

Sale and Supply of Alcohol (Extended licensing hours during Rugby World Cup) Bill

Member's Bill

As reported from the Justice and Electoral Committee

Commentary

Recommendation

The Justice and Electoral Committee has examined the Sale and Supply of Alcohol (Extended licensing hours during Rugby World Cup) Bill and recommends that, by majority, it be passed with the amendments shown.

Introduction

This bill, a member's bill in the name of David Seymour, aims to reduce the administrative burden on licensees and District Licensing Committees (DLCs) during the 2015 Rugby World Cup. This is done by permitting eligible on- and club-licences to extend their normal trading hours, subject to several conditions, to televise notified Rugby World Cup games that fall outside their normal licensed hours.

Because of the short amount of time the committee has had to consider the bill in, we invited written submissions only. We have limited our amendments to those that we believe strike a balance between providing eligible premises flexibility to stay open to allow the public to enjoy the communal experience of watching the games and the All Blacks defend their title, mitigate alcohol-related harm, and ensure that the bill's provisions are as consistent as reasonably possible with licensees' existing conditions.

Special licences

In anticipation of the Rugby World Cup, some licensees have already applied for special licences to televise matches that fall outside their usual licensing hours. Special licences allow premises to trade at any time for specific events or series of events. Special licences are issued by DLCs, who may impose conditions to ensure that alcohol is supplied safely and responsibly.

Some submitters argued that these special licences would negate the need for the bill. Consideration was given to clarifying that the Rugby World Cup was a special event for the purposes of the principal Act; however, that was not what was within scope of the member's bill. Also, we understand that concerns have been raised about how these special licences are being granted. Some DLCs are requiring licensees to provide complementary entertainment, such as a guest speaker, because the DLCs are not confident that televising a rugby match meets the definition of an "event" for the purpose of a special licence. Some DLCs are requiring licensees to close and reopen before the game or specifying that the event must be ticketed, to limit the accessibility of the event to the ordinary drinking public.

If the bill comes into effect, some of these special licences may become redundant. Other special licences may offer greater flexibility than the bill provides. We note that licensees who have already been granted special licences will have had their conditions considered and imposed by their DLC and the New Zealand Police. For this reason, we recommend inserting new clause 3, which would insert new section 45G to specify that special licence-holders can, by giving notice under new section 45C(2), choose to take advantage of the extended trading hours permitted by the bill instead of relying on the conditions of their special licence. New section 45G(3) clarifies that, if a special licence-holder gives notice under section 45C(2), the provisions of the bill apply instead of the special licence. Licensees may still apply for special licences if they do not wish to operate under the provisions of the bill. Any refunding of fees payable for special licences sought, not yet issued, and perhaps made wholly or partly redundant by the provisions of the bill, would be a matter for consideration by the relevant local authority.

Amendment bill

The bill as introduced is a standalone bill, and there are currently no offences for non-compliance with the bill's provisions. We consider that it would be beneficial if the bill were to amend the Sale and Supply of Alcohol Act 2012. This would allow section 259 of the Act, which includes a general offence for breaching restrictions and requirements imposed under the Act, to apply to the provisions of the bill. We recommend amending clause 1, so that the title of the bill would be the Sale and Supply of Alcohol (Rugby World Cup 2015 Extended Trading Hours) Amendment Bill. We also recommend inserting clause 2A to specify that the bill would amend the Sale and Supply of Alcohol Act 2012.

Eligible games

The bill would extend licensing hours during the 2015 Rugby World Cup so that licensees covered by the Sale and Supply of Alcohol Act 2012 would be able to open to televise all World Cup matches.

We recommend inserting new clause 3, which would insert new section 45B(1) to clarify that the definition of "televising" a game covers only showing the game via a live audio-visual communication in any medium. This would prevent licensees from exploiting the provisions of the bill to extend their trading hours by televising other

content such as delayed coverage or replays of the games. It would also preserve the intent of the bill to extend the licensing hours of premises because matches are being played in a time zone outside the New Zealand hospitality industry's normal licensing hours.

