (6) As soon as possible after the receipt by the Secretary of the Licensing Authority of a copy of any notice of appeal, the Secretary shall send to the office of the High Court in which the appeal has been filed—
 - (a) any application and supporting documents filed with the Authority, and any written submissions, statements, reports, and other papers relating to the decision appealed against:
 - (b) a copy of any notes made by the chairperson of the evidence given at the hearing:
 - (c) any exhibits in the custody of the Authority:
 - (d) a copy of the decision appealed against.
- (7) Every appeal shall be by way of rehearing; but where any question of fact is involved in any appeal, the evidence taken before the Authority bearing on the question shall, subject to any special order, be brought before the High Court as follows:
 - (a) as to any evidence given orally, by the production of a copy of the chairperson's note or of a written statement read by the witness while under oath, or of such other materials as the High Court may consider expedient:
 - (b) as to any evidence taken by affidavit and as to any exhibits, by the production of the affidavits and such of the exhibits as may have been forwarded to the court by the Authority, and by the production by the parties to the appeal of such exhibits as are in their custody:provided that the High Court may in its discretion rehear the whole or any part of the evidence, and shall rehear the evidence of any witness if the court has reason to believe that any note of the evidence of that witness made by the chairperson of the

Licensing Authority is or may be incomplete in any material particular.

- (8) The court shall have full discretionary power to hear and receive further evidence on questions of fact, either by oral evidence or by affidavit.
- (9) If the appellant does not appear at the time appointed for hearing the appeal, the appeal shall be dismissed.
- (10) If the appellant does not prosecute the appeal with due diligence, any other party to the appeal may apply to the High Court for the dismissal of the appeal.
- (11) On hearing the appeal, the High Court may confirm, modify, or reverse the decision appealed against, and the decision of the court shall be final and binding on all parties.
- (12) The Registrar of the High Court shall transmit to the Secretary of the Licensing Authority a memorandum of the decision of the court, and such proceedings shall be had thereon as if the decision had been given by the Authority.
- (13) The Registrar shall also return to the Secretary of the Licensing Authority any application, papers, and exhibits forwarded by the Secretary pursuant to subsection (6).

Section 138(5): repealed, on 2 September 1996, by section 3 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

139 Appeal against decision of Licensing Authority on question of law

- (1) Where any party to any proceedings before the Licensing Authority under this Act is dissatisfied with any determination of the Licensing Authority in the proceedings as being erroneous in point of law, that party may appeal to the High Court on that question of law.
- (2) Subject to sections 140 to 146, every appeal under this section shall be dealt with in accordance with rules of court.

140 Notice of appeal

- (1) Every appeal under section 139 shall be instituted by the appellant lodging a notice of appeal within 20 working days after the date of the determination with—
 - (a) the Registrar of the High Court; and

- (b) the Secretary of the Licensing Authority.
- (2) Either before or immediately after the lodging of the notice of appeal, the appellant shall serve a copy of the notice of appeal, either personally or by post, on every other party to the proceedings before the Licensing Authority.
- (3) Service under subsection (2), if by post, shall be by registered letter and shall be deemed in the absence of proof to the contrary for the purposes of this section to be effected at the time when the letter would be delivered in the ordinary course of post.
- (4) Every notice of appeal shall specify—
 - (a) the determination or the part of the determination appealed from; and
 - (b) the error of law alleged by the appellant; and
 - (c) the question of law to be resolved; and
 - (d) the grounds of the appeal, which grounds shall be specified with such reasonable particularity as to give full advice to both the court and the other parties of the issues involved.
- (5) The Secretary of the Licensing Authority shall, as soon as is practicable after receiving a copy of the notice of appeal, send a copy of the whole of the determination appealed from to the Registrar of the High Court .

Section 140(1)(a): amended, on 2 September 1996, by section 4 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

Section 140(5): amended, on 2 September 1996, by section 4 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

141 Right to appear and be heard on appeals

- (1) Any party to the proceedings before the Licensing Authority who wishes to appear and be heard on the hearing of the appeal shall, within 7 working days after the date of the service on that party of a copy of the notice of appeal, lodge with the Registrar of the High Court a notice of that party's intention to appear and be heard.
- (2) Any party who gives a notice of intention to appear and be heard and the appellant shall be parties to the appeal and shall be entitled—

- (a) to be served with every document thereafter filed or lodged with the Registrar relating to the appeal; and
- (b) to receive a notice of the date set down for the hearing of the appeal.

Section 141(1): amended, on 2 September 1996, by section 5 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

142 Orders relating to determination of appeals

- (1) Subject to subsections (2) and (3), the High Court may, of its own motion or on the application of any party to the appeal, make all or any of the following orders:
 - (a) an order directing the Licensing Authority to lodge with the Registrar of the High Court any document or other written material or any exhibit in the possession or custody of the Licensing Authority;
 - (b) an order directing the Licensing Authority to lodge with the Registrar a report recording, in respect of any matter or issue that the court may specify, any of the findings of fact of the Licensing Authority that are not set out or fully set out in its determination;
 - (c) an order directing the Licensing Authority to lodge with the Registrar a report setting out, in respect of any matter or issue that the court may specify, any reasons or considerations of the Licensing Authority to which the Licensing Authority had regard but that are not set out in its determination.
- (2) An application under subsection (1) shall,—
 - (a) in the case of the appellant, be made within 20 working days after the date of the lodging of the notice of appeal; or
 - (b) in the case of any other party to the appeal, within 20 working days after the date of the service on that party of a copy of the notice of appeal.
- (3) The High Court may make an order under subsection (1) only if it is satisfied that a proper determination of the point of law in issue so requires; and the order may be made subject to such conditions as the High Court thinks fit.

Section 142(1)(a): amended, on 2 September 1996, by section 6 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

143 Dismissal of appeal

The High Court may dismiss any appeal under section 139—

- (a) if the appellant does not appear at the time appointed for the hearing of the appeal; or
- (b) if the appellant does not prosecute the appeal with all due diligence and any party applies to the court for the dismissal of the appeal.

144 Appeal in respect of additional points of law

- (1) Where any party to an appeal under section 139 other than the appellant wishes to contend at the hearing of the appeal that the determination appealed from is erroneous in point of law other than those set out in the notice of appeal, that party shall, within 20 working days after the date of the service on that party of a copy of the notice of appeal, lodge a notice to that effect with the Registrar of the High Court .
- (2) The provisions of section 139, subsections (2) to (4) of section 140, and sections 142, 143, 145, and 146 shall apply, with such modifications as may be necessary, to any notice lodged under this section as if it were a notice of appeal.

Section 144(1): amended, on 2 September 1996, by section 7 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

145 Extension of time

The High Court or a Judge of the High Court may, on the application of the appellant, or intending appellant, or any other party, extend any time prescribed or allowed under any of the provisions of sections 140 to 144 for the lodging of any notice, application, or other document.

146 Date of hearing

When any party to the appeal notifies the Registrar of the High Court —

- (a) that the notice of appeal has been served on all parties to the proceedings; and
- (b) either—
 - (i) that no application has been lodged under section 142 and that no order has been made under that section; or

- (ii) that any application lodged under section 142 has been heard and that any order under that section has been complied with,—

the appeal shall be, in all respects, ready for hearing and the Registrar shall arrange a date for the hearing as soon as is practicable.

Section 146: amended, on 2 September 1996, by section 8 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

147 Effect of appeal against decision by Licensing Authority to grant licence or manager's certificate

- (1) No decision of the Licensing Authority to grant an application for a licence or a manager's certificate shall have any effect until the time allowed for filing an appeal has expired if, in respect of the application,—
 - (a) an objection was duly filed and was not withdrawn; or
 - (b) a report was submitted by the Police or an inspector or a member of the fire service or a Medical Officer of Health recommending that the application be refused.
- (2) Where an appeal is duly filed against a decision of the Licensing Authority to grant an application for a licence or a manager's certificate, and either paragraph (a) or paragraph (b) of subsection (1) applies, that decision shall continue to have no effect pending the final determination of the appeal.

Section 147: substituted, on 2 September 1996, by section 9(1) of the Sale of Liquor Amendment Act 1996 (1996 No 143).

147A Effect of appeal against other decisions by Licensing Authority

- (1) Subject to subsections (2) and (3), where an appeal is filed against any decision of the Licensing Authority, other than a decision to which section 147 applies, the decision shall continue in force and shall have effect pending the final determination of the appeal.
- (2) Where an appeal is filed against any decision of the Licensing Authority, other than a decision to which section 147 applies, the High Court may, of its own motion or on an application made for the purpose, order that the decision shall cease to

continue in force and shall have no effect pending the final determination of the appeal.

- (3) Where the High Court makes an order under subsection (2) in relation to a decision to refuse to renew, to suspend, or to cancel any licence or manager's certificate, the licence or manager's certificate shall, if the appeal is not finally determined on or before the expiry of the licence or certificate by effluxion of time, be deemed to be extended until the final determination of the appeal.

Section 147A: inserted, on 2 September 1996, by section 9(1) of the Sale of Liquor Amendment Act 1996 (1996 No 143).

148 No review until right of appeal exercised

No person who has a right of appeal in respect of any decision of the Licensing Authority or of a District Licensing Agency shall be entitled—

- (a) to make an application for review of that decision under Part 1 of the Judicature Amendment Act 1972; or
(b) to institute proceedings seeking any writ or order of, or in the nature of, mandamus, prohibition, or certiorari, or a declaration or injunction, in respect of that decision,—

unless and until that party exercises that right of appeal and the appeal is finally determined.

149 Appeals to High Court to be heard by Administrative Division

[Repealed]

Section 149: repealed, on 15 August 1991, by section 3(4) of the Judicature Amendment Act 1991 (1991 No 60).

150 Further appeal to Court of Appeal

- (1) Any party to an appeal under section 139 who is dissatisfied with the determination of the High Court on any point of law may, with leave of the High Court or (if that leave is declined) with special leave of the Court of Appeal, appeal to the Court of Appeal against the determination.
- (2) A party desiring to appeal to the Court of Appeal under this section shall, within 15 working days after the determination of the High Court, or within such further time as that court

may allow, give notice of the application for leave to appeal in such manner as may be directed by rules of court, and the High Court may grant leave accordingly if in the opinion of that court the question of law involved in the appeal is one that by reason of its general or public importance or for any other reason, ought to be submitted to the Court of Appeal for decision.

- (3) Where the High Court refuses leave to any party to appeal to the Court of Appeal under this section, that party may, within 15 working days after the refusal of the High Court or within such further time as the Court of Appeal may allow, apply to the Court of Appeal, in such manner as may be directed by rules of court, for special leave to appeal to that court, and the Court of Appeal may grant leave accordingly if in the opinion of that court the question of law involved in the appeal is one that by reason of its general or public importance or for any other reason, ought to be submitted to the Court of Appeal for decision.
- (4) On any appeal to the Court of Appeal under this section, the Court of Appeal shall have the same power to adjudicate on the proceedings as the High Court had.
- (5) The decision of the Court of Appeal on any appeal under this section shall be final; and the same judgment shall be entered in the High Court, and the same execution and other consequences and proceedings shall follow thereon, as if the decision of the Court of Appeal had been given in the High Court.
- (6) The decision of the Court of Appeal on any application to that court for leave to appeal shall be final.

Part 8

Offences and enforcement

Unlicensed persons and unlicensed premises

151 Sales by unlicensed person

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding \$40,000 who, not being the holder of a licence, sells, or exposes or keeps for sale, any liquor.

Section 151: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 151: amended, on 1 December 1999, by section 78 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

152 Allowing unlicensed premises to be used for sale of liquor

Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding \$40,000 who, being the occupier or one of the occupiers of any unlicensed premises, allows any other person to sell, or expose or keep for sale, any liquor on or from the premises.

Section 152: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 152: amended, on 1 December 1999, by section 79 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

153 Use of unlicensed premises as place of resort for consumption of liquor

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$20,000 who, being the occupier or having or taking part in the care, management, or control of any unlicensed premises, allows those premises to be kept or used as a place of resort for the consumption of liquor.
- (2) Subsection (1) does not apply to the consumption of liquor—
 - (a) by any person on any premises on which that person resides, whether that person is the occupier of the premises or not; or
 - (b) supplied to any person by way of gift by any person who resides on the premises on which the liquor is consumed.
- (3) For the purposes of subsection (1), any person who acts as, or as if he or she were, an occupier or a person having any part in the care, management, or control of any premises shall be deemed to be an occupier of the premises, but without affecting the liability of any other person.
- (4) For the purposes of subsection (1), premises may be deemed to be kept or used as a place of resort for the consumption of liquor even though they are open only for the use of particular

persons or particular classes of persons, and not to all persons who wish to use them.

Section 153(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 153(1): amended, on 1 December 1999, by section 80 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

154 Persons found on unlicensed premises kept as place of resort for consumption of liquor

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who, not being a constable in the execution of his or her duty, is found on any unlicensed premises kept or used in breach of section 153.
- (2) It is a defence to a charge under subsection (1) if the defendant satisfies the court that he or she—
 - (a) was present on the premises for a lawful purpose; and
 - (b) neither took part nor intended to take part in any unlawful sale, supply, or consumption of liquor.

Section 154(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 154(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 154(1): amended, on 1 December 1999, by section 81 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Excessive consumption of alcohol

Heading: inserted, on 1 December 1999, by section 82 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

154A Promotion of excessive consumption of alcohol

Every person commits an offence and is liable on conviction to a fine not exceeding \$5,000 who, being a licensee or manager of licensed premises, does anything in the promotion of the business conducted on the premises, or in the promotion of any event or activity held or conducted on the premises, that is intended or likely to encourage persons on the licensed premises to consume alcohol to an excessive extent.

Section 154A: inserted, on 1 December 1999, by section 82 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 154A: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Minors

155 Sale or supply of liquor to minors

- (1) Every person commits an offence and is liable on conviction to the penalty set out in subsection (2A) who, being the licensee or a manager of any licensed premises, sells or supplies any liquor, or allows any liquor to be sold or supplied, on or from the licensed premises to any person who is under the age of 18 years.
- (2) Every person commits an offence and is liable on conviction to the penalty set out in subsection (2A) who, not being the licensee or a manager of any licensed premises, sells or supplies any liquor, on or from the licensed premises to any person who is under the age of 18 years.
- (2A) The penalty is,—
 - (a) in the case of a licensee,—
 - (i) a fine not exceeding \$10,000; or
 - (ii) the suspension of the licensee's licence for a period not exceeding 7 days; or
 - (iii) both:
 - (b) in the case of a manager, a fine not exceeding \$10,000:
 - (c) in the case of a person (not being a licensee or manager), a fine not exceeding \$2,000.
- (3) Subsection (2) applies irrespective of any liability that may attach to the licensee or any manager in respect of the same offence.
- (4) It is a defence to a charge under subsection (1) or subsection (2) if the defendant proves that the person who sold or supplied the liquor believed on reasonable grounds that the person to whom it was sold or supplied had attained the age of 18 years.
- (4A) Without limiting subsection (4), reasonable grounds exist for the purposes of that subsection if the defendant proves that the person who sold or supplied the liquor had, before or at the time of sale or supply, sighted an evidence of age document of the person whose age is material to the offence, indicating that that person was of or over the age of 18 years.

- (5) No person shall be guilty of an offence against subsection (1) or subsection (2) by selling or supplying liquor to any person who then supplies it to another person who is under the age of 18 years, unless it is proved that the defendant knew or had reasonable grounds to believe that the liquor was intended for that other person.

Section 155(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 155(1): amended, on 1 December 1999, by section 83(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 155(1): amended, on 1 December 1999, by section 83(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 155(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 155(2): amended, on 1 December 1999, by section 83(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 155(2): amended, on 1 December 1999, by section 83(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 155(2A): inserted, on 1 December 1999, by section 83(4) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 155(4): amended, on 1 December 1999, by section 83(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 155(4A): inserted, on 1 December 1999, by section 83(5) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 155(5): amended, on 1 December 1999, by section 83(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

156 Exemptions in respect of restricted areas

[Repealed]

Section 156: repealed, on 1 December 1999, by section 84 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

157 Exemptions in respect of other parts of licensed premises

Subsections (1) and (2) of section 155 do not apply to the supply of liquor on licensed premises (other than a restricted area) to a person who is under the age of 18 years if—

- (a) the person is accompanied by the person's parent or guardian; and
- (b) the liquor is supplied to the person by the person's parent or guardian.

Section 157: substituted, on 1 December 1999, by section 85 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

158 Further exemptions in respect of supervised areas

[Repealed]

Section 158: repealed, on 1 December 1999, by section 86 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

159 Further exemptions in respect of licensee's or manager's family or lodger's spouse

[Repealed]

Section 159: repealed, on 1 December 1999, by section 87 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

160 Purchasing liquor for minors

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who purchases or acquires any liquor on or from any licensed premises with the intention of supplying the liquor, or any of it, to any person who is under the age of 18 years.
- (2) Subsection (1) applies irrespective of any liability that may attach to the licensee or any manager or other person in respect of the sale or supply of the liquor.
- (3) Subsection (1) does not apply to a person who purchases or acquires any liquor with the intention of supplying it to—
 - (a) *[Repealed]*
 - (b) any child of whom that person is a parent or guardian;
or
 - (c) *[Repealed]*
 - (d) any other person who is attending a private social gathering.
- (4) No person shall be guilty of an offence against subsection (1) by purchasing or acquiring any liquor for any other person who then supplies it to a third person who is under the age of 18 years, unless it is proved that the defendant knew or had reasonable grounds to believe that the liquor was intended for that other person.

Section 160(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 160(1): amended, on 1 December 1999, by section 88(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 160(1): amended, on 1 December 1999, by section 88(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 160(3)(a): repealed, on 1 December 1999, by section 88(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 160(3)(c): repealed, on 1 December 1999, by section 88(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 160(4): amended, on 1 December 1999, by section 88(4) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

161 Employment of minors

(1) *[Repealed]*

(2) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who, being the licensee of any licensed premises, employs any person who is under the age of 18 years in any capacity in any restricted area on the licensed premises while that area is open for the sale of liquor.

(3) Subsection (2) does not apply to the employment in a restricted area of any person—

(a) for the purpose of—

- (i) preparing or serving any meal; or
- (ii) cleaning, repairing, maintaining, altering, or re-stocking the area or any equipment in the area; or
- (iii) removing or replacing any such equipment; or
- (iv) stocktaking; or
- (v) checking or removing cash; or

(b) *[Repealed]*

Section 161(1): repealed, on 12 December 1989, by section 2(1) of the Sale of Liquor Amendment Act (No 2) 1989 (1989 No 134).

Section 161(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 161(2): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 161(2): amended, on 1 December 1999, by section 89(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 161(2): amended, on 1 December 1999, by section 89(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 161(3)(b): repealed, on 1 December 1999, by section 89(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

162 Purchasing of liquor by minors

(1) Every person commits an offence and is liable to a fine not exceeding \$2,000 who, being under the age of 18 years, purchases any liquor on or from any licensed premises.

- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) Subsection (1) does not apply to a person who purchases liquor on or from licensed premises at the request of a constable acting in the course of his or her duties.

Section 162(1): amended, on 1 December 1999, by section 90(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 162(1): amended, on 1 December 1999 by section 90(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 162(2): repealed, on 1 December 1999, by section 90(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 162(3): repealed, on 1 December 1999, by section 90(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 162(4): repealed, on 1 December 1999, by section 90(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 162(5): added, on 6 April 2004, by section 25 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 162(5): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

162A Infringement offences

In sections 162B to 162D,—

infringement fee, in relation to an infringement offence, means such amount, not exceeding \$500, as is prescribed by regulations

infringement offence means an offence under section 162 or section 163.

Section 162A: inserted, on 1 December 1999, by section 91 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

162B Commission of infringement offence

Where any person is alleged to have committed an infringement offence, that person may either—

- (a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or
- (b) be served with an infringement notice as provided for in section 162C.

Section 162B: inserted, on 1 December 1999, by section 91 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 162B(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

162C Infringement notices

- (1) Where a constable observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has been committed by that person, an infringement notice in respect of that offence may be served on that person.
- (2) Any constable (not necessarily the constable who issued the notice) may deliver the infringement notice (or a copy of it) to the person alleged to have committed an infringement offence personally or by post addressed to that person's last known place of residence; and, in that case, it (or the copy) is to be treated as having been served on that person when it was posted.
- (3) Every infringement notice must be in the prescribed form and must contain the following particulars:
 - (a) such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and
 - (b) the amount of the infringement fee; and
 - (c) the address of the place at which the infringement fee may be paid; and
 - (d) the time within which the infringement fee must be paid; and
 - (e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
 - (f) a statement that the person served with the notice has a right to request a hearing; and
 - (g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and
 - (h) such other particulars as are prescribed.
- (4) Where an infringement notice has been issued under this section, proceedings in respect of the offence to which the notice relates may be commenced in accordance with section 21 of

the Summary Proceedings Act 1957; and, in that case, the provisions of that section apply with all necessary modifications.

Section 162C: inserted, on 1 December 1999, by section 91 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 162C(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 162C(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 162C(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

162D Payment of infringement fees

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.

Section 162D: inserted, on 1 December 1999, by section 91 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 162D: amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

163 Minors in restricted areas or supervised areas

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who, being under the age of 18 years, is found in any restricted area on any licensed premises.
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who, being under the age of 18 years, is found in any supervised area on any licensed premises unless that person is accompanied by his or her parent or guardian.
- (3) Subsections (1) and (2) do not apply to any person—
 - (a) who is an employee or agent of the licensee, or a person acting under any contract with the licensee or a manager, and who is in the restricted area or supervised area for the purpose of—
 - (i) cleaning, repairing, maintaining, altering, or restocking the area or any equipment in the area; or
 - (ii) removing or replacing any such equipment; or
 - (iii) stocktaking; or
 - (iv) checking or removing cash; or
 - (b) who is in the restricted area or supervised area for the purpose of preparing or serving any meal; or

- (c) *[Repealed]*
 - (d) who is in the supervised area for the purpose of selling or supplying liquor.
- (4) Subsections (1) and (2) do not apply to a person who is in a restricted area or supervised area on licensed premises at the request of a constable acting in the course of his or her duties.
- Section 163(1): substituted, on 1 December 1999, by section 92(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).
- Section 163(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).
- Section 163(2): substituted, on 1 December 1999, by section 92(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).
- Section 163(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).
- Section 163(3)(c): repealed, on 1 December 1999, by section 92(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).
- Section 163(3)(d): added, on 1 December 1999, by section 92(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).
- Section 163(4): added, on 6 April 2004, by section 26 of the Sale of Liquor Amendment Act 2004 (2004 No 21).
- Section 163(4): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

164 Permitting minors to be in restricted areas or supervised areas

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who, being the licensee or manager of any licensed premises, allows any person who is under the age of 18 years to enter or remain in any restricted area or supervised area on the licensed premises in contravention of section 163.
- (2) It is a defence to a charge under subsection (1) if the defendant proves that he or she believed on reasonable grounds that the person to whom the charge relates had attained the age of 18 years.
- (2A) Without limiting subsection (2), reasonable grounds exist for the purposes of that subsection if the defendant proves that he or she had sighted an evidence of age document of the person whose age is material to the offence, indicating that that person was of or over the age of 18 years.

- (3) It is a defence to a charge under subsection (1) if the defendant satisfies the court that, as soon as the defendant or any employee of the licensee became aware of the situation, reasonable steps were taken to remove each person concerned from the restricted area or supervised area.

Section 164(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 164(1): amended, on 1 December 1999, by section 93(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 164(1): amended, on 1 December 1999 by section 93(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 164(2): amended, on 1 December 1999, by section 93(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 164(2A): inserted, on 1 December 1999, by section 93(4) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Other offences on licensed premises

165 Unauthorised sale or supply

- (1) Every person commits an offence and is liable on conviction to the penalty set out in subsection (2) who, being the licensee or a manager of any licensed premises, sells or supplies liquor to any person at any time when the licensee is not authorised by the licence or this Act to sell to that person.

- (2) The penalty is,—

- (a) in the case of a licensee,—
(i) a fine not exceeding \$20,000; or
(ii) the suspension of the licensee's licence for a period not exceeding 7 days; or
(iii) both:
(b) in the case of a manager, a fine not exceeding \$20,000.

Section 165(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 165(1): amended, on 1 December 1999, by section 94(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 165(2): added, on 1 December 1999, by section 94(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

166 Sale or supply of liquor to intoxicated person

- (1) Every person commits an offence and is liable on conviction to the penalty set out in subsection (4) who, being the licensee

- or a manager of any licensed premises, sells or supplies liquor to any other person who is already intoxicated.
- (2) Every person commits an offence and is liable on conviction to the penalty set out in subsection (4) who, not being the licensee or a manager of any licensed premises, sells or supplies liquor to any other person who is already intoxicated.
- (3) Subsection (2) applies irrespective of any liability that may attach to the licensee or any manager in respect of the same offence.
- (4) The penalty is,—
- (a) in the case of a licensee,—
 - (i) a fine not exceeding \$10,000; or
 - (ii) the suspension of the licensee's licence for a period not exceeding 7 days; or
 - (iii) both:
 - (b) in the case of a manager, a fine not exceeding \$10,000:
 - (c) in the case of a person (not being a licensee or manager), a fine not exceeding \$2,000.

Section 166(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 166(1): amended, on 1 December 1999, by section 95(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 166(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 166(2): amended, on 1 December 1999, by section 95(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 166(4): added, on 1 December 1999, by section 95(3) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

167 Allowing person to become intoxicated

- (1) Every person commits an offence and is liable on conviction to the penalty set out in subsection (2) who, being the licensee or a manager of any licensed premises, allows any person to become intoxicated on the licensed premises.
- (2) The penalty is,—
- (a) in the case of a licensee,—
 - (i) a fine not exceeding \$10,000; or
 - (ii) the suspension of the licensee's licence for a period not exceeding 7 days; or
 - (iii) both:

(b) in the case of a manager, a fine not exceeding \$10,000.

Section 167(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 167(1): amended, on 1 December 1999, by section 96(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 167(2): added, on 1 December 1999, by section 96(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

168 Allowing drunkenness or disorderly conduct on licensed premises

(1) Every person commits an offence and is liable on conviction to a fine not exceeding \$4,000 who, being the licensee or a manager of any licensed premises,—

(a) allows any intoxicated person to be or to remain on the licensed premises; or

(b) allows any violent, quarrelsome, insulting, or disorderly conduct to take place on the licensed premises.

(2) It is a defence to a charge under subsection (1) if the defendant satisfies the court that, as soon as the defendant or any employee of the licensee became aware of the situation, reasonable steps were taken in respect of each person concerned, either to take that person to a place of safety on the licensed premises or to remove that person from the licensed premises.

Section 168(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 168(1): amended, on 1 December 1999, by section 97 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

169 Sales of spirits otherwise than in a glass

(1) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who, being the licensee or a manager of any licensed premises or an employee of the licensee, sells or supplies any spirits to any person, for consumption on the licensed premises, otherwise than in a drinking vessel of a capacity not exceeding 500 millilitres.

(2) Subsection (1) does not apply to the sale or supply of any spirits to a person who is a lodger on the licensed premises for consumption in that part of the licensed premises in which that person lodges.

Section 169(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 169(1): amended, on 1 December 1999, by section 98 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

170 Being on licensed premises outside licensing hours

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who is found in any part of any licensed premises, other than club premises, that is used principally or exclusively for the sale, supply, or consumption of liquor—
 - (a) at any time later than 30 minutes after the premises are required to close for the sale of liquor; or
 - (b) at any other time when the premises are required to be closed for the sale of liquor.
- (2) Subsection (1) does not apply to—
 - (a) the licensee or a manager, or the spouse, civil union partner, or de facto partner of the licensee or any manager, or any member of the family of the licensee or any manager; or
 - (b) any person who is lodging on the premises or a bona fide guest of any such lodger; or
 - (c) any employee of the licensee who is residing on the premises; or
 - (d) any other employee of the licensee, or any agent of the licensee, or any person acting under any contract with the licensee or manager, who with the authority of the licensee or manager is on the premises for the purpose of—
 - (i) cleaning, repairing, maintaining, altering, or restocking the premises or any equipment in the premises; or
 - (ii) removing or replacing any such equipment; or
 - (iii) stocktaking; or
 - (iv) checking or removing cash; or
 - (e) any employee of the licensee not living on the premises at any time while he or she is employed on the premises or at any time not later than 1 hour after such employment has ceased for the day.

- (3) Subsection (1) does not apply in respect of any person who is found on any premises in respect of which an on-licence is in force if—
- (a) a special licence is also in force in respect of those premises at the material time; and
 - (b) that person's presence on the premises at that time is justified in terms of the special licence.

Section 170(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 170(1): amended, on 1 December 1999, by section 99(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 170(2)(a): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 170(2)(d)(iv): substituted, on 1 December 1999, by section 99(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 170(2)(e): added, on 1 December 1999, by section 99(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

171 Allowing person on licensed premises outside licensing hours

Every person commits an offence and is liable on conviction to a fine not exceeding \$10,000 who, being the licensee or a manager of any licensed premises, allows any person to be on the licensed premises in contravention of section 170.

Section 171: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 171: amended, on 1 December 1999, by section 100 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

172 Making false representation to licensees, etc

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who falsely represents in writing to the licensee or a manager of any licensed premises, or to any employee of the licensee, that he or she is a person to whom liquor may be sold or supplied under the licence.
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who falsely represents otherwise than in writing to the licensee or a manager of any licensed premises, or to any employee of the licensee, that he or she

is a person to whom liquor may be sold or supplied under the licence.

Section 172(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 172(1): amended, on 1 December 1999, by section 101(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 172(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 172(2): amended, on 1 December 1999, by section 101(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

172A Licensee's offences in respect of manager

Every person commits an offence and is liable on conviction to a fine not exceeding \$5,000 who, being a licensee, fails, without reasonable excuse, to—

- (a) appoint a manager as required by any of sections 26, 49, 71, or 84;
- (b) ensure that section 115 is complied with;
- (c) comply with section 130.

Section 172A: inserted, on 1 December 1999, by section 102 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 172A: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Closure of premises

173 Closure of licensed premises in case of riot

- (1) Where a riot occurs, or there is reasonable ground for believing that a riot may occur, in any place, any District Court Judge or any 2 or more Justices or any 1 or more Community Magistrates may, at the request of the senior constable for the time being acting in that place, order every licensee in or within a specified distance of that place to close his or her licensed premises for the sale of liquor during such time as may be specified in the order.
- (2) Any constable may use such force as may be necessary for the purpose of closing any licensed premises to which the order applies.
- (3) No order made under this section shall have any effect beyond the expiry of the day on which it is made.

- (4) Every person commits an offence and is liable on conviction to a fine not exceeding \$10,000 who, being the licensee or a manager of any licensed premises to which the order applies, keeps the premises open for the sale of liquor in contravention of the order.
- (5) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who sells any liquor on or from any licensed premises to which the order applies at any time while the order remains in force.

Section 173(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 173(1): amended, on 30 June 1998, by section 7 of the District Courts Amendment Act 1998 (1998 No 76).

Section 173(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 173(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 173(4): amended, on 1 December 1999, by section 103(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 173(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 173(5): amended, on 1 December 1999, by section 103(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

174 Closure of premises in case of fighting, etc

- (1) Where fighting or serious disorder breaks out, or there is reasonable ground for believing that fighting or serious disorder is about to break out, on any licensed premises, any constable may order the licensee or a manager to close the premises, or any specified part of them, for the sale of liquor until good order has been restored, and may order any person to leave the premises or that specified part of them.
- (2) Any constable may use such force as may be necessary for the purpose of closing the licensed premises or that part of them.
- (3) As soon as any order has been given under this section, the licensee or a manager may apply to any District Court Judge or any 2 or more Justices or any 1 or more Community Magistrates for the revocation of the order.
- (4) The Judge or the Justices or the Community Magistrate or Community Magistrates—

- (a) may revoke the order either unconditionally or subject to such conditions as the Judge or the Justices or the Community Magistrate or Community Magistrates may think fit to impose; or
 - (b) may refuse to revoke the order.
- (5) No order made under this section shall have any effect beyond the expiry of the day on which it is made.
- (6) Every person commits an offence and is liable on conviction to a fine not exceeding \$10,000 who, being the licensee or a manager of the licensed premises, keeps the premises or the specified part of them open for the sale of liquor in contravention of the order.
- (7) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who sells any liquor on or from the licensed premises or the specified part of them at any time while the order remains in effect.

Section 174(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 174(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 174(3): amended, on 30 June 1998, by section 7 of the District Courts Amendment Act 1998 (1998 No 76).

Section 174(4): substituted, on 30 June 1998, by section 7 of the District Courts Amendment Act 1998 (1998 No 76).

Section 174(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 174(6): amended, on 1 December 1999, by section 104(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 174(7): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 174(7): amended, on 1 December 1999, by section 104(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Further powers of Police

175 Powers of entry on licensed premises

- (1) Any constable may at any reasonable time enter and inspect any licensed premises, or any part of any licensed premises, to ascertain whether the licensee is complying with the provisions of this Act and the conditions of the licence.

- (2) Any constable may at any time enter and inspect any licensed premises when that constable has reasonable ground to believe that any offence against this Act is being committed on those licensed premises.
- (3) For the purposes of exercising the power conferred by this section, a constable may—
 - (a) require the production of any licence, or any book, notice, record, list, or other document that is required by this Act to be kept, and examine and make copies of it; and
 - (b) require the licensee or manager to provide any information or assistance reasonably required by the constable relating to any matter within the duties of the licensee or manager.
- (4) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who, without reasonable excuse,—
 - (a) refuses or fails to admit to any licensed premises any constable who demands entry under this section; or
 - (b) delays unreasonably in admitting to any licensed premises any constable who demands entry under this section.
- (5) Every person commits an offence and is liable on conviction to a fine not exceeding \$2,000 who, being the licensee or a manager of any licensed premises, without reasonable excuse, refuses or fails—
 - (a) to produce the licence or any document when required to do so under paragraph (a) of subsection (3); or
 - (b) to provide any assistance or information when required to do so under paragraph (b) of that subsection.