Eligible premises

As introduced, the bill's provisions would apply to all current on- and club-licensed premises. We recommend inserting new clause 3, which would insert new section 45A to specify that the provisions of the bill would apply to on- and club-licensed premises that intend to and do televise notified Rugby World Cup games.

The safe and responsible supply of alcohol was of critical concern during our consideration of this bill. Some licensees may have had their trading hours restricted as a penalty for previous breaches of their obligations under the Sale and Supply of Alcohol Act 2012. Not wishing to override these penalties, we recommend inserting new clause 3, which would insert new section 45C to specify that licensed premises that have had their licences varied or suspended in the previous 12 months under section 280 of the Act are ineligible to operate under the provisions of the bill.

We also recommend inserting new clause 3, which would insert new section 45C(5) to specify that the extensions in the bill cease to apply to any licensed premises if—

- an application for an order under section 280 of the Act suspending or cancelling the licence is made on the grounds that the premises have clearly been conducted in breach, without reasonable excuse, of the extended licensing provisions of the bill; and
- the application has been received by the licensee.

To safeguard the safe and responsible supply of alcohol, the Police retain the power, under section 266 of the Act, to immediately shut down premises in the circumstances specified in that section (for example, if certain offences appear to have been committed on the premises).

Display of licensing conditions

As introduced, the bill may require licensees to physically display the Rugby World Cup licensing conditions as well as their existing licensing conditions, regardless of their intention to televise matches. We recommend inserting new clause 3, which would insert new section 45F, to specify that a licensee must only display a general statement about the extended Rugby World Cup licensing if they intend to televise any of the games, and that the licensee themselves is responsible for the display of this statement. New section 45F also specifies that the licensee must display the extended hours they intend to operate under, and that this must be posted promptly after the notification is made to the DLC and the Police.

Notification requirements

The bill as introduced requires licensees to notify their DLC and the Police, seven days before the first opening of an extended licensing day. The notification would cover multiple instances of opening. We recommend no changes in this regard. Licensees may notify their intention to open for all games, but could, in practice, choose to only open for those that are of significant interest, depending on the progression of the Rugby World Cup.

Appeal of notification

The bill would not allow or provide for any objection or appeal by the DLC concerned or the Police or the public against a licensee's giving notification of the licensee's intent to extend their licensing hours under the provisions of the bill. We recommend no change to the bill regarding this issue. Appeals against notifications are likely to result in delays that would compromise the intent of this bill. The Police and licensing inspectors will still be able to take enforcement action if the licensee does not comply with the terms of the bill.

Trading hours

The bill as introduced specifies that the licensee would have their licensing hours extended until one hour after a game that they televised outside normal licensing hours. In the bill as introduced, the start of the extensions differs based on when the only or first game televised starts:

- If that game starts within two hours after the end of the permitted trading hours, the extensions start at the end of permitted trading hours;
- If that game starts more than two hours after the end of permitted trading hours, the extensions start 30 minutes before that game.

We considered that, for reasons of public safety, mechanisms should be put in place to ensure that customers disperse quickly and quietly after the premises close. We recommend inserting new clause 3, which would insert new section 45D(5) so that licensees would be required to close for the sale of alcohol 30 minutes after the end of the game. This would provide for a "last call", enough time for customers to celebrate a match result or finish their drink and exit the premises with minimal disruption.

As introduced, the bill specifies that licensing hours are only extended if a game starts outside of the premises' normal licensed hours. The bill as introduced does not cover situations where games start within, but finish outside of, licensed trading hours. We recommend inserting new clause 3, which would insert new sections 45B(1) and 45D(1) and (4). Those new sections enable premises to be open during the televising of a game on a "night", which is defined as a period all or some of which is outside permitted trading hours.

The bill provides that if a game starts within two hours after any premises' normal licensing hours end, then the premises may have their licensing hours extended through to one hour after the end of the game. For example, if the last period of per-

mitted trading hours for the licensee ends at 0.30 NZDT, but they notify the Samoa v Japan game on 4 October at 2.30 NZDT, they may remain open until one hour after the game finishes. We recommend no change to this provision (see clause 3, inserting new section 45D(3)).