Section 175(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 175(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 175(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 175(3)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 175(4): substituted, on 2 September 1996, by section 10 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

Section 175(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 175(4): amended, on 1 December 1999, by section 105(1) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 175(4)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 175(4)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 175(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 175(5): amended, on 1 December 1999, by section 105(2) of the Sale of Liquor Amendment Act 1999 (1999 No 92).

176 Power of Police to demand information

- (1) Any constable who has reasonable cause to suspect that any person has committed or is committing or is attempting to commit any offence against this Act may demand particulars of—
 - (a) the name and address of that person; and
 - (b) the date of birth of that person, where that person's age is or may be material to the suspected offence.
- (2) If the constable has reasonable ground to suppose that any such particulars are false, he or she may require the person to supply satisfactory evidence of those particulars.
- (3) If any person, without reasonable excuse, refuses or fails to supply any particulars or evidence when required to do so by any constable under this section, and persists in that refusal or failure after being cautioned by the constable, that person may be arrested, without warrant, by any constable.
- (4) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who, having been required by any constable to supply any particulars or evidence under this section, without reasonable excuse,—
 - (a) refuses or fails to supply the particulars or evidence; or
 - (b) supplies any particulars or evidence knowing that the particulars or evidence are false in a material respect.

Section 176(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 176(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 176(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 176(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 176(4): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 176(4): amended, on 1 December 1999, by section 106 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

177 Search warrant

- (1) If an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) is satisfied, on an application made by a constable in the manner provided in subpart 3 of Part 4 of that Act, that there is reasonable ground for believing that—

- (a) any liquor is being sold, or exposed or kept for sale, on any premises or conveyance in which that liquor may not lawfully be sold or exposed or kept for sale; or
- (b) any premises or conveyance are or is being kept or used as a place of resort for the consumption of liquor in contravention of this Act,—

the issuing officer may issue a warrant in the prescribed form to search the premises or conveyance.

- (2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) *[Repealed]*
- (6) *[Repealed]*
- (7) *[Repealed]*
- (8) *[Repealed]*
- (9) *[Repealed]*

Section 177(1): amended, on 1 October 2012, by section 301(2)(a) of the Search and Surveillance Act 2012 (2012 No 24).

Section 177(1): amended, on 1 October 2012, by section 301(2)(b) of the Search and Surveillance Act 2012 (2012 No 24).

Section 177(2): replaced, on 1 October 2012, by section 301(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 177(3): repealed, on 1 October 2012, by section 301(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 177(4): repealed, on 1 October 2012, by section 301(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 177(5): repealed, on 1 October 2012, by section 301(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 177(6): repealed, on 1 October 2012, by section 301(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 177(7): repealed, on 1 October 2012, by section 301(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 177(8): repealed, on 1 October 2012, by section 301(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 177(9): repealed, on 1 October 2012, by section 301(3) of the Search and Surveillance Act 2012 (2012 No 24).

177A Power of Police to seize samples of liquor

Any constable who enters and is conducting an inspection of any licensed premises under section 175 and who, during the inspection, has reasonable cause to suspect that any person on those premises has committed or is committing or is attempting to commit any offence against this Act, may seize, without warrant for the purpose of analysis, any liquid, including the container holding the liquid, in the possession of that person that is suspected of being liquor.

Section 177A: inserted, on 1 April 2000, by section 107 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 177A: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Matters of evidence

178 Matters of proof relating to status of premises or conveyance

- (1) In any proceedings for an offence against any of the provisions of this Act in relation to anything done or omitted to be done on any licensed premises, it shall not be necessary for the prosecution to prove that the premises or conveyance to which the charge relates are, or were at any material time, licensed premises, unless at least 3 working days before the hearing the defendant puts the question in issue by written notice to that effect served on the prosecution.
- (2) In any proceedings for an offence against any of the provisions of this Act in relation to the sale of any liquor, or the keeping

or exposing of any liquor for sale, on any unlicensed premises, it shall not be necessary for the prosecution to prove that the premises or conveyance are, or were at any material time, unlicensed, unless at least 3 working days before the hearing the defendant puts the question in issue by written notice to that effect served on the prosecution.

179 Matters of proof relating to content of liquor

In any proceedings for an offence against any of the provisions of this Act in relation to any spirits, wine, ale, beer, porter, honeymead, stout, cider, perry, or other fermented, distilled, or spirituous liquor it shall not be necessary for the prosecution to prove that it contains 1.15% or more alcohol by volume unless at least 20 working days before the hearing the defendant puts the question in issue by written notice to that effect served on the prosecution.

180 Evidence of sale or consumption of liquor

- (1) In any proceedings for an offence against any of the provisions of this Act in relation to the sale or consumption of liquor on any licensed premises or unlicensed premises or conveyance, it shall not be necessary for the prosecution to prove that any money passed or any liquor was actually consumed, if the court is satisfied that a transaction in the nature of a sale actually took place or that any consumption of liquor was about to take place.
- (2) In any proceedings for an offence against any of the provisions of this Act in relation to the sale of liquor on any licensed premises, proof of consumption or intended consumption of liquor on the licensed premises, or of the carrying away of liquor from the licensed premises, by some person other than the occupier of the licensed premises or any person employed on them shall be evidence that the liquor was sold to that person by or on behalf of the licensee.
- (3) In any proceedings for an offence against any of the provisions of sections 155 to 166, 170, and 171, the onus of proving that any person was at the time of the alleged offence entitled to have liquor sold or supplied to him or her, or to consume or procure it or have it in his or her possession on the licensed

premises, or to be on the licensed premises or any particular part of the licensed premises, shall be on the person alleging the fact.

Miscellaneous provisions

181 Liability of licensee for offences by manager

The licensee of any licensed premises shall not be responsible for any offence against this Act committed by any manager of those premises except where the licensee is a party to the offence.

182 Offences to be punishable on summary conviction

[Repealed]

Section 182: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

183 Court may order forfeiture in certain cases

On the conviction of any person of an offence against this Act, the court may declare any liquor found in the possession of the offender or on the premises where the offence occurred, together with the containers and packages containing the liquor, to be forfeited to the Crown.

Section 183: amended, on 1 April 2000, by section 108 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

184 Notice of prosecution or conviction of managers and licensees

- (1) Any person who files a charging document in respect of an offence against this Act against a manager of any licensed premises must send a copy of the charging document to the licensee.
- (2) On the conviction of any manager of any licensed premises of an offence against this Act, the Registrar of the court by which the conviction is entered shall send a notice of the conviction, together with any recommendation made by the court in respect of the manager's certificate, to—
 - (a) the licensee; and
 - (b) the Secretary of the Licensing Authority.

- (3) On the conviction of any licensee of an offence against this Act, the Registrar of the court by which the conviction was entered shall send a notice of the conviction, together with any recommendation made by the court in respect of the licence, to the Secretary of the Licensing Authority.

Section 184(1): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 9

Licensing trusts

Constitution

185 Constitution of trusts

- (1) The Governor-General may, by Order in Council made on the advice of the Minister, constitute a licensing trust in respect of any area that is not included wholly or partly in the district of any other licensing trust.
- (2) Without limiting the discretion of the Minister to advise the constitution of a licensing trust in respect of any area, the Minister shall advise the constitution of a licensing trust for any area on the written request of at least 15% of the residents of the area, being persons qualified to vote in local authority elections.
- (3) By the Order in Council constituting a new licensing trust, the Governor-General may do all or any of the following things:
- (a) prescribe the name of the licensing trust:
 - (b) define the district of the licensing trust:
 - (c) prescribe the number of members of the licensing trust:
 - (d) prescribe the number of members of the trust to form a quorum at any meeting of the trust:
 - (e) declare the district of the licensing trust to be divided into wards for the purposes of the election of members, and prescribe the names and boundaries of the wards and the number of members for each ward:
 - (f) make such other provision as may be necessary for the constitution of the licensing trust in accordance with this Part.

Section 185(1): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

186 Trusts to be bodies corporate

Every licensing trust shall be a body corporate, having perpetual succession and a common seal.

187 Objects of trusts

- (1) The principal objects of a licensing trust shall be—
 - (a) the sale and supply of liquor; and
 - (b) the establishment and conduct of premises for the sale and supply of liquor, the provision of accommodation for the travelling public, and the sale and supply of food and refreshments; and
 - (c) the conduct of any other business that, in the opinion of the trust, can be carried on conveniently in conjunction with any business described in paragraph (a) or paragraph (b).
- (2) Subject to subsection (1), every licensing trust shall have—
 - (a) the rights, powers, and privileges of a natural person; and
 - (b) the power—
 - (i) to issue debentures of the trust; and
 - (ii) to grant a floating charge on any undertaking or property of the licensing trust.

188 Trusts liable for taxes

A licensing trust shall be liable to income tax, and to rates, and to all other taxes and duties, as if it were a body corporate formed for private pecuniary gain.

189 Distribution of profits

A licensing trust may expend or distribute the net profits arising from its operations, or so much of those profits as it thinks fit, in such manner as it thinks fit for all or any of the following purposes:

- (a) the promotion, advancement, or encouragement of education, science, literature, art, physical welfare, and other cultural and recreational purposes;
- (b) the erection, laying out, maintenance, or repair of any buildings or places intended to further any of the purposes described in paragraph (a):

- (c) any other philanthropic purposes.

Elections

190 Election of members

The members of a licensing trust shall be elected by the residents of the trust district in accordance with sections 191 to 194.

191 First election of members

- (1) The first election of members of a licensing trust constituted under section 185 shall be held on a day to be appointed by the Minister by notice in the *Gazette*.
- (2) The Minister may also appoint a Returning Officer for the purposes of that election, and may do all other things necessary to enable that election to be held.

192 Second and subsequent elections

- (1) Subject to subsection (2), the second election of members of a licensing trust must be held on the day on which the next but one triennial general election of members of local authorities is held under the Local Electoral Act 2001.
- (2) If, in accordance with subsection (1), the second election would be due within 4 years after the date of the first election, the second election must be held on the day on which the next succeeding triennial general election of members of local authorities is to be held after the one referred to in that subsection.
- (3) Subsequent elections of the members of the trust must be held on the same days as subsequent triennial general elections of members of local authorities are held.

Section 192: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

193 Qualification of electors

- (1) Subject to subsection (2), every person who is qualified as a residential elector of any territorial authority in respect of an address within the trust district shall be qualified as an elector of the licensing trust.

- (2) Where the trust district is divided into wards, only those residential electors who are qualified in respect of addresses within a ward shall be qualified as electors of that ward.

Section 193(1): amended, on 1 July 1991, by section 2(a) of the Sale of Liquor Amendment Act 1991 (1991 No 52).

Section 193(2): amended, on 1 July 1991, by section 2(b) of the Sale of Liquor Amendment Act 1991 (1991 No 52).

194 Conduct of elections

- (1) Subject to this Part and any regulations made under this Act, every election of the members of a licensing trust must be conducted under the Local Electoral Act 2001.
- (2) If a trust district is situated wholly within the district of any territorial authority, the electoral roll in respect of residential electors for that territorial authority is the roll of electors for elections of members of the licensing trust.
- (3) In any other case, the electoral rolls in respect of the residential electors for the districts of the territorial authorities that are situated wholly or partly within the trust district, or within any ward of a divided trust district, are the rolls of electors for elections of members of the licensing trust.
- (4) It is the duty of the electoral officer of each territorial authority within which the trust district is situated, or the electoral officer of the territorial authority situated wholly or partially within the trust district, to indicate on the electoral roll in respect of the residential electors of that territorial authority by appropriate words, abbreviations, or marks, the names of the persons entitled to vote at elections of members of the licensing trust. If the trust is divided into wards the electoral rolls must also show the ward in respect of which every person is entitled to vote.

Section 194: substituted, on 1 July 2001, by section 151 of the Local Electoral Act 2001 (2001 No 35).

195 In default of election Governor-General may appoint members

If on the day appointed for the first or any subsequent election of members of a licensing trust, no persons are duly elected, or the number of persons elected is less than the required number,

the Governor-General may appoint as many qualified persons to be members as are required, and every person so appointed shall hold office in all respects as if that person had been duly elected in conformity with this Part.

Members

196 President of trust to be elected

- (1) At the first meeting of a licensing trust after an election of members, the members shall elect one of their number to be the president of the trust.
- (2) During the election of a president following the first election of members of a licensing trust, the person who acted as returning officer for that election shall chair the meeting.
- (3) During the election of a president following the second or any subsequent election of members of a licensing trust, the secretary of the licensing trust shall chair the meeting.
- (4) If the votes for president at any meeting are tied, the person chairing the meeting shall determine the election by lot in the manner directed by the licensing trust.
- (5) The president shall come into office on election and shall hold office until the election of a successor, but may from time to time be re-elected.
- (6) The president may resign by writing delivered to the secretary of the licensing trust; and, in any such case or in any case where the president ceases from any cause to be a member of the licensing trust, the office of president shall become vacant, and the secretary shall convene a meeting of the licensing trust for the election of a president.

197 Trust may appoint deputy president

- (1) A licensing trust may from time to time appoint from among its members a deputy president, who shall act as president of the trust during the temporary absence or incapacity of the president.
- (2) While so acting, the deputy president may do all acts that the president may do.
- (3) The fact that the deputy president exercises any power, duty, or function of the president shall be sufficient evidence of his

or her authority to do so, and no person shall be concerned to inquire whether or not any occasion requiring or authorising the deputy president to so act has arisen or ceased.

198 Deputies of members

- (1) In any case where the Minister is satisfied that any member of a licensing trust is incapacitated by illness, absence, or other sufficient cause from performing the duties of his or her office, the Minister may, on the nomination of the licensing trust or (failing such nomination) at the Minister's discretion, appoint a deputy to act for that member during that member's incapacity, and any such deputy shall, while acting as such, be deemed for all purposes to be a member of the licensing trust.
- (2) No more than 1 deputy may hold office in respect of a licensing trust at any one time.
- (3) No appointment of any person as a deputy, and no acts done by that person as such, and no acts done by a licensing trust while any deputy is acting as such, shall be questioned in any proceedings on the ground that the occasion for his or her appointment had not arisen or had ceased.

199 Remuneration of president and other members

- (1) A licensing trust may pay to the president by way of remuneration a sum not exceeding in any year the amount for the time being fixed by the Minister of Finance after consultation with the Minister.
- (2) A licensing trust may pay to each of its members, other than the president, in respect of each meeting of the trust or of any committee of the trust attended by that member, a sum not exceeding the amount prescribed for each such meeting, but no more than the aggregate amount prescribed in respect of any financial year.
- (3) A licensing trust shall pay to the president and to each of its members travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the licensing trust were a statutory board within the meaning of that Act.

Section 199: amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Disqualification and vacancies

200 Disqualification of members of trust

- (1) The following persons shall be incapable of being elected or appointed to be or of being members of a licensing trust:
- (a) a person who is not a residential elector of the trust district or, in the case of the election or appointment of any member for a ward of a divided trust district, is not a residential elector entitled to vote at elections of members for that ward:
 - (b) *[Repealed]*
 - (c) a person who carries on the business of a brewer, wine or spirit merchant, maltster, or distiller, or of an importer for sale of or a dealer in fermented or spirituous liquors, or who is in partnership with any person carrying on any such business, or who is a member or employee or the husband or wife, civil union partner, or de facto partner of a member or employee of an incorporated company that carries on any such business as a substantial part of its undertaking:
 - (d) a person who is the owner of an estate in fee simple or any less estate in any licensed premises, or who is a member or employee or the husband or wife or de facto partner (whether of the same or different sex) of a member or employee of an incorporated company that owns any such estate:
 - (e) a person who is subject to a property order made under section 30 or 31 of the Protection of Personal and Property Rights Act 1988:
 - (f) a bankrupt who has not obtained an order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled:
 - (g) a person who is convicted of an offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) that person has obtained a pardon or has served the sentence or otherwise suffered the sentence imposed on that person:
 - (h) a person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in

the case of a person seeking election) that person has obtained a pardon or has served the sentence.

- (1A) For the purposes of subsection (1)(d), an **incorporated company** does not include a company that is a party to a listing agreement with a stock exchange and that has issued securities which are quoted on such an exchange.
- (2) In any case to which subsection (1)(g) applies,—
- (a) the disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and
 - (b) the member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.
- (3) In any case to which subsection (1)(h) applies,—
- (a) the disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and
 - (b) the member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.
- (4) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who does any act as a member of a trust while incapacitated under subsection (1), except—
- (a) where the incapacity arises under paragraph (e) of that subsection; or
 - (b) while on leave of absence pursuant to paragraph (g) or paragraph (h) of that subsection.

Section 200(1)(a): substituted, on 1 July 1991, by section 4 of the Sale of Liquor Amendment Act 1991 (1991 No 52).

Section 200(1)(b): repealed, on 1 July 2001, by section 151 of the Local Electoral Act 2001 (2001 No 35).

Section 200(1)(c): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 200(1)(d): amended, on 1 January 2002, by section 68 of the Human Rights Amendment Act 2001 (2001 No 96).

Section 200(1)(e): substituted, on 10 September 2008, by section 17(2) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Section 200(1A): inserted, on 1 July 1994, by section 3(1) of the Sale of Liquor Amendment Act 1994 (1994 No 61).

Section 200(1A): amended, on 1 December 2002, by section 30 of the Securities Markets Amendment Act 2002 (2002 No 44).

Section 200(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

201 Vacation of office by members

- (1) The office of a member of a licensing trust shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy, if the member—
 - (a) dies; or
 - (b) resigns from office by written notice delivered to the secretary or president of the trust, or is ousted of office; or
 - (c) is absent without the leave of the trust from 4 consecutive meetings of the trust; or
 - (d) becomes incapable of continuing to hold office under section 200.
- (2) If a property order is made in respect of a member under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders),—
 - (a) subsection (1)(d) does not apply to the member by virtue only of the making of that order; but
 - (b) while the order remains in force, the member is deemed to have been granted leave of absence and is not capable of acting as a member of the licensing trust during that period.

Section 201(2): added, on 10 September 2008, by section 17(3) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

202 Filling of extraordinary vacancies

- (1) In the event of an extraordinary vacancy in the office of an elected member of a licensing trust occurring within 12 months of the date fixed for the next triennial election of members, the trust may by resolution determine—

- (a) that the vacancy shall be filled by election in the manner prescribed by the provisions in that behalf of the Local Electoral Act 2001; or
 - (b) that the vacancy shall not be filled until the next triennial election of members is held; or
 - (c) that the vacancy shall be filled by appointment by the trust of a person qualified to be elected as a member.
- (2) Every resolution of a licensing trust under this section shall have effect according to its tenor notwithstanding anything to the contrary in the Local Electoral Act 2001.
- (3) Every person appointed by a licensing trust under this section shall for all purposes be deemed to have been elected to fill the vacancy.
- (4) Section 117 of the Local Electoral Act 2001 shall apply in respect of any extraordinary vacancy in the office of an elected member of the trust in any case where subsection (1) does not apply in respect of that vacancy.
- (5) Any member elected or appointed to fill any extraordinary vacancy shall hold office only for the unexpired portion of the term of office of that member's predecessor.

Section 202(1)(a): amended, on 1 July 2001, by section 151 of the Local Electoral Act 2001 (2001 No 35).

Section 202(2): amended, on 1 July 2001, by section 151 of the Local Electoral Act 2001 (2001 No 35).

Section 202(4): amended, on 1 July 2001, by section 151 of the Local Electoral Act 2001 (2001 No 35).

203 Ouster of office

- (1) Upon proof in the first instance by affidavit or otherwise that any member of a licensing trust is or has become incapable under this Act or any other Act of holding office, any District Court in the trust district may grant a summons calling upon the person holding such office to show cause why he or she should not be adjudged to be ousted of that office.
- (2) If on the return of the summons it appears to the court, on affidavit or oral evidence on oath, that the person is incapable under this Act or any other Act of holding the office, the court may adjudge that person to be ousted of that office, and that person shall be ousted of that office accordingly.

- (3) In any proceedings under this section, the District Court may exercise all the powers and authorities that it may exercise in its ordinary jurisdiction in civil cases; and the procedure of the court shall, so far as applicable, apply generally to proceedings under this section.
- (4) No matter in relation to a disputed election shall be heard by the District Court under this section.
- (5) No question that may be tried under this section shall be tried in the High Court; and no proceedings in the District Court under this section shall be removable into the High Court by certiorari or otherwise.

Conduct of business

204 Meetings of trust

- (1) The first meeting of a licensing trust established under section 185 shall be held at a place and time to be appointed by the Returning Officer.
- (2) Thereafter meetings of the licensing trust shall be held at such places and times as the licensing trust shall determine.
- (3) The president shall chair all meetings of the licensing trust at which the president is present.
- (4) All questions before a meeting shall be determined by a majority of the valid votes recorded on the question.
- (5) The person chairing the meeting shall have a deliberative vote and, in the event of a tied vote, shall also have a casting vote.

205 Trusts may determine own procedure

Subject to this Part and to any regulations made under this Act, and subject to the Local Government Official Information and Meetings Act 1987, a licensing trust may regulate its meetings and proceedings, and the general conduct of its business, in such manner as it thinks fit.

206 Books of account

A licensing trust shall cause books to be provided and kept, and true and regular accounts to be entered in the books of all sums of money received and paid, and of the several purposes for which sums of money have been received and paid.

207 Yearly statement of financial position and statements

- (1) On or before 30 June in each year, a licensing trust must prepare—
- (a) a yearly balance sheet and a profit and loss account; and
 - (b) such other statements of account as may be necessary to show fully the financial position of the licensing trust and the financial results of its operations; and
 - (c) a statement showing—
 - (i) the sum paid to the president of the licensing trust by way of remuneration; and
 - (ii) the total fees and expenses paid to the members of the licensing trust; and
 - (iii) the number of employees and former employees of the licensing trust who received remuneration and any other benefits in their capacity as employees of the licensing trust, the value of which was or exceeded \$100,000 per annum, and showing the number of employees in brackets of \$10,000.
- (1A) The balance sheet, profit and loss account, and statements must—
- (a) be prepared in accordance with generally accepted accounting practice; and
 - (b) relate to the financial year ended on 31 March preceding the date by which they must be prepared.
- (2) Every licensing trust is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.
- (3) The yearly statement of financial position, statement of financial performance, and statements, when duly audited, shall be open for public inspection.
- (4) A licensing trust shall, at least once in each year, publish in a newspaper or newspapers circulating in the trust district a summary of the audited accounts, together with a list of all the grants made during the financial year pursuant to section 189.

Section 207 heading: amended, on 1 October 1997, pursuant to section 6(1) of the Financial Reporting Amendment Act 1997 (1997 No 17).

Section 207(1): substituted, on 1 April 2005, by section 5 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 207(1A): inserted, on 1 April 2005, by section 5 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 207(2): substituted, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

Section 207(3): amended, on 1 October 1997, pursuant to section 6(1) of the Financial Reporting Amendment Act 1997 (1997 No 17).

Section 207(3): amended, on 1 October 1997, pursuant to section 6(2) of the Financial Reporting Amendment Act 1997 (1997 No 17).

207A Annual meeting of electors

- (1) A licensing trust must call a meeting of electors to be held in each calendar year, beginning in the year 2004.
- (2) A meeting of electors must be held after, but not later than 2 months after, the yearly balance sheet, profit and loss account, and statements have been audited under section 207.
- (3) Not less than 10 working days' public notice of a meeting of electors must be given to electors.
- (4) At a meeting of electors the president and members of the licensing trust must—
 - (a) report to the electors on the licensing trust's operations in the most recent completed financial year; and
 - (b) provide a reasonable opportunity for electors at the meeting to ask questions about, and to discuss or comment on, those operations.

Section 207A: inserted, on 6 April 2004, by section 6 of the Sale of Liquor Amendment Act 2004 (2004 No 21).

208 Power to compromise with creditors

A licensing trust has the power to enter into any compromise or arrangement with its creditors as if it were a company incorporated under the Companies Act 1993, and the provisions of that Act shall apply, with any necessary modifications, to any such compromise or arrangement.

Section 208: substituted, on 1 July 1994, by section 2 of the Sale of Liquor Amendment Act 1993 (1993 No 119).

*Variation, amalgamation, and winding up***209 Variation of constitution of trust**

The Governor-General may from time to time, by Order in Council made on the advice of the Minister, in respect of any licensing trust,—

- (a) vary the number of members:
- (b) vary the number of members to form a quorum at any meeting of the trust:
- (c) divide the trust district into wards for the purpose of the election of members:
- (d) prescribe the names and boundaries of each ward, and the number of members for each ward:
- (e) alter the boundaries of any ward, or wholly redivide the district into wards:
- (f) rename any ward:
- (g) alter the number of members for any ward:
- (h) abolish all wards of the district.

Section 209: amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

210 Election of members on creation or alteration of wards

- (1) Where—
 - (a) an undivided trust district is divided into wards; or
 - (b) a trust district divided into wards is wholly redivided; or
 - (c) the wards of a divided trust district are abolished,—there shall be a general election of all the members of the trust on a day to be appointed by the Minister by notice in the *Gazette*.
- (2) Where, in any case to which subsection (1) does not apply, the number of members for any ward of a divided trust district is altered, the alteration shall not take effect until the next general election of members of the licensing trust, except to such extent as may be necessary for providing for the holding of that election.
- (3) The Governor-General may at any time, by Order in Council, prescribe the terms of office of all or any of the members elected for that ward at that election.

211 Amalgamation of trusts

- (1) Any 2 or more licensing trusts may be amalgamated into 1 new trust in accordance with this section.
- (2) Each trust shall give public notice of the proposal.
- (3) If, within 20 working days after the first publication of the notice, at least 50 electors of any licensing trust concerned give written notice to the trust that they require a public meeting to be called to discuss the proposal, the licensing trust shall arrange and hold such a meeting accordingly.
- (4) If, within 40 working days after the first publication of the notice, at least 15% of the electors of any licensing trust concerned give written notice to the trust that they require a poll of electors to be held on the amalgamation proposal, the trust shall arrange for such a poll to be held in accordance with regulations made under this Act.
- (5) On any such poll, the amalgamation proposal shall be deemed to be carried if the number of valid votes recorded in favour of the proposal exceeds the number of valid votes recorded against it.
- (6) If no such poll is required or such a poll is required and the amalgamation proposal is carried, and the trusts decide to proceed with the proposal, they shall submit it, together with a copy of the latest audited accounts of each trust, to the Minister.
- (7) The Governor-General may, by Order in Council made on the advice of the Minister tendered at the request of each of the licensing trusts concerned, amalgamate 2 or more licensing trusts into 1 new licensing trust, and define the district of that new trust.
- (8) As from a date to be specified in the order, being not less than 14 days after the date of the making of the order, the following provisions shall apply:
 - (a) the original trusts shall be dissolved:
 - (b) all real and personal property, including all licences under this Act, belonging to each of the original trusts shall be vested in the new trust:
 - (c) all money payable to the original trusts shall be payable to the new trust:

- (d) all liabilities, contracts, and engagements, and all rights and authorities of any nature whatever, of the original trusts shall be liabilities, contracts, engagements, rights, and authorities of the new trust:
- (e) all proceedings by or against the original trusts may be carried on or prosecuted by or against the new trust.

Section 211(6): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

212 Liquidation

Parts 16 and 17 of the Companies Act 1993 shall apply, with any necessary modifications, to a licensing trust as if it was a company incorporated under that Act.

Section 212: substituted, on 1 July 1994, by section 4 of the Sale of Liquor Amendment Act 1993 (1993 No 119).

213 Distribution of assets where trust put into liquidation

Where the High Court puts a licensing trust into liquidation, any net surplus, whether or not in money, shall be distributed to each local authority whose district is included wholly or partly within the trust district; and, where 2 or more such local authorities qualify, the court shall determine the shares in proportion to the number of residents of each local authority's district who are electors of the licensing trust.

Section 213: substituted, on 1 July 1994, by section 4 of the Sale of Liquor Amendment Act 1993 (1993 No 119).

Special provisions relating to existing district and suburban trusts

214 Application of sections 215 and 216

Sections 215 and 216 apply to—

- (a) each of the licensing trusts named in Part 1 of Schedule 3; and
- (b) any licensing trust constituted following a poll held under any of sections 249 to 253.

215 Poll may be held on competition proposal

- (1) In respect of any licensing trust to which this section applies, a poll of electors residing in the trust district may be held,

in accordance with regulations made under this Act, on the competition proposal.

- (2) For the purposes of this section, the competition proposal means that the trust would give up its present exclusive right to hold on-licences in respect of hotels and taverns, and off-licences in respect of any premises other than certain club premises and premises on which wine is sold or any kind of liquor is made, within the trust district, and, in return for giving up that right, would gain the right to carry on any business (within its objects) outside as well as within the district.
- (3) Subject to the succeeding provisions of this section, a poll shall be held under this section if—
 - (a) the licensing trust so resolves; or
 - (b) at least 15% of the electors of the trust so request in writing.
- (4) The competition proposal shall be deemed to be carried if the number of valid votes recorded for that proposal exceeds the number of valid votes recorded against it.
- (5) If the competition proposal is not carried, no further poll shall be held under this section in respect of that licensing trust until the expiry of a period of 3 years.

216 Provisions applying until competition proposal carried

Unless and until the competition proposal is carried in respect of any licensing trust to which this section applies, the following provisions shall apply notwithstanding any of the other provisions of this Act:

- (a) no on-licence shall be granted to any person other than the licensing trust in respect of any hotel or tavern in the trust district:
- (b) no off-licence shall be granted in respect of any premises in the trust district, except—
 - (i) to the licensing trust or a club; or
 - (ii) in respect of any premises on which any kind of liquor is made:
 - (iii) in respect of any premises on which, immediately before the commencement of this Act, business was conducted pursuant to a wine reseller's licence, in which case the licence shall be granted

subject to a condition that no liquor shall be sold or delivered pursuant to the licence of a kind that could not be sold or delivered pursuant to that wine reseller's licence:

- (c) no licence shall be granted in respect of any premises outside the trust district, or in respect of any conveyance operated in whole or in part outside the trust district, to—
- (i) the licensing trust; or
 - (ii) any person on behalf of the licensing trust or in respect of any premises or conveyance in which the licensing trust has any estate or interest; or
 - (iii) any company registered under the Companies Act 1955 in which the licensing trust holds any of the equity share capital (within the meaning of section 158(5) of that Act); or
 - (iiia) any company registered under the Companies Act 1993 in which the licensing trust holds any of the issued shares (other than shares that carry no right to participate beyond a specified amount in the distribution of either profits or capital); or
 - (iiib) any company in which the licensing trust has the power to appoint any director; or
 - (iv) any trustee or trustees of a trust in respect of which the licensing trust has the power to appoint any trustee; or
 - (v) any other person, company, or trustee, if the Licensing Authority or (in the case of a special licence) the District Licensing Agency is satisfied that the application by that person, company, or trustees is made pursuant to an arrangement designed to enable the trust to evade the prohibitions set out in the preceding subparagraphs of this paragraph:
- (d) the licensing trust shall not expend or distribute any of its net profits under section 189 outside the trust district.

Section 216(c)(iii): substituted, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 216(c)(iiia): inserted, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Section 216(c)(iiib): inserted, on 1 July 1994, by section 2 of the Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16).

Special provisions relating to other trusts
[Repealed]

Heading: repealed, on 6 April 2004, pursuant to section 7(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

217 Application of sections 218 and 219

[Repealed]

Section 217: repealed, on 6 April 2004, by section 7(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

218 Poll may be held on expansion proposal

[Repealed]

Section 218: repealed, on 6 April 2004, by section 7(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219 Provisions applying until expansion proposal carried

[Repealed]

Section 219: repealed, on 6 April 2004, by section 7(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Part 9A
Community trusts

Part 9A: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Reconstitution of licensing trust as community trust

Heading: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219A Licensing trust members may resolve to reconstitute trust as community trust

- (1) The members of a licensing trust may pass a resolution that the trust be reconstituted as a community trust.
- (2) A resolution must not be passed within 12 months after any poll held under section 219F.

Section 219A: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219B Public notice of resolution

- (1) Within 10 working days after passing a resolution under section 219A, the licensing trust must give public notice of the resolution.
- (2) The public notice must also refer to the right of electors of the licensing trust to require a meeting to be called under section 219C, and to require a poll to be held under section 219E.

Section 219B: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219C Electors may requisition meeting

- (1) Electors of the licensing trust may, by notice in writing, request the licensing trust to hold a public meeting to discuss the resolution.
- (2) If 50 or more electors request a meeting, the licensing trust must hold a public meeting within 20 working days after the day it received the required number of requests.

Section 219C: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219D Meeting to discuss resolution

- (1) A licensing trust must give not less than 5 working days' public notice of a meeting of electors of the licensing trust to discuss a resolution passed under section 219A.
- (2) A meeting of electors of the licensing trust may resolve by a majority of votes to confirm or revoke a resolution.
- (3) If a resolution is confirmed, then the licensing trust must be reconstituted as a community trust.
- (4) Subsection (3) applies subject to section 219E.
- (5) If a resolution is revoked, then the licensing trust must not pass another resolution under section 219A earlier than 1 year after the date on which the resolution is revoked.

Section 219D: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219E Poll on resolution

- (1) Electors of the licensing trust may, by notice in writing, request the licensing trust to hold a poll on a resolution passed under section 219A.
- (2) If, within 40 working days after public notice of the resolution is given, 15% or more of the electors of the licensing trust request a poll, the licensing trust must hold a poll on the resolution in accordance with regulations made under this Act.
- (3) A poll does not have to be held if a resolution has been revoked under section 219D(2).
- (4) A poll must be held even though a resolution has been confirmed under section 219D(2).
- (5) If on a poll a majority of electors who vote are in favour, then the licensing trust must be reconstituted as a community trust.
- (6) If on a poll a majority of electors who vote are not in favour, then the licensing trust must not pass another resolution under section 219A earlier than 1 year after the date on which the poll was held.
- (7) A poll does not have to be held under this section if, within 12 months before receiving a request for a poll, the licensing trust held a poll under section 219F.