The bill as introduced specifies that if the game starts more than two hours after the normal licensing hours end or the last game is televised, the licensee must initially close, but can reopen half an hour before the game starts. We recommend inserting new clause 3, which would insert new section 45D(2) and (5), so that the licensee must close for the sale of alcohol 30 minutes after the end of each game televised, but can reopen an hour before the next televised game starts. For example, if the last game finished at 1.45 NZDT and the next game is not till 4.45 NZDT, the licensee must close one hour after the finish of the last game (2.45 NZDT) but can reopen one hour before the start of the next game (3.45 NZDT).

Noise management

We considered that having licensed premises extend their licensing hours longer than usual may create additional noise disruption, which is of especial concern in residential areas. We recommend inserting new clause 3, which would insert new sections 45C(2)(b) and (3) and 45E(1)(c) so that licensees must have a plan or other arrangements to mitigate noise levels during the extended licensing hours provided by the bill, and that licensees must include the details of their noise management plan in their notification to their DLC and the Police seven days before the first opening of an extended licensing day. Additionally, this plan or these arrangements must comply with the following conditions:

- no discarding of empty bottles during extended hours
- no use of outdoor courtyard areas (even solely as open areas for smoking) during extended hours; and
- no amplified music from outdoor speakers during extended hours.

We recommend inserting new clause 3, which would insert new section 45E(1)(b) so that, if comparable noise level restrictions are already imposed on a licensee, they will continue to apply only if they are more restrictive than the noise management requirements of this bill. Any premises wanting to operate outside these conditions would still be eligible to seek a special licence; for example, where a large part of a licensed premises is an outdoor courtyard.

One-way door policy

Many licensed premises are subject to one-way door policies as conditions of their licence or as implemented by their Local Alcohol Policy (LAP). One-way door policies aim to reduce harm caused by alcohol and increase public safety. Patrons who have exited the premises when a one-way door policy is in effect are less likely to loiter, because they are unable to get back into the premises. The policy also ensures that patrons exit the premises gradually, rather than cause public and traffic congestion when they exit en masse at closing time. While there are generally good reasons

for one-way door policies where they apply to premises, they do not fit well with the intent of the bill. We therefore recommend inserting new clause 3, which would insert new section 45E(3) to ensure that one-way door policies do not operate one hour before, during, and one hour after the period for which the normal permitted trading hours are extended.

Other licensing conditions

Licensed premises are subject to conditions imposed by the DLCs, LAPs, and the Act. The premises may also be subject to resource consent land use trading hours conditions under the Resource Management Act 1991. These conditions may include restricted opening hours, noise restrictions, and obligations to serve food and non-alcoholic beverages. We want to be clear that the provisions of this bill will only affect permitted trading hours provisions and one-way door policies, under the Sale and Supply of Alcohol Act 2012, and override as a consequence any trading hours restrictions under consents under the Resource Management Act 1991. All other conditions that a licensee is subject to under their normal licensing hours will apply during the extended hours provided for by this bill.

Green Party Minority View

Special licences

The Green Party believes that all New Zealanders should have the opportunity to watch Rugby World Cup games, and appreciates that some people will have a preference for doing so while consuming alcoholic drinks. To this end we supported the development of the special licensing regime in the Sale and Supply of Alcohol Act 2012. At all stages of the development of these provisions it was clear that the intention of both the Law Commission and then Parliament was that important international sporting fixtures occurring outside normal licensing hours were some of the specific circumstances in which special licences would be appropriate.

The Green Party was therefore disturbed to hear when this bill was introduced that the special licensing regime was not working as Parliament intended. It was claimed that licences were being inappropriately refused or saddled with unworkable conditions by the Police in some regions. The Green Party believes that the appropriate policy response to such evidence should be a review of how the law around special licences is being implemented, so that either the law or its implementation can be fine-tuned. However, because of the proximity of the Rugby World Cup it would not be possible to conduct such a review in time to remedy problems before the event. This is why the Green Party reluctantly gave leave for this bill to be considered by Parliament and supported its referral to select committee.