Section 219E: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219F Electors may requisition poll

- (1) Electors of a licensing trust may, by notice in writing, request the licensing trust to hold a poll on whether the licensing trust should be reconstituted as a community trust.
- (2) If 15% or more of the electors request a poll, the licensing trust must hold a poll on the issue in accordance with regulations made under this Act.
- (3) If on a poll a majority of electors who vote are in favour, then the licensing trust must be reconstituted as a community trust.
- (4) If on a poll a majority of electors who vote are not in favour, then the licensing trust must not hold another poll under this section earlier than 3 years after the date on which the poll was held.

- (5) A poll does not have to be held under this section if, within 12 months before receiving a request for a poll, the licensing trust held a poll under section 219E.

Section 219F: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219G Establishment of community trust

- (1) A licensing trust that is required by section 219D(3), section 219E(5), or section 219F(3) to be reconstituted as a community trust must, as soon as practicable, establish a community trust.
- (2) A community trust is established when the licensing trust executes a trust deed providing for the matters specified in section 219N.
- (3) The trust deed must, as soon as practicable after its execution, be notified in the *Gazette*.

Section 219G: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219H Vesting of licensing trust's undertaking in community trust

- (1) The Governor-General may, by Order in Council made on the advice of the Minister given at the request of the licensing trust concerned, specify a date on which the licensing trust's undertaking is vested in the community trust established by the licensing trust.
- (2) The date specified in an Order in Council made under this section must be not less than 20 working days after the date on which the order is made.
- (3) On the date specified in an Order in Council made under this section,—
- (a) the licensing trust is dissolved:
 - (b) all real and personal property, including all licences under this Act, belonging to the licensing trust, vests in the community trust:
 - (c) all money payable to or by the licensing trust is payable to or by the community trust:
 - (d) all liabilities, contracts (including employment agreements), and engagements, and all rights and authorities

of any nature whatever, of the licensing trust are the liabilities, contracts, engagements, rights, and authorities of the community trust:

- (e) all proceedings by or against the licensing trust may be carried on or prosecuted by or against the community trust.
- (4) To avoid doubt, in the case of a licensing trust to which sections 215 and 216 apply, subsection (3)(d) does not apply to the exclusive right referred to in section 215(2).
- (5) Nothing authorised or effected under this section—
 - (a) places the licensing trust or the community trust in breach of contract or confidence or makes them guilty of a civil wrong:
 - (b) entitles any person to terminate or cancel any contract or arrangement or accelerate the performance of any obligation:
 - (c) places the licensing trust or the community trust in breach of any enactment or rule of law prohibiting, restricting, or regulating the assignment or transfer of any property or the disclosure of any information:
 - (d) entitles any employee to receive any payment or other benefit by reason that he or she ceased, as a result of this Act, to be an employee of the licensing trust.

Section 219H: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Status, name, region, and purpose of community trust

Heading: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219I Community trust to be body corporate with full powers

- (1) A community trust is a body corporate with perpetual succession and a common seal.
- (2) For the purpose of its object and activities, a community trust has full rights, powers, and privileges.
- (3) The common seal of a community trust must be judicially noticed in all courts and for all purposes.
- (4) This section applies subject to the provisions of this Part.

Section 219I: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219J Name of community trust

- (1) A community trust must have a name.
- (2) A community trust may, from time to time, change its name, subject to subsection (3) and its trust deed.
- (3) The name of a community trust must include the words “Community Trust”.

Section 219J: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219K Region of community trust

The region of a community trust is the same as the district of the licensing trust immediately before it was reconstituted as a community trust.

Section 219K: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219L Object of community trust

- (1) All property vested in, or belonging to, a community trust is held on trust to be applied to charitable, cultural, philanthropic, recreational, and other purposes beneficial exclusively or principally to the community in the region of the community trust.
- (2) A community trust is authorised, but not required, to hold 1 or more licences under this Act and to carry on the business of selling or supplying liquor.

Section 219L: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219M Duty to apply net profits

- (1) A community trust must apply any net profits arising from its activities to the purpose of the community trust as described in section 219L.
- (2) However, a community trust may, instead of applying all of its net profits as required by subsection (1), retain so much of its net profits as appears prudent for the purposes of its activities (including any proposed activities).

Section 219M: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Trust deed

Heading: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219N Matters to be included in trust deed

- (1) A trust deed of a community trust must contain provisions—
 - (a) specifying the name of the community trust:
 - (b) specifying the purpose of the community trust as set out in section 219L:
 - (c) specifying the general activities to be undertaken by the community trust:
 - (d) specifying the minimum and maximum number of trustees:
 - (e) for the holding of, and voting at, meetings of trustees and specifying the quorum necessary for the holding of meetings of trustees:
 - (f) for the remuneration of trustees:
 - (g) specifying the manner in which a trustee may resign his or her office as trustee:
 - (h) specifying the manner in which a vacancy in the office of trustee must be filled:
 - (i) for the appointment of officers, employees, managers, and agents:
 - (j) specifying the powers of investment of the trustees:
 - (k) specifying the powers of the trustees to expend capital and income of the trust:
 - (l) for the keeping of accounts:
 - (m) specifying the manner in which the trust deed may be varied:
 - (n) specifying any other matters that the licensing trust or community trust concerned considers appropriate.
- (2) Subsection (1)(m) applies subject to section 219O.

Section 219N: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219O Variation of trust deed

- (1) The trustees of a community trust may vary the trust deed of a community trust by executing a deed of variation of the trust deed.
- (2) A variation of the trust deed must, as soon as practicable after the variation is made, be notified in the *Gazette*.

Section 219O: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219P Trust deed not to be inconsistent with this Act

- (1) A trust deed of a community trust must not contain provisions inconsistent with this Act.
- (2) A provision in a trust deed of a community trust that is inconsistent with this Act is unenforceable and of no effect.
- (3) In this section, **trust deed** includes a variation of the trust deed.

Section 219P: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Trustees

Heading: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219Q Trustees

The first trustees of a community trust are the members of the licensing trust immediately before it is reconstituted as the community trust.

Section 219Q: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219R Election of subsequent trustees

- (1) Trustees of a community trust (after the first trustees) are to be elected.
- (2) An election of trustees must be held on the day on which the triennial general election of members of local authorities is held under the Local Electoral Act 2001.

Section 219R: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219S Qualification of electors

A person who is qualified as a residential elector of a territorial authority in respect of an address in a community trust's region is qualified as an elector of the community trust.

Section 219S: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219T Conduct of elections

- (1) An election of trustees of a community trust is governed by this Act and the Local Electoral Act 2001.
- (2) If a community trust's region is situated wholly within the district of a local authority, the roll of residential electors for the local authority's district is the roll of electors for the election of trustees of the community trust.
- (3) If a community trust's region is situated within the districts of 2 or more local authorities, the rolls of residential electors for the districts of the local authorities are the rolls of electors for the election of trustees of the community trust.
- (4) It is the duty of the electoral officer of the local authority of the district within which a community trust's region is situated, or the electoral officer of the local authority of every district situated wholly or partly within the community trust's region, to indicate on the roll of residential electors for the district of that local authority, by appropriate words, abbreviations, or marks, the names of the persons entitled to vote at elections of trustees of community trusts.

Section 219T: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219U In default of election Governor-General may appoint trustees

If, on the day appointed for the election of trustees of a community trust, no persons are duly elected, or the number of persons elected is less than the required number, the Governor-General may appoint as many qualified persons to be trustees as are required, and every person so appointed holds office in all respects as if that person had been duly elected in accordance with this Part.

Section 219U: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219V Term of office of trustees

- (1) The trustees of a community trust hold office until their successors are appointed or elected.
- (2) A trustee is eligible for re-election.
- (3) A trustee may resign office in the manner prescribed in the trust deed.
- (4) A trustee is to be treated as having resigned office as a trustee if at any time the trustee is, under section 219W, not capable of holding office as trustee of a community trust.
- (4A) If a property order is made in respect of a trustee under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders),—
 - (a) subsection (4) does not apply to the trustee by virtue only of the making of that order; but
 - (b) while the order remains in force, the trustee is deemed to have been granted leave of absence and is not capable of acting as a trustee of the community trust during that period.
- (5) A trustee may be removed from office at any time by the Minister, by notice in writing,—
 - (a) because the trustee is unable to perform his or her duties adequately; or
 - (b) for neglect of duty, or misconduct, proved to the satisfaction of the Minister; or
 - (c) in any case where the Minister is satisfied on reasonable grounds that the trustee has acted or is acting in a manner prejudicial, or likely to be prejudicial, to the interests of the community trust.
- (6) If a trustee dies or resigns or ceases to hold office, the office of that trustee becomes vacant and the vacancy must be filled in the manner prescribed by the trust deed, and a person filling the vacancy holds office for the residue of the term of office of that trustee.

Section 219V: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 219V(4A): inserted, on 10 September 2008, by section 17(4) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

219W Persons not capable of holding office as trustee

The following persons are not capable of being elected or of holding office as a trustee of a community trust:

- (a) a bankrupt—
 - (i) who has not obtained a final order of discharge; or
 - (ii) whose order of discharge has been suspended for a term not yet expired or is subject to a condition not yet fulfilled:
- (b) a person who has been convicted within the last 3 years of a criminal offence punishable by imprisonment:
- (c) a person who would be subject to an order under section 189 of the Companies Act 1955 (as in force immediately before the commencement of the Companies Amendment Act 1993) but for the repeal of that section:
- (d) a person to whom an order made under section 199L of the Companies Act 1955 applies (or would apply but for the repeal of that Act) or to whom an order made under section 383 of the Companies Act 1993 applies:
- (e) *[Repealed]*
- (f) any person who is the subject of an order under the Protection of Personal and Property Rights Act 1988.

Section 219W: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 219W(e): repealed, on 10 September 2008, by section 17(5) of the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64).

Accountability

Heading: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219X Financial statements

- (1) The financial year of a community trust commences on 1 April in each year and ends on 31 March in the following year.

- (2) The trustees of a community trust must ensure that full and correct accounts of all the financial transactions of the community trust and its assets, liabilities, and funds are kept.
- (3) The trustees of a community trust must, within 3 months after the end of each financial year, prepare financial statements including a statement of financial position and income and expenditure account and notes to them, giving a true and fair view of the financial affairs of that community trust for the financial year.
- (4) The financial statements must be prepared in accordance with generally accepted accounting practice.
- (5) The financial statements must show separately—
 - (a) the total remuneration paid to the trustees of the community trust:
 - (b) the number of employees and former employees of the community trust who received remuneration and any other benefits in their capacity as employees of the community trust, the value of which was or exceeded \$100,000 per annum, and showing the number of employees in brackets of \$10,000:
 - (c) the names of persons or organisations to whom distributions have been made by the community trust under sections 219L and 219M in that financial year:
 - (d) the amounts distributed.
- (6) The financial statements must be audited by the Auditor-General.
- (7) The financial statements, when duly audited, must be open for public inspection.
- (8) A summary of the audited financial statements must, as soon as practicable after the completion of their audit, be publicly notified in the region of the community trust.
- (9) A community trust is not required to comply with this section in the year in which it is reconstituted as a community trust if, in that year before being reconstituted as a community trust, the licensing trust concerned complied with section 207.

Section 219X: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219Y Annual meeting of electors

- (1) A community trust must call a meeting of electors of the community trust to be held in each calendar year.
- (2) A meeting of electors must be held after, but not later than 2 months after, the yearly balance sheet, profit and loss account, and statements have been audited under section 219X.
- (3) Not less than 10 working days' public notice of a meeting of electors must be given to electors.
- (4) At a meeting of electors the trustees of the community trust must—
 - (a) report to the electors on the community trust's operations in the most recent completed financial year; and
 - (b) provide a reasonable opportunity for electors at the meeting to ask questions about, and to discuss or comment on, those operations.
- (5) A community trust is not required to comply with this section in the year in which it is reconstituted as a community trust if, in that year before being reconstituted as a community trust, the licensing trust concerned complied with section 207A.

Section 219Y: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Amalgamation and liquidation

Heading: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219Z Amalgamation of community trusts

- (1) Two or more community trusts may be amalgamated into 1 new community trust in accordance with this section.
- (2) Each trust must give public notice of the amalgamation proposal.
- (3) The amalgamation proposal must include—
 - (a) the names of the persons who are to be the first trustees of the new community trust; and
 - (b) the trust deed of the new community trust.
- (4) If, within 20 working days after the first publication of the public notice, at least 50 electors of a community trust concerned give written notice to the trust that they require a public meet-

- ing to be called to discuss the proposal, the community trust must arrange and hold such a meeting accordingly.
- (5) If, within 40 working days after the first publication of the public notice, at least 15% of the electors of a community trust concerned give written notice to the trust that they require a poll of electors to be held on the amalgamation proposal, the community trust must arrange for such a poll to be held in accordance with regulations made under this Act.
- (6) On a poll, the amalgamation proposal is carried if a majority of the valid votes recorded is in favour of the proposal.
- (7) If no poll is required or a poll is required and the amalgamation proposal is carried, and the community trusts decide to proceed with the proposal, they must submit it, together with a copy of the latest audited accounts of each trust, to the Minister.
- (8) The Governor-General may, by Order in Council made on the advice of the Minister given at the request of each of the community trusts concerned, amalgamate 2 or more community trusts into 1 community trust, and define the region of that new trust.
- (9) As from a date to be specified in the order, being not less than 20 working days after the date of the making of the order, the following provisions apply:
- (a) the original community trusts are dissolved:
 - (b) all real and personal property, including all licences under this Act, belonging to each of the original community trusts vests in the new community trust:
 - (d) all money payable to or by the original community trusts is payable to or by the new community trust:
 - (d) all liabilities, contracts (including employment agreements), and engagements, and all rights and authorities of any nature whatever, of the original community trusts become the liabilities, contracts, engagements, rights, and authorities of the new community trust:
 - (e) all proceedings by or against the original community trusts may be carried on or prosecuted by or against the new community trust:
 - (f) the trustees of the new community trust are the persons named as the first trustees of the trust in the amalgamation proposal:

- (g) the trust deed of the new community trust is the trust deed included in the amalgamation proposal.
- (10) Nothing authorised or effected under this section—
 - (a) places the original community trusts in breach of contract or confidence or makes them guilty of a civil wrong;
 - (b) entitles any person to terminate or cancel any contract or arrangement or accelerate the performance of any obligation;
 - (c) places the original community trusts in breach of any enactment or rule of law prohibiting, restricting, or regulating the assignment or transfer of any property or the disclosure of any information;
 - (d) entitles any employee to receive any payment or other benefit by reason that he or she ceased, as a result of this Act, to be an employee of an original community trust.

Section 219Z: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219ZA Liquidation

Parts 16 and 17 of the Companies Act 1993 apply, with any necessary modifications, to a community trust as if it were a company incorporated under that Act.

Section 219ZA: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219ZB Distribution of assets where community trust put into liquidation

Where the High Court puts a community trust into liquidation, any net surplus, whether or not in money, must be distributed to each local authority whose district is included wholly or partly within the community trust's region; and, where 2 or more local authorities qualify, the court must determine the shares in proportion to the number of residents of each local authority's district who are electors of the community trust.

Section 219ZB: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Miscellaneous matters

Heading: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219ZC Taxes and duties

- (1) A community trust is liable to income tax, and to rates, and to all other taxes and duties, as if it were a body corporate formed for private pecuniary gain.
- (2) For the purposes of the Inland Revenue Acts (as defined in section 3 of the Tax Administration Act 1994),—
 - (a) a community trust and the licensing trust that was constituted as the community trust are, in relation to all assets and liabilities that, by this Act, become the assets and liabilities of the community trust, deemed to be the same person:
 - (b) all transactions entered into by, and all acts of, a licensing trust before it was reconstituted as a community trust, in relation to all assets and liabilities that, by this Act, become assets and liabilities of the community trust, are deemed to have been entered into or performed by the community trust on the date on which they were entered into or performed by the licensing trust.

Section 219ZC: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219ZD Application of Trustee Act 1956

The Trustee Act 1956 applies to a community trust.

Section 219ZD: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219ZE Application of Local Authorities (Members' Interests) Act 1968

For the purposes of the Local Authorities (Members' Interests) Act 1968 a community trust is to be treated as if it were a local authority, and that Act applies accordingly.

Section 219ZE: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

219ZF Application of Local Government Official Information and Meetings Act 1987

For the purposes of Parts 1 to 4 of the Local Government Official Information and Meetings Act 1987 a community trust is to be treated as if it were a local authority, and that Act applies accordingly.

Section 219ZF: inserted, on 1 October 2004, by section 8(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Part 10
Miscellaneous provisions

220 Secretary to set up and maintain register

- (1) The Secretary of the Licensing Authority shall set up and maintain a register in which shall be recorded all such particulars relating to licences and managers' certificates, and to applications for or in respect of such licences and certificates, as may be prescribed.
- (2) Any member of the public may, on payment of the prescribed fee, obtain from the Secretary of the Licensing Authority an extract from the register.