However, the committee has heard evidence that special licences have been issued in all Police districts except two (where no applications had been made), and the committee has seen no evidence of special licence applications having been refused. The committee also received no submissions from licensees who were dissatisfied with the conditions imposed on their special licences. On the other hand, the committee

did hear a second-hand account of one licensee who had received special licences to screen 23 games, and who had successfully appealed against almost all of the conditions imposed by the District Licensing Committee.

It seems then that there is little or no evidence (at least seen by the committee) that special licences are not working as intended, and the case for the bill has, therefore, not been made.

Submissions

Despite the unsatisfactorily short period available for written submissions and no opportunity at all to appear in person, the committee received a substantial number of submissions, almost all strongly opposed to the bill. These opponents of the bill have included organisations working to reduce alcohol-related harm, the NZ Medical Association, the NZ College of Public Health Medicine, Women's Refuge, District Health Boards and Territorial Local Authorities, as well as the Health Promotion Agency and many others. Just one submission was a substantive one in support of the bill. That was from the Hospitality Association of New Zealand, who elsewhere have confirmed they were involved in the bill's development.

Controlling risk

It is acknowledged by virtually all submitters that there are risks of harms associated with the supply of alcohol. In general the more hours alcohol is supplied, the more alcohol will be consumed and the greater these risks will be. Proponents of the bill have attempted to describe New Zealand's drinking culture as sophisticated and mature. They have said that if licensed premises open to screen Rugby World Cup games, the primary consumption will be of food and coffee, with any alcohol consumption being in moderation. The Green Party has no doubt that this will be the case in some, perhaps many, premises. The advantage of the special licensing regime is that it can set conditions that are appropriate to the particular circumstances and particular risks of each application.

But this tailoring of approach is not really possible with a bill of this sort. The bill can only make the crudest differentiations between premises where drinking will occur in the quiet, moderate way proponents describe and those where it remains excessive, antisocial and associated with risk of injury, violence and other harms.

The Green Party sought to establish provisions in the bill to reflect what New Zealanders might accept as a 'lowest common denominator' default set for special licences. While the bill now prevents its provisions being available to unreliable licensees, limits risk from noise and improves the original bill very substantially, the Green Party does not believe that it has been improved nearly enough to meet the many concerns expressed by the Police, health experts and the vast bulk of submitters about the need to control the risk of harm. The bill does not prevent premises from opening in sensitive locations (near to kindergartens for example), does not require premises to serve substantial meals, places a very weak test of whether patrons are actually present to watch rugby, does not prevent cut-price promotions on alcoholic

drinks and does not impose a one-way door policy, even on premises that normally operate with one.

Furthermore, the failure to place any limit on the number of games that premises may open for without a special licence means that premises could potentially be open for almost fifty games over a six week period, a very major and prolonged expansion of the supply of alcohol, with very little in the way of conditions. This has been further exacerbated by the requirement to give Police just seven days' notice of opening under the bill's provisions, so that they can plan policing logistics, compared with the 20 days' notice Police themselves submitted was necessary.

Alternative approach

We were interested to learn during the committee process that some categories of licensed premises may not open outside licensed hours. In the Green Party's view a better approach to the problem confronting Parliament would be to encourage District Licensing Committees to ensure that any conditions on special licences are reasonable and to amend the Act to enable all licensed premises to open during all Rugby World Cup games, without a special licence, provided that alcohol is not served.

Conclusion

In the Green Party's view the approach taken in this bill undermines the purpose of the Sale and Supply of Alcohol Act 2012, is largely heedless of the enormous harm associated with alcohol consumption in New Zealand and sabotages the local democracy of licensing decisions with a 'one size fits all' approach. It is bad law and, despite the much-appreciated best efforts of the Justice and Electoral Committee, bad law-making.

Appendix

Committee process

The Sale and Supply of Alcohol (Extended licensing hours during Rugby World Cup) Bill was referred to the committee on 12 August 2015. The closing date for submissions was 20 August 2015. We received and considered 123 submissions from interested groups and individuals.

We received advice from the Ministry of Justice.

Committee membership

Jacqui Dean (Chairperson)

Jacinda Ardern

Chris Bishop

Marama Fox

Peeni Henare

Jono Naylor

Alfred Ngaro

Denis O'Rourke

Dr Russel Norman

Hon Louise Upston

Kevin Hague replaced Dr Russel Norman for this item of business.

Clayton Mitchell replaced Denis O'Rourke for the majority of the meetings for this item of business.

David Seymour attended committee meetings for this item of business.

**Sale and Supply of Alcohol (Extended licensing hours
during Rugby World Cup) Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted by a majority

~~text deleted by a majority~~

David Seymour

Sale and Supply of Alcohol (Extended licensing hours during Rugby World Cup) Bill

Member's Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Sale and Supply of Alcohol (~~Extended licensing hours during Rugby World Cup~~) (Rugby World Cup 2015 Extended Trading Hours) Amendment Act **2015**.

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2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

2A Principal Act

This Act amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**).

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Part 1

Preliminary provisions**Substantive amendments**

3 Interpretation

(1) ~~In this Act, unless the context requires another meaning, —~~

~~**2015 Rugby World Cup** means the 2015 rugby union world championship~~

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~~**2015 Rugby World Cup period** means the period —~~

(a) ~~starting on 18 September 2015; and~~

(b) ~~ending with the close of 1 November 2015~~

~~**current licensee** means the whole or a part of a club licensee or an off licensee, as follows:~~

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(a) ~~for a club licensee or an on licensee that is current during the whole of the 2015 Rugby World Cup period, the whole licensee~~

(b) ~~for a club licensee or an on licensee that is current during part of the 2015 Rugby World Cup period, means the part of the licensee that is current.~~

(2) ~~Terms defined in the Sale and Supply of Alcohol Act 2012 have the same meanings in this Act.~~

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4 ~~Act binds the Crown~~

~~This Act binds the Crown.~~

3 New sections 45A to 45G and cross-heading inserted

After section 45, insert:

Rugby World Cup 2015 extended trading hours

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45A Purpose

The purpose of **sections 45B to 45G** is to facilitate extended trading hours (and related adjustments to one-way door restrictions) for some premises—

- (a) for which an on-licence or a club licence is held; and
- (b) in which the licensee intends to televise, and televises, on a particular night, a notified game or games.

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45B Game, and other terms, defined

(1) In **section 45A**, this section, and **sections 45C to 45G**,—

game means a game of the Rugby World Cup 2015 tournament (the eighth quadrennial international rugby world championship, to be held in England and Wales, from 18 September 2015 (British Summer Time) to 31 October 2015 (Greenwich Mean Time), game details for which are set out, for public information and reference purposes only, in **Schedule 4**)

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night, for licensed premises, means a period all or some of which is outside the permitted trading hours

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televise, for a game, means to show customers the game via a live audiovisual communication—

- (a) in any form, on any basis (for example, subscription to a television channel or service, or on-demand), and using any medium or media (for example, satellite television broadcast, or Internet video streaming); and
- (b) to or for, or to or for a class of, the public.

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(2) Permitted trading hours, and other terms defined in section 5(1), have, in **section 45A**, this section, and **sections 45C to 45G**, the same meanings given to them by section 5(1).