221 Record of applications

- (1) The Secretary of each District Licensing Agency shall keep a record of every application filed with the Agency, and of the date on which it was forwarded to the Licensing Authority or (as the case may require) determined by the Agency.
- (2) The Secretary shall also keep a register of licensees in which shall be recorded all such particulars relating to special licences issued by the District Licensing Agency as may be prescribed.
- (3) Any member of the public may, on payment of the prescribed fee, obtain from the Secretary of the District Licensing Agency an extract from any record or register kept under this section.
- (4) The Secretary of each District Licensing Agency shall send to the Secretary of the Licensing Authority a copy of every application made to the District Licensing Agency, and a copy of every decision made by the District Licensing Agency.

222 Certified extracts to be evidence

An extract of any register or record kept by the Secretary of the Licensing Authority or by the Secretary of a District Licensing Agency, and certified as such by the Secretary, shall be evidence of the matters stated in the extract.

223 Licensees and managers to have address for service

- (1) Every licensee and every manager shall from time to time notify an address for service to the Secretary of the Licensing Authority.
- (2) Any notice or other document required by this Act to be served on any licensee or manager may be sent by registered post to the address for service of the licensee or manager, in which case it shall be deemed to have been served at the time when the registered letter would in the ordinary course of post be delivered.

224 Certain licensees to file annual returns

[Repealed]

Section 224: repealed, on 1 April 2000, by section 109 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

225 Notification of Licensing Authority by company of changes in company shareholding or name

- (1) A company incorporated under the Companies Act 1955 or the Companies Act 1993 (other than a public company or a company that is a party to a listing agreement with a stock exchange) that holds a licence shall notify the Secretary of the Licensing Authority of any change in—
 - (a) the shareholding of the company; and
 - (b) the directors of the company.
- (2) A public company or a company that is a party to a listing agreement with a stock exchange that holds a licence shall notify the Secretary of the Licensing Authority of any change in—
 - (a) the shareholding of the company whereby any person becomes the holder of at least 20% of the shares, or of any particular class of the shares, issued by the company, if that person did not hold at least 20% of the

- shares or of that class of the shares when the licence was issued to the company; and
- (b) the directors of the company.
- (3) Any notice required by subsection (1) or subsection (2) shall be given within 10 working days after the board of the company becomes aware of the change to which it relates.
- (4) Where a company incorporated under the Companies Act 1955 or the Companies Act 1993 that holds a licence changes its name, the company shall notify the Secretary of the Licensing Authority of the change within 10 working days after the change.
- (5) If a company fails to comply with any of subsections (1) to (4), every director of the company commits an offence and is liable on conviction to a fine not exceeding \$10,000.
- (6) It is a defence to a director charged with an offence under this section if the director proves that—
- (a) the company took all reasonable and proper steps to ensure that the subsection of this section to which the charge relates would be complied with; or
- (b) he or she took all reasonable and proper steps to ensure that the company complied with the subsection of this section to which the charge relates; or
- (c) in the circumstances he or she could not reasonably have been expected to take steps to ensure that the company complied with the subsection of this section to which the charge relates.

Section 225: substituted, on 2 September 1996, by section 11 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

Section 225(5): amended, on 1 December 1999, by section 110 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

225A Notification of Licensing Authority by beneficial owner of shares of changes in shareholding

- (1) Any person on whose behalf any shares are held by any other person in any company that holds a licence shall notify the Secretary of the Licensing Authority if, after the licence is issued to the company, the number of shares held changes so that the shareholding reaches at least 20% of the shares, or of any particular class of the shares, issued by the company.

- (2) Any notice required by subsection (1) shall be given within 10 working days after the person required to give the notice becomes aware that the number of shares has reached at least 20% of the shares, or of any particular class of the shares, issued by the company.
- (3) If a person required to give a notice under subsection (1) fails to comply with subsection (1) or subsection (2), he or she commits an offence and is liable on conviction to a fine not exceeding \$10,000.

Section 225A: inserted, on 2 September 1996, by section 11 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

Section 225A(3): amended, on 1 December 1999, by section 111 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

225B Notification of Police

- (1) On receiving any notice under section 225 or section 225A, the Secretary of the Licensing Authority shall send a copy of it to—
 - (a) the constable in charge of the Police station nearest to—
 - (i) the premises in respect of which the licence is held by the company; or
 - (ii) the Secretary's office, where the licence is held by the company in respect of any conveyance; and
 - (b) an inspector.
- (2) Notwithstanding anything in this Act, on receipt of a copy of any notice under subsection (1), any constable or any inspector may apply to the Licensing Authority for the cancellation of the licence on the ground that, by virtue of the change to which the notice relates, the company is no longer suitable as the holder of the licence.
- (3) The provisions of section 132, with any necessary modifications, shall apply in respect of any application under subsection (2).

Section 225B: inserted, on 2 September 1996, by section 11 of the Sale of Liquor Amendment Act 1996 (1996 No 143).

Section 225B(1)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 225B(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

226 Duplicate licence or certificate

If the Secretary of the Licensing Authority or the District Licensing Agency is satisfied that any licence or manager's certificate issued by the Licensing Authority or District Licensing Agency has been lost or destroyed, the Secretary may issue a duplicate licence or certificate to the holder.

Section 226: substituted, on 1 April 2000, by section 112 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

227 Surrender of licence

- (1) A licensee may at any time surrender the licence by sending a written notice to that effect, together with the licence, to the Secretary of the Licensing Authority or (in the case of a special licence) the Secretary of the District Licensing Agency.
- (2) The Secretary shall endorse on the notice the date on which it is received, and the licence shall cease to have effect as from that date.
- (3) The licensee shall be entitled to a proportionate refund of any fee (including, but not limited to, an application fee) paid in respect of the period for which the licence would have had effect if it had not been surrendered.
- (4) The surrender of a licence shall not affect the licensee's liability—
 - (a) to perform any obligation required to be performed by the licensee by or under this Act before the date on which the licence ceases to have effect; or
 - (b) for any act done or default made before that date.

Section 227(3): amended, on 1 April 2000, by section 113 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

228 Temporary licence during repairs, etc

If—

- (a) any licensed premises become unfit for the sale of liquor because of any fire, tempest, or other calamity; or
- (b) any licensed premises are or will become unfit for that purpose because of any repairs, alterations, or additions, or their rebuilding; or

- (c) any other circumstances arise in respect of any licensed premises that prevent or will prevent the sale of liquor on the licensed premises,—

the Secretary of the Licensing Authority or (in the case of a special licence) the Secretary of the District Licensing Agency may authorise the licensee to sell liquor pursuant to the licence on or from any other premises or conveyance for such period as the Secretary may from time to time determine.

229 Regulations

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) prescribing the procedure to be followed in respect of applications, objections, and reports to, and proceedings before, the Licensing Authority and the District Licensing Agencies:
- (aa) prescribing—
 - (i) the qualification to be held by a person before the person is entitled to hold a general manager's certificate:
 - (ii) 1 or more requirements or criteria for the qualification or for a course of training which, if successfully completed, is to be treated as entitling a person to hold a general manager's certificate:
- (ab) prescribing the circumstances and conditions under which persons holding a general manager's certificate at the commencement of section 117A (as substituted by the Sale of Liquor Amendment Act 2004) and applying to renew them on or after that commencement are to be treated as if they held a prescribed qualification for the purposes of that section:
- (b) prescribing fees in respect of applications, licences, and certificates made or issued under this Act, which fees may differ according to the kind of licences, and according to whether or not the licences are to be endorsed under any of sections 28, 51, and 52; and fixing the amount or proportion of any such fee that is payable to, or is to be deducted by, the District Licensing Agency

and the amount or proportion that is payable to the Licensing Authority:

- (c) prescribing fees payable in respect of any appeals to the Licensing Authority under this Act:
- (d) prescribing fees for inspecting, or for extracts from, any records or registers kept under this Act:
- (e) prescribing forms required for the purposes of this Act:
- (ea) prescribing the requirements and procedure that an applicant for an evidence of age document under section 2A(2)(d) must satisfy and follow before the document can be issued to the applicant:
- (eb) for the purposes of describing premises in licences, requiring licences or any class of licence to have endorsed on, or attached to, them a description of the premises or part or parts of the premises they relate to:
- (ec) prescribing the form and extent of, and the procedure for varying, a description required by regulations made under paragraph (eb):
- (ed) prescribing the infringement fee payable in respect of infringement offences:
- (ee) prescribing the form of infringement notices, and any other particulars to be contained in infringement notices:
- (f) providing for the keeping of registers and records for the purposes of this Act:
- (g) providing for records to be kept and returns to be made to any government department, and providing for the proper protection of any confidential information supplied for the purposes of any such record or return:
- (h) prescribing the procedure to be followed in respect of elections of members of licensing trusts, including the method of voting, and the manner in which a tie is to be resolved:
- (i) prescribing the procedure to be followed in respect of any poll held under this Act, and specifying the person by whom and the manner in which costs and expenses incurred in respect of any such poll are to be met:
- (j) prescribing the procedure to be followed at meetings of licensing trusts:

- (k) prescribing transitional procedures for the conversion of licences, permits, and certificates in force under the Sale of Liquor Act 1962 immediately before the commencement of this Act into the appropriate licence or certificate under this Act:
- (l) providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its proper administration.

Section 229(aa): substituted, on 6 April 2004, by section 27(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 229(ab): inserted, on 6 April 2004, by section 27(1) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 229(ea): inserted, on 1 September 1999, by section 114 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 229(eb): substituted, on 6 April 2004, by section 27(2) of the Sale of Liquor Amendment Act 2004 (2004 No 21).

Section 229(ec): inserted, on 1 September 1999, by section 114 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 229(ed): inserted, on 1 September 1999, by section 114 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 229(ee): inserted, on 1 September 1999, by section 114 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

230 Amendments and repeals

- (1) The enactments specified in the first column of Schedule 1 are hereby amended in the manner indicated in the second column of that schedule.
- (2) The enactments specified in Schedule 2 are hereby repealed.

Part 11

Transitional provisions

231 Certain licences deemed to be on-licences

- (1) Every licence of a kind to which this section applies that was in force under the Sale of Liquor Act 1962 immediately before the commencement of this Act shall be deemed for the purposes of this Act to be an on-licence.
- (2) This section applies to licences under the Sale of Liquor Act 1962 of the following kinds:
 - (a) hotelkeepers' licences:
 - (b) special hotelkeepers' licences:

- (c) extended hotelkeepers' licences:
- (d) tourist-house keepers' licences:
- (e) tavernkeepers' licences:
- (f) airport licences:
- (g) food and entertainment licences:
- (h) ship licences:
- (i) works canteen licences:
- (j) winebar licences.

232 Certain permits deemed to be on-licences

- (1) Every permit that was in force under section 218A of the Sale of Liquor Act 1962 immediately before the commencement of this Act shall be deemed for the purposes of this Act to be an on-licence endorsed under section 28.
- (2) Every wine maker's bar permit that was in force under section 17 of the Wine Makers Act 1981 immediately before the commencement of this Act shall be deemed for the purposes of this Act to be an on-licence.

233 New Zealand Railways Corporation deemed to be holder of on-licences for trains

The New Zealand Railways Corporation shall be deemed for the purposes of this Act to be the holder of an on-licence in respect of any railcar or railway carriage, or any part of any railcar or railway carriage in which any liquor facilities were maintained under section 26 of the New Zealand Railways Corporation Act 1981 immediately before the commencement of this Act.

234 Certain licences deemed to be off-licences

- (1) Every licence of a kind to which this section applies that was in force immediately before the commencement of this Act shall be deemed for the purposes of this Act to be an off-licence.
- (2) This section applies to licences of the following kinds:
 - (a) wholesale licences and wine resellers' licences under the Sale of Liquor Act 1962:
 - (b) limited wholesale licences under Schedule 2 of that Act:
 - (c) wine makers' licences under the Wine Makers Act 1981:

- (d) brewers' licences under the Beer Act 1977:
- (e) spirit makers' licences, rectifiers' and compounders' licences, and vigneron's licences under the Distillation Act 1971.

235 Certain licensees deemed to be holders of off-licences

- (1) Every person who, immediately before the commencement of this Act,—
 - (a) held any licence of a kind to which this section applies; and
 - (b) sold liquor pursuant to that licence for consumption off (as well as on) the premises described in the licence,—shall be deemed for the purposes of this Act to be the holder of an off-licence.
- (2) This section applies to licences under the Sale of Liquor Act 1962 of the following kinds:
 - (a) hotelkeepers' licences:
 - (b) special hotelkeepers' licences:
 - (c) extended hotelkeepers' licences:
 - (d) tavernkeepers' licences:
 - (e) winebar licences.

236 Certain clubs deemed to be holders of off-licences

Every chartered club that, immediately before the commencement of this Act, was authorised by its charter under section 164 of the Sale of Liquor Act 1962 to sell liquor for consumption off (as well as on) the premises of the club shall be deemed for the purposes of this Act to be the holder of an off-licence.

237 Certain licences and club charters deemed to be club licences

- (1) Every club licence that was in force under the Sale of Liquor Act 1962 immediately before the commencement of this Act shall be deemed for the purposes of this Act to have been issued under this Act.
- (2) Every club charter, other than a permanent club charter, that was in force under the Sale of Liquor Act 1962 immediately before the commencement of this Act shall be deemed for the purposes of this Act to be a club licence.

238 Permanent club charters unaffected

- (1) Every permanent club charter that was in force under the Sale of Liquor Act 1962 immediately before the commencement of this Act shall continue in force notwithstanding the passing of this Act; and the holder of any such permanent club charter may continue to sell and supply liquor in accordance with the charter without the necessity for any licence under this Act.
- (2) The provisions of this Act relating to—
 - (a) the appointment of managers and the management of licensed premises; and
 - (b) the keeping of records and the filing of returns; and
 - (c) the payment of annual or other fees; and
 - (d) offences—shall apply to the holder of a permanent club charter and to the club premises as if the club were the holder of a club licence.
- (3) Every permanent club charter shall be deemed to authorise the existence of the club so long as the charter is in force.
- (4) Notwithstanding any of the preceding provisions of this section, the holder of a permanent club charter may, with the approval of the Licensing Authority, surrender the charter and obtain instead a club licence.

239 Booth licences deemed to be special licences

Every booth licence that was in force under the Sale of Liquor Act 1962 immediately before the commencement of this Act and that authorised the sale of liquor on any day after the commencement of this Act shall be deemed for the purposes of this Act to be a special licence.

240 District and suburban licensing trusts deemed to be holders of certain licences

- (1) Every district licensing trust and every suburban licensing trust that, immediately before the commencement of this Act, maintained premises on which it sold or supplied liquor for consumption on the premises shall be deemed for the purposes of this Act to hold an on-premises licence in respect of those premises.

- (2) Every district licensing trust and every suburban licensing trust that, immediately before the commencement of this Act, maintained premises on which it sold or supplied liquor for consumption off the premises shall be deemed for the purposes of this Act to hold an off-premises licence in respect of those premises.

241 Certain licensing trusts to continue

- (1) The licensing trusts specified in Schedule 3 shall continue to exist with the same names as they had immediately before the commencement of this Act.
- (2) The district or area of each of those licensing trusts as defined immediately before the commencement of this Act shall be the district of that trust for the purposes of this Act.
- (3) The provisions of this Act shall apply to each of those trusts as if it were constituted under this Act.

242 Present conditions of sale to continue

- (1) Subject to the succeeding provisions of this section, the conditions attaching immediately before the commencement of this Act to the sale or supply of liquor—
 - (a) pursuant to any licence, permit, or charter to which any of the preceding provisions of this Part apply; or
 - (b) by any district licensing trust or suburban licensing trust—shall continue to apply notwithstanding the passing of this Act, and shall be incorporated in the appropriate licence issued under section 243.
- (2) Following the issue of the appropriate licence under that section, the Licensing Authority shall, on an application made to it under section 16 or section 39 or section 62, have the same power to vary or cancel any such condition as it would have had if it had imposed the condition itself, except a condition that is substantially to the same effect as a condition prescribed by any of the provisions of this Act in relation to licences of the same kind.

- (3) Notwithstanding anything in subsection (2), the Licensing Authority shall not have power to vary or cancel any condition of a converted on-licence in force in respect of any premises—
 - (a) in the district of a licensing trust to which sections 215 and 216 apply, if the effect of varying or cancelling the condition would be to enable the licensee, before the competition proposal has been carried on a poll held under that section 215 in respect of the trust, to conduct the premises as a hotel or tavern; or
 - (b) in any district to which any of sections 249 to 253 applies, if the effect of varying or cancelling the condition would be to enable the licensee, before a poll has been held on the trust proposal under that section, to conduct the premises as a hotel or tavern.
- (4) Notwithstanding anything in subsection (2), the Licensing Authority shall not have power to vary or cancel any condition of a converted off-licence in force in respect of any premises—
 - (a) in the district of a licensing trust to which sections 215 and 216 apply if the effect of varying or cancelling the condition would be to enable the licensee, before the competition proposal has been carried on a poll held under that section 215 in respect of the trust, to sell any kind of liquor that could not have been sold pursuant to the licence before its conversion; or
 - (b) in any district to which any of sections 249 to 253 applies, if the effect of varying or cancelling the condition would be to enable the licensee, before a poll has been held on the trust proposal under that section, to sell any kind of liquor that could not have been sold pursuant to the licence before its conversion.
- (5) Notwithstanding anything in subsection (2), the Licensing Authority shall not have power to vary or cancel any condition of a converted off-licence in force in respect of any premises on which the principal business is other than the manufacture or sale of liquor if the effect of varying or cancelling the condition would be to enable the licensee to sell any kind of liquor that could not have been sold pursuant to the licence before its conversion.

- (6) Every spirit maker's licence, and every rectifier's and compounder's licence, and every vigneron's licence, deemed by section 234 to be an off-licence shall authorise the sale of spirits to persons generally.
- (7) Nothing in the preceding provisions of this section shall authorise the sale of liquor pursuant to any licence, permit, or charter to which any of the preceding provisions of this Part applies to any person, or on or from any premises or conveyance, or at any time, or in any circumstances, to whom, or on, from, at, or in which, that liquor could not have been sold under this Act pursuant to the kind of licence that the licence, permit, or charter is deemed by any of the provisions of this Part to be.
- (8) All converted on-licences and converted off-licences in force immediately before 1 December 1999 expire at the close of the period of 3 years commencing with the date on which a licence was last renewed.

Section 242(8): added, on 1 April 2000, by section 115 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

243 New licences to be issued as soon as practicable

As soon as practicable after the commencement of this Act, the Licensing Authority shall issue to the holder of each licence, permit, or charter to which any of the preceding provisions of this Part apply (except section 238) an appropriate licence under this Act in place of that licence, permit, or charter.

244 Certain premises and parts of premises deemed to be restricted areas or supervised areas

- (1) The following bars and premises in which liquor was sold immediately before the commencement of this Act shall be deemed for the purposes of this Act to have been designated by the Licensing Authority as restricted areas:
 - (a) every bar in any hotel, tavern, tourist-house, or chartered club, except a bar in respect of which a family lounge bar permit was then in force under the Sale of Liquor Act 1962:
 - (b) all premises in respect of which a works canteen licence was then in force under that Act:

- (c) all premises in respect of which a winebar licence was then in force under that Act.
- (2) Every bar in respect of which, immediately before the commencement of this Act, a family lounge bar permit was then in force under the Sale of Liquor Act 1962 shall be deemed for the purposes of this Act to have been designated by the Licensing Authority as a supervised area.

245 Certain managers' certificates deemed to be general managers' certificates

- (1) Every general manager's certificate that was in force under the Sale of Liquor Act 1962 immediately before the commencement of this Act shall be deemed for the purposes of this Act to have been issued under this Act.
- (2) Every trust manager's certificate that was in force under the Sale of Liquor Act 1962 immediately before the commencement of this Act shall be deemed for the purposes of this Act to be a general manager's certificate.
- (3) Every ancillary manager's certificate that was in force under the Sale of Liquor Act 1962 immediately before the commencement of this Act and pursuant to which the holder was then acting as the manager of any premises conducted under a food and entertainment licence shall be deemed for the purposes of this Act to be a general manager's certificate.

246 Certain managers' certificates deemed to be club managers' certificates

[Repealed]

Section 246: repealed, on 1 April 2000, by section 116 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

247 Transfer of records

- (1) Within 1 month after the commencement of this Act, the person who, immediately before the commencement of this Act, was the Clerk of a Licensing Committee, shall send to the Secretary of the District Licensing Agency a schedule in the prescribed form of the licensed premises, and of any managers employed on such premises, in the district.

- (2) Within 1 month after the commencement of this Act, the Secretary for Justice shall send to the Licensing Authority such of the records set up and maintained by the Licensing Control Commission under the Sale of Liquor Act 1962 as the Secretary for Justice considers may be of assistance to the Licensing Authority in the performance of its functions under this Act.

248 Applications and appeals pending at commencement of this Act

- (1) Where any application under the Sale of Liquor Act 1962 for or in respect of a licence has been granted, but full effect has not been given to that decision, immediately before the commencement of this Act, the preceding provisions of this Part, so far as they are applicable and with any necessary modifications, shall apply as if everything necessary to give effect to that decision had been done before the commencement of this Act.
- (2) Where any application under the Sale of Liquor Act 1962 has been made but not determined before the commencement of this Act, that application shall lapse on the commencement of this Act.
- (3) Where any appeal has been instituted but not finally determined in any court under the Sale of Liquor Act 1962 before the commencement of this Act, the court shall continue to deal with the appeal as if this Act had not been passed; and, when the appeal is finally determined, the preceding provisions of this Part, so far as they are applicable and with any necessary modifications, shall apply as if the appeal had been finally determined before the commencement of this Act.

249 Special provisions relating to Roskill no-licence district

- (1) This section applies to the district that, immediately before the commencement of this Act, was a no-licence district within the meaning of the Sale of Liquor Act 1962 and known as the Roskill no-licence district.
- (2) Notwithstanding anything in this Act, no application may be made—
 - (a) for an on-licence in respect of—
 - (i) any hotel other than a tourist-house; or

- (ii) any tavern—
within the district to which this section applies; or
- (b) for an off-licence in respect of any premises within the district to which this section applies other than—
 - (i) club premises; or
 - (ii) premises in which any kind of liquor is made,—
until local restoration has been carried in the district on a poll held under the Local Restoration Polls Act 1990, and a poll on the trust proposal has been held in accordance with subsection (3).
- (3) If, in the district to which this section applies, local restoration is carried on a poll held under the Local Restoration Polls Act 1990, the following provisions shall apply:
 - (a) as soon as practicable after the date of the declaration of the result of that poll, a poll of electors residing in the district shall be held, on a day to be fixed by the Licensing Authority and in accordance with the regulations made under this Act, on the question whether a licensing trust or licensing trusts should be constituted in the district (called in this section the trust proposal):
 - (b) the trust proposal shall be deemed to be carried if the number of valid votes recorded for that proposal exceeds the number of valid votes recorded against it:
 - (c) if the trust proposal is carried, the Minister shall advise the constitution of 1 or more licensing trusts for the district in accordance with section 185.

Section 249(2): amended, on 1 April 1990, by section 31(1) of the Local Restoration Polls Act 1990 (1990 No 4).

Section 249(3): amended, on 1 April 1990, by section 31(1) of the Local Restoration Polls Act 1990 (1990 No 4).

Section 249(3)(c): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

250 Special provisions relating to Wellington East no-licence district

- (1) This section applies to the district that, immediately before the commencement of this Act, was a no-licence district within the meaning of the Sale of Liquor Act 1962 and known as the Wellington East no-licence district.

- (2) Notwithstanding anything in this Act, no application may be made—
- (a) for an on-licence in respect of—
 - (i) any hotel other than a tourist-house; or
 - (ii) any tavern—within the district to which this section applies; or
 - (b) for an off-licence in respect of any premises within the district to which this section applies other than—
 - (i) club premises; or
 - (ii) premises in which any kind of liquor is made,—until local restoration has been carried in the district on a poll held under the Local Restoration Polls Act 1990, and a poll on the trust proposal has been held in accordance with subsection (3).
- (3) If, in the district to which this section applies, local restoration is carried on a poll held under the Local Restoration Polls Act 1990, the following provisions shall apply:
- (a) as soon as practicable after the date of the declaration of the result of that poll, a poll of electors residing in the district shall be held, on a day to be fixed by the Licensing Authority and in accordance with the regulations made under this Act, on the question whether a licensing trust or licensing trusts should be constituted in the district (called in this section the trust proposal):
 - (b) the trust proposal shall be deemed to be carried if the number of valid votes recorded for that proposal exceeds the number of valid votes recorded against it:
 - (c) if the trust proposal is carried, the Minister shall advise the constitution of 1 or more licensing trusts for the district in accordance with section 185.

Section 250(2): amended, on 1 April 1990, by section 31(1) of the Local Restoration Polls Act 1990 (1990 No 4).

Section 250(3): amended, on 1 April 1990, by section 31(1) of the Local Restoration Polls Act 1990 (1990 No 4).

Section 250(3)(c): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

251 Special provisions relating to Grey Lynn no-licence district

- (1) This section applies to the district that, immediately before the commencement of this Act, was a no-licence district within the meaning of the Sale of Liquor Act 1962 and known as the Grey Lynn no-licence district.
- (2) Notwithstanding anything in this Act, no application may be made—
 - (a) for an on-licence in respect of—
 - (i) any hotel other than a tourist-house; or
 - (ii) any tavern—within the district to which this section applies; or
 - (b) for an off-licence in respect of any premises within the district to which this section applies other than—
 - (i) club premises; or
 - (ii) premises in which any kind of liquor is made,—until local restoration has been carried in the district on a poll held under the Local Restoration Polls Act 1990, and a poll on the trust proposal has been held in accordance with subsection (3).
- (3) If, in the district to which this section applies, local restoration is carried on a poll held under the Local Restoration Polls Act 1990, the following provisions shall apply:
 - (a) as soon as practicable after the date of the declaration of the result of that poll, a poll of electors residing in the district shall be held, on a day to be fixed by the Licensing Authority and in accordance with the regulations made under this Act, on the question whether a licensing trust or licensing trusts should be constituted in the district (called in this section the trust proposal):
 - (b) the trust proposal shall be deemed to be carried if the number of valid votes recorded for that proposal exceeds the number of valid votes recorded against it:
 - (c) if the trust proposal is carried, the Minister shall advise the constitution of 1 or more licensing trusts for the district in accordance with section 185.

Section 251(2): amended, on 1 April 1990, by section 31(1) of the Local Restoration Polls Act 1990 (1990 No 4).

Section 251(3): amended, on 1 April 1990, by section 31(1) of the Local Restoration Polls Act 1990 (1990 No 4).

Section 251(3)(c): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

252 Special provisions relating to Eden no-licence district

- (1) This section applies to the district that, immediately before the commencement of this Act, was a no-licence district within the meaning of the Sale of Liquor Act 1962 and known as the Eden no-licence district.
- (2) Notwithstanding anything in this Act, no application may be made—
 - (a) for an on-licence in respect of—
 - (i) any hotel other than a tourist-house; or
 - (ii) any tavern—within the district to which this section applies; or
 - (b) for an off-licence in respect of any premises within the district to which this section applies other than—
 - (i) club premises; or
 - (ii) premises in which any kind of liquor is made,—until local restoration has been carried in the district on a poll held under the Local Restoration Polls Act 1990, and a poll on the trust proposal has been held in accordance with subsection (3).
- (3) If, in the district to which this section applies, local restoration is carried on a poll held under the Local Restoration Polls Act 1990, the following provisions shall apply:
 - (a) as soon as practicable after the date of the declaration of the result of that poll, a poll of electors residing in the district shall be held, on a day to be fixed by the Licensing Authority and in accordance with the regulations made under this Act, on the question whether a licensing trust or licensing trusts should be constituted in the district (called in this section the trust proposal):
 - (b) the trust proposal shall be deemed to be carried if the number of valid votes recorded for that proposal exceeds the number of valid votes recorded against it:
 - (c) if the trust proposal is carried, the Minister shall advise the constitution of 1 or more licensing trusts for the district in accordance with section 185.

Section 252(2): amended, on 1 April 1990, by section 31(1) of the Local Restoration Polls Act 1990 (1990 No 4).

Section 252(3): amended, on 1 April 1990, by section 31(1) of the Local Restoration Polls Act 1990 (1990 No 4).

Section 252(3)(c): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

253 Special provisions relating to Tawa special district

- (1) This section applies to the district comprising that part of the Borough of Tawa and any part of the city of Porirua to which, immediately before the commencement of this Act, section 14 of the Licensing Amendment Act (No 2) 1953 applied.
- (2) Notwithstanding anything in this Act, no application may be made—
 - (a) for an on-licence in respect of—
 - (i) any hotel other than a tourist-house; or
 - (ii) any tavern—within the district to which this section applies; or
 - (b) for an off-licence in respect of any premises within the district to which this section applies other than—
 - (i) club premises; or
 - (ii) premises in which any kind of liquor is made,—until local restoration has been carried in the district on a poll held under the Local Restoration Polls Act 1990, and a poll on the trust proposal has been held in accordance with subsection (3).
- (3) If, in the district to which this section applies, local restoration is carried on a poll held under the Local Restoration Polls Act 1990, the following provisions shall apply:
 - (a) as soon as practicable after the date of the declaration of the result of that poll, a poll of electors residing in the district shall be held, on a day to be fixed by the Licensing Authority and in accordance with the regulations made under this Act, on the question whether a licensing trust or licensing trusts should be constituted in the district (called in this section the trust proposal):
 - (b) the trust proposal shall be deemed to be carried if the number of valid votes recorded for that proposal exceeds the number of valid votes recorded against it:

- (c) if the trust proposal is carried, the Minister shall advise the constitution of 1 or more licensing trusts for the district in accordance with section 185.

Section 253(2): amended, on 1 April 1990, by section 31(1) of the Local Restoration Polls Act 1990 (1990 No 4).

Section 253(3): amended, on 1 April 1990, by section 31(1) of the Local Restoration Polls Act 1990 (1990 No 4).

Section 253(3)(c): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

254 Minister to consider amalgamation of new district with existing trust district

- (1) If the trust proposal is carried in any district or districts to which any of sections 249 to 253 apply, the Minister shall consider whether or not it would be desirable to amalgamate the whole or any part of any such district or districts with the district of any adjoining licensing trust, and, if the Minister considers that any such amalgamation may be desirable, the following provisions shall apply:
 - (a) the Minister shall give written notice of the proposal to each adjoining licensing trust concerned, and that trust, if it agrees with the proposal, shall proceed in accordance with subsections (2) to (6) of section 211, and the provisions of those subsections shall apply with any necessary modifications:
 - (b) the Minister shall give public notice of the proposal in each district in which the trust proposal has been carried and to which the amalgamation proposal applies:
 - (c) if, within 20 working days after the first publication of the notice under paragraph (b), at least 50 electors of the district give written notice to the Minister that they require a public meeting to be called to discuss the proposal, the Minister shall arrange for such a meeting to be held accordingly:
 - (d) if, within 40 working days after the first publication of the notice under paragraph (b), at least 15% of the electors of the district give written notice to the Minister that they require a poll of electors to be held on the amalgamation proposal, the Minister shall arrange for such a poll to be held in accordance with regulations made

under this Act, and the provisions of subsection (5) of section 211 shall apply in respect of the poll:

- (e) subject to the preceding paragraphs of this subsection, the provisions of subsections (6) to (8) of section 211 shall apply with any necessary modifications.
- (2) If the Minister does not consider that any such amalgamation would be desirable, or if on any poll held pursuant to subsection (1) the amalgamation proposal is defeated, the Minister shall advise the constitution of 1 or more licensing trusts for the district or districts in accordance with section 185.

Section 254(1): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 254(2): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Schedule 1

Enactments amended

s 230(1)

Alcoholic Liquor Advisory Council Act 1976 (1976 No 143)*Amendment(s) incorporated in the Act(s).***Armed Forces Canteens Act 1948 (1948 No 51) (RS Vol 1, p 143)***Amendment(s) incorporated in the Act(s).***Armed Forces Canteens Amendment Act 1956 (1956 No 45)***Amendment(s) incorporated in the Act(s).***Auckland Aotea Centre Empowering Act 1985 (1985 No 9 (L))***Amendment(s) incorporated in the Act(s).***Christchurch Town Hall Board of Management Act 1976 (1976 No 2 (L))***Amendment(s) incorporated in the Act(s).***Customs Act 1966 (1966 No 19) (RS Vol 2, p 57)***Amendment(s) incorporated in the Act(s).***Customs Amendment Act 1986 (1986 No 44)***Amendment(s) incorporated in the Act(s).***Defence Act 1971 (1971 No 52)***Amendment(s) incorporated in the Act(s).***Eden Park Trust Act 1955 (1955 No 3 (P))***Amendment(s) incorporated in the Act(s).***Education Act 1964 (1964 No 135) (Reprinted 1975, Vol 3, p 1699)***Amendment(s) incorporated in the Act(s).***Factories and Commercial Premises Act 1981 (1981 No 25)***Amendment(s) incorporated in the Act(s).*

Gaming and Lotteries Act 1977 (1977 No 84)

Amendment(s) incorporated in the Act(s).

Housing Corporation Act 1974 (1974 No 19)

Amendment(s) incorporated in the Act(s).

Human Rights Commission Act 1977 (1977 No 49)

Amendment(s) incorporated in the Act(s).

Innkeepers Act 1962 (1962 No 140) (RS Vol 9, p 181)

Amendment(s) incorporated in the Act(s).

Licensing Amendment Act 1910 (1910 No 46) (RS Vol 3, p 232)

Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1979 (1979 No 59) (RS Vol 5, p 683)

Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1986 (1986 No 21)

Amendment(s) incorporated in the Act(s).

Maori Community Development Act 1962 (1962 No 133) (RS Vol 8, p 361)

Amendment(s) incorporated in the Act(s).

New Zealand Railways Corporation Act 1981 (1981 No 119)

Amendment(s) incorporated in the Act(s).

Residential Tenancies Act 1986 (1986 No 120)

Amendment(s) incorporated in the Act(s).

Shop Trading Hours Act 1977 (1977 No 8) (RS Vol 7, p 794)

Amendment(s) incorporated in the Act(s).

Stamp and Cheque Duties Act 1971 (1971 No 51)

Amendment(s) incorporated in the Act(s).

State-Owned Enterprises Act 1987 (1987 No 117)*Amendment(s) incorporated in the Act(s).***Summary Offences Act 1981 (1981 No 113)***Amendment(s) incorporated in the Act(s).***Tourist Hotel Corporation Act 1974 (1974 No 59)***Amendment(s) incorporated in the Act(s).***Tourist Hotel Corporation Amendment Act 1982 (1982 No 127)***Amendment(s) incorporated in the Act(s).***Wine Makers Act 1981 (1981 No 125)***Amendment(s) incorporated in the Act(s).***Wine Makers Levy Act 1976 (1976 No 137)***Amendment(s) incorporated in the Act(s).*

Schedule 2
Enactments repealed

s 230(2)

Beer Act 1977 (1977 No 71)

Beer Amendment Act 1986 (1986 No 46)

**Customs Acts Amendment Act 1974 (1974 No 4) (RS Vol 2,
p 250)**

Amendment(s) incorporated in the Act(s).

**Customs Acts Amendment Act (No 2) 1976 (1976 No 142) (RS
Vol 2, p 259)**

Amendment(s) incorporated in the Act(s).

Customs Acts Amendment Act (No 2) 1979 (1979 No 137)

Amendment(s) incorporated in the Act(s).

Customs Acts Amendment Act (No 2) 1980 (1980 No 33)

Amendment(s) incorporated in the Act(s).

Customs Acts Amendment Act 1981 (1981 No 2)

Amendment(s) incorporated in the Act(s).

Customs Acts Amendment Act (No 2) 1982 (1982 No 112)

Amendment(s) incorporated in the Act(s).

Customs Acts Amendment Act 1985 (1985 No 145)

Amendment(s) incorporated in the Act(s).

Distillation Act 1971 (1971 No 38)

Distillation Amendment Act 1986 (1986 No 45)

**Invercargill Licensing Trust Act 1950 (1950 No 33) (RS Vol 3,
p 19)**

**Invercargill Licensing Trust Amendment Act 1967 (1967 No 84)
(RS Vol 3, p 64)**

**Invercargill Licensing Trust Amendment Act 1969 (1969 No 85)
(RS Vol 3, p 64)**

**Invercargill Licensing Trust Amendment Act 1971 (1971
No 103) (RS Vol 3, p 65)**

**Invercargill Licensing Trust Amendment Act 1974 (1974 No 90)
(RS Vol 3, p 66)**

**Invercargill Licensing Trust Amendment Act 1985 (1985
No 179)**

Invercargill Licensing Trust Amendment Act 1986 (1986 No 92)

Legislature Amendment Act 1910 (1910 No 59) (RS Vol 6, p 763)

Legislature Amendment Act 1911 (1911 No 19) (RS Vol 6, p 763)

Licensing Act 1908 (1908 No 104) (RS Vol 3, p 207)

Licensing Amendment Act 1910 (1910 No 46) (RS Vol 3, p 232)
Amendment(s) incorporated in the Act(s).

Licensing Amendment Act 1914 (1914 No 27) (RS Vol 3, p 247)

Licensing Amendment Act 1918 (1918 No 11) (RS Vol 3, p 249)

Licensing Amendment Act 1949 (1949 No 31) (RS Vol 3, p 264)

Licensing Amendment Act 1952 (1952 No 79) (RS Vol 3, p 265)

**Licensing Amendment Act (No 2) 1953 (1953 No 90) (RS Vol 3,
p 266)**

Licensing Amendment Act 1956 (1956 No 108) (RS Vol 3, p 282)

Licensing Amendment Act 1957 (1957 No 105) (RS Vol 3, p 283)

Licensing Amendment Act 1963 (1963 No 143) (RS Vol 3, p 285)

Licensing Amendment Act 1974 (1974 No 11) (RS Vol 3, p 286)

Licensing Amendment Act 1980 (1980 No 119)

Licensing Amendment Act 1981 (1981 No 39)

Licensing Trusts Act 1949 (1949 No 43) (RS Vol 3, p 292)

**Licensing Trusts Amendment Act 1950 (1950 No 90) (RS Vol 3,
p 360)**

**Licensing Trusts Amendment Act 1951 (1951 No 70) (RS Vol 3,
p 361)**

**Licensing Trusts Amendment Act 1953 (1953 No 103) (RS Vol 3,
p 362)**

**Licensing Trusts Amendment Act 1955 (1955 No 48) (RS Vol 3,
p 363)**

**Licensing Trusts Amendment Act 1959 (1959 No 39) (RS Vol 3,
p 364)**

**Licensing Trusts Amendment Act 1961 (1961 No 136) (RS Vol 3,
p 365)**

**Licensing Trusts Amendment Act 1962 (1962 No 141) (RS Vol 3,
p 366)**

**Licensing Trusts Amendment Act 1964 (1964 No 44) (RS Vol 3,
p 370)**

**Licensing Trusts Amendment Act 1967 (1967 No 36) (RS Vol 3,
p 371)**

Licensing Trusts Amendment Act (No 2) 1967 (1967 No 89) (RS Vol 3, p 372)

Licensing Trusts Amendment Act 1968 (1968 No 89) (RS Vol 3, p 372)

Licensing Trusts Amendment Act 1969 (1969 No 89) (RS Vol 3, p 373)

Licensing Trusts Amendment Act 1970 (1970 No 76) (RS Vol 3, p 373)

Licensing Trusts Amendment Act 1971 (1971 No 107) (RS Vol 3, p 373)

Licensing Trusts Amendment Act 1974 (1974 No 12) (RS Vol 3, p 374)

Licensing Trusts Amendment Act (No 2) 1974 (1974 No 95) (RS Vol 3, p 375)

Licensing Trusts Amendment Act 1975 (1975 No 139) (RS Vol 3, p 376)

Licensing Trusts Amendment Act 1976 (1976 No 167) (RS Vol 3, p 380)

Licensing Trusts Amendment Act 1977 (1977 No 90) (RS Vol 3, p 390)

Licensing Trusts Amendment Act 1985 (1985 No 183)

Licensing Trusts Amendment Act 1986 (1986 No 96)

Masterton Licensing Trust Act 1947 (1947 No 35) (RS Vol 3, p 445)

Masterton Licensing Trust Amendment Act 1967 (1967 No 92) (RS Vol 3, p 486)

**Masterton Licensing Trust Amendment Act 1969 (1969 No 94)
(RS Vol 3, p 486)**

**Masterton Licensing Trust Amendment Act 1971 (1971 No 110)
(RS Vol 3, p 487)**

**Masterton Licensing Trust Amendment Act 1974 (1974 No 102)
(RS Vol 3, p 488)**

Masterton Licensing Trust Amendment Act 1985 (1985 No 186)

Masterton Licensing Trust Amendment Act 1986 (1986 No 98)

Sale of Liquor Act 1962 (1962 No 139) (RS Vol 9, p 201)

**Sale of Liquor Amendment Act 1963 (1963 No 114) (RS Vol 9,
p 503)**

**Sale of Liquor Amendment Act 1964 (1964 No 55) (RS Vol 9,
p 504)**

**Sale of Liquor Amendment Act 1965 (1965 No 70) (RS Vol 9,
p 506)**

**Sale of Liquor Amendment Act 1967 (1967 No 6) (RS Vol 9,
p 508)**

**Sale of Liquor Amendment Act (No 2) 1967 (1967 No 34) (RS
Vol 9, p 509)**

**Sale of Liquor Amendment Act 1968 (1968 No 106) (RS Vol 9,
p 510)**

**Sale of Liquor Amendment Act 1969 (1969 No 129) (RS Vol 9,
p 511)**

**Sale of Liquor Amendment Act (No 2) 1969 (1969 No 130) (RS
Vol 9, p 512)**

**Sale of Liquor Amendment Act 1970 (1970 No 35) (RS Vol 9,
p 514)**

**Sale of Liquor Amendment Act 1971 (1971 No 2) (RS Vol 9,
p 517)**

**Sale of Liquor Amendment Act (No 2) 1971 (1971 No 77) (RS
Vol 9, p 518)**

**Sale of Liquor Amendment Act 1972 (1972 No 101) (RS Vol 9,
p 524)**

**Sale of Liquor Amendment Act 1974 (1974 No 13) (RS Vol 9,
p 525)**

**Sale of Liquor Amendment Act 1975 (1975 No 7) (RS Vol 9,
p 526)**

**Sale of Liquor Amendment Act 1976 (1976 No 53) (RS Vol 9,
p 527)**

**Sale of Liquor Amendment Act 1977 (1977 No 88) (RS Vol 9,
p 538)**

**Sale of Liquor Amendment Act 1979 (1979 No 67) (RS Vol 9,
p 539)**

**Sale of Liquor Amendment Act 1980 (1980 No 168) (RS Vol 9,
p 540)**

**Sale of Liquor Amendment Act 1981 (1981 No 126) (RS Vol 9,
p 556)**

Sale of Liquor Amendment Act 1982 (1982 No 98)

Sale of Liquor Amendment Act (No 2) 1982 (1982 No 113)

Sale of Liquor Amendment Act 1983 (1983 No 30)

Sale of Liquor Amendment Act 1985 (1985 No 190)

Sale of Liquor Amendment Act 1986 (1986 No 108)

Sale of Liquor Amendment Act 1988 (1988 No 81)

Winton Holdings Licensing Act 1981 (1981 No 121)

Schedule 3

Existing licensing trusts

s 241

Part 1

District and suburban licensing trusts

Ashburton Licensing Trust

Established by section 49(1) of the Licensing Trusts Act 1949 (RS Vol 3, p 342).

Birkenhead Licensing Trust

Constituted by clause 2 of the Birkenhead Licensing Trust Constitution Notice 1967 (*Gazette* 1967, p 521).

Clutha Licensing Trust

Constituted by clause 3 of the Clutha Licensing Trust Order 1955 (SR 1955/186).

Geraldine Licensing Trust

Established by section 49(2) of the Licensing Trusts Act 1949 (RS Vol 3, p 342).

Invercargill Licensing Trust

Established by section 4 of the Invercargill Licensing Trust Act 1950 (RS Vol 3, p 22).

Johnsonville Licensing Trust

Constituted by the Johnsonville Licensing Trust Constitution Notice 1969 (*Gazette* 1970, p 10).

Masterton Licensing Trust

Established by section 4 of the Masterton Licensing Trust Act 1947 (RS Vol 3, p 447).

Mataura Licensing Trust

Constituted by clause 3 of the Mataura Licensing Trust Order 1955 (SR 1955/187).

Part 1—*continued*

Oamaru Licensing Trust

Constituted by clause 3 of the Oamaru Licensing Trust Order 1961 (SR 1961/145).

Porirua Licensing Trust

Established by virtue of section 4 of the Licensing Trusts Act 1949 (RS Vol 3, p 293) for the Porirua Licensing Trust District declared by the Porirua Licensing Trust District Order 1955 (SR 1955/18).

Portage Licensing Trust

Constituted by clause 2 of the Portage Licensing Trust Constitution Notice 1972 (*Gazette* 1972, p 1916).

Terawhiti Licensing Trust

Constituted by clause 2 of the Terawhiti Licensing Trust Constitution Notice 1975 (*Gazette* 1975, p 1297).

Waitakere Licensing Trust

Constituted by clause 2 of the Waitakere Licensing Trust Constitution Notice 1972 (*Gazette* 1972, p 1916).

Wellington South Licensing Trust

Constituted by clause 2 of the Wellington South Licensing Trust Constitution Notice 1972 (*Gazette* 1972, p 1656).

Part 2

Local licensing trusts

Cheviot Licensing Trust

Constituted by clause 2 of the Cheviot Licensing Trust Constitution Order 1954 (*Gazette* 1954, p 345).

Flaxmere Licensing Trust

Constituted by clause 2 of the Flaxmere Licensing Trust Constitution Notice 1975 (*Gazette* 1975, p 881).

Part 2—*continued***Hawarden Licensing Trust**

Constituted by clause 2 of the Hawarden Licensing Trust Constitution Notice 1970 (*Gazette* 1970, p 930).

Hornby Licensing Trust

Constituted by the Hornby Licensing Trust Constitution Notice 1958 (*Gazette* 1958, p 1855).

Mount Wellington Licensing Trust

Constituted by clause 2 of the Mount Wellington Licensing Trust Constitution Notice 1952 (*Gazette* 1952, p 1849).

Orewa Licensing Trust

Constituted by clause 2 of the Orewa Licensing Trust Constitution Notice 1970 (*Gazette* 1970, p 294).

Otara Licensing Trust

Constituted by clause 2 of the Otara Licensing Trust Constitution Notice 1969 (*Gazette* 1969, p 1278).

Otumoetai Licensing Trust

Constituted by clause 2 of the Otumoetai Licensing Trust Constitution Notice 1971 (*Gazette* 1971, p 1805).

Papatoetoe Licensing Trust

Constituted by clause 2 of the Papatoetoe Licensing Trust Constitution Notice 1968 (*Gazette* 1968, p 467).

Parakai Licensing Trust

Constituted by clause 2 of the Parakai Licensing Trust Constitution Notice 1969 (*Gazette* 1969, p 1838).

Part 2—*continued*

Rimutaka Licensing Trust

Constituted by clause 2 of the Rimutaka Licensing Trust Constitution Notice 1970 (*Gazette* 1970, p 107).

Te Kauwhata Licensing Trust

Constituted by clause 2 of the Te Kauwhata Licensing Trust Constitution Notice 1968 (*Gazette* 1968, p 2241).

Wainuiomata Licensing Trust

Constituted by clause 2 of the Wainuiomata Licensing Trust Constitution Notice 1968 (*Gazette* 1968, p 2074).

Wiri Licensing Trust

Constituted by clause 2 of the Wiri Licensing Trust Constitution Notice 1969 (*Gazette* 1969, p 1278).

Schedule 3 Part 2: amended, on 1 July 1994, by section 4(2) of the Sale of Liquor Amendment Act 1994 (1994 No 61).

Contents

- 1 General
 - 2 Status of reprints
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 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
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Notes**1 General**

This is a reprint of the Sale of Liquor Act 1989. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 ***List of amendments incorporated in this reprint
(most recent first)***

Sale and Supply of Alcohol Act 2012 (2012 No 120): section 418(1), (2)
Search and Surveillance Act 2012 (2012 No 24): section 301
Criminal Procedure Act 2011 (2011 No 81): section 413
Financial Reporting Amendment Act 2011 (2011 No 22): section 12
Rugby World Cup 2011 (Empowering) Act 2010 (2010 No 123): section 92
Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008 (2008 No 64): section 17
Policing Act 2008 (2008 No 72): section 116(a)(ii)
Evidence Act 2006 (2006 No 69): section 216
Sale of Liquor Amendment Act 2005 (2005 No 69)
Sale of Liquor Amendment Act 1999 Commencement Order 2005 (SR 2005/26)
Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Care of Children Act 2004 (2004 No 90): section 151
Building Act 2004 (2004 No 72): section 414
Corrections Act 2004 (2004 No 50): section 206
Sale of Liquor Amendment Act 2004 (2004 No 21)
Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)
Local Government Act 2002 (2002 No 84): section 262
Sale of Liquor Amendment Act 2002 (2002 No 75)
Securities Markets Amendment Act 2002 (2002 No 44): section 30
Human Rights Amendment Act 2001 (2001 No 96): sections 68, 70(1)
Sale of Liquor Amendment Act 2001 (2001 No 79)
Local Electoral Act 2001 (2001 No 35): section 151
Public Audit Act 2001 (2001 No 10): section 53
Sale of Liquor Amendment Act 1999 (1999 No 92)
District Courts Amendment Act 1998 (1998 No 76): section 7
Financial Reporting Amendment Act 1997 (1997 No 17): section 6
Sale of Liquor Amendment Act 1996 (1996 No 143)
Food Amendment Act 1996 (1996 No 41): section 30(1)
Department of Justice (Restructuring) Act 1995 (1995 No 39): section 10(3)
Sale of Liquor Amendment Act 1994 (1994 No 61)
Company Law Reform (Transitional Provisions) Act 1994 (1994 No 16): section 2
Sale of Liquor Amendment Act 1993 (1993 No 119)
Human Rights Act 1993 (1993 No 82): section 145
Building Act 1991 (1991 No 150): section 92(1)
Judicature Amendment Act 1991 (1991 No 60): section 3(4)
Sale of Liquor Amendment Act 1991 (1991 No 52)
Defence Act 1990 (1990 No 28): section 105
Local Restoration Polls Act 1990 (1990 No 4): section 31(1)
Sale of Liquor Amendment Act (No 2) 1989 (1989 No 134)
Public Finance Act 1989 (1989 No 44): section 65R(3)