45C Eligible premises

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(1) **Sections 45D to 45F** apply to any licensed premises for which an on-licence or a club licence—

- (a) is held, and not suspended or cancelled, immediately before a night—
 - (i) on or after 19 September 2015 (New Zealand standard time); and
 - (ii) before or on 1 November 2015 (New Zealand daylight time); and

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- (b) has not been varied or suspended under section 280 within 12 months before the date on which the licensee gives notice under this section.
- (2) However, **sections 45D to 45F** apply to the premises only if the licensee has given the licensing committee concerned and the Police at least 7 days' written notice— 5
- (a) that the licensee intends to televise in the premises on the night the game, all games, or any 1 or more stated games, on the night; and
- (b) of the details of the noise management plan that is, or the other arrangements for managing noise levels that are, appropriate to the locality, and that the licensee is to have in place during every proposed extension under **section 45D** to the permitted trading hours. 10
- (3) The details under **subsection (2)(b)** must state how the licensee will comply with the noise level management conditions in **section 45E(1)(c)**.
- (4) The notification to the Police must be sent to the constable in charge of the police station nearest to the premises for which the licence is held. 15
- (5) **Sections 45D to 45F** cease to apply to the premises if—
- (a) an application for an order under section 280 suspending or cancelling the licence is made on the grounds, expressly stated in the application, that the premises have clearly been conducted in breach, without reasonable excuse, of any of **sections 45D to 45F**; and 20
- (b) a copy of the application is sent to, and received by, the licensee.
- 45D Trading hours extended**
- (1) The licensee has the extension provided in this section to the permitted trading hours, but only if the primary or sole purpose of the premises being open on the night is to allow customers to watch the televised game or games notified by the licensee under **section 45C**. 25
- (2) The premises can open 1 hour before the start of each game to be televised.
- (3) However, if the first or only game to be televised is to start no more than 2 hours after the end of the last period of permitted trading hours for the premises, the premises can stay open after that period, and until that game starts. 30
- (4) The premises can be open during each game televised.
- (5) The premises are required to close for the sale of alcohol 30 minutes after the end of each game televised (unless that 30-minute period ends after the start of the 1-hour period under **subsection (2)** for the next game to be televised).
- (6) Sections 255 and 256 make it an offence for a person to whom section 255(1) applies to be found in (and for the licensee or a manager of the premises to allow the person to be on) any part of the premises, if they are on-licence premises used principally or exclusively for the sale, supply, or consumption of alcohol, at any time that— 35

- (a) is not a time when a special licence applies to the premises; and
- (b) is not between 6 am and the time when the next period of permitted trading hours for the premises begins; and
- (c) is—
- (i) more than 30 minutes after the premises are required to close for the sale of alcohol; or
- (ii) a time when the premises are required to be closed for the sale of alcohol.

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Example 1—single game, not more than 2 hours after trading hours

The licensee notifies the Samoa v Japan game on 4 October at 2.30 NZDT.

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The last period of permitted trading hours for the premises ends at 0.30 NZDT.

The premises can open 1 hour before the game (at 1.30 NZDT).

However, as the game is to start no more than 2 hours after 0.30 NZDT, the premises can stay open after 0.30 NZDT until the game starts at or about 2.30 NZDT.

The premises can be open during the game televised, which ends at 4.15 NZDT.

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The premises are required to be closed for the sale of alcohol at 4.45 NZDT.

The premises are on-licence premises used mainly or only for the sale, supply, or consumption of alcohol, so no customer can be found in, or allowed to be on, the premises after 5.15 NZDT and before 6.00 NZDT.

Example 2—successive games

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The licensee notifies the first, second, and third of these 3 games on 12 October:

- the Argentina v Namibia game to start at 0.00 NZDT;
- the Italy v Romania game to start at 2.30 NZDT;
- the France v Ireland game to start at 4.45 NZDT.

The last period of permitted trading hours for the premises ends at 0.30 NZDT.

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The premises can be open from 0.30 NZDT (the end of the last period of permitted trading hours) to the end of the third game, because—

- (a) the gaps between the games are both less than 1 hour; and
- (b) the premises can open 1 hour before the start of each game to be televised.

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The third game ends at 6.30 NZDT.

The premises are required to be closed for the sale of alcohol at 7.00 NZDT.

The premises are on-licence premises used mainly or only for the sale, supply, or consumption of alcohol, so customers can be found in, or allowed on, the premises, after 6.00 NZDT and until the next period of permitted trading hours for the premises begins.

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Example 3—non-successive games

The licensee notifies the first and third, but not the second, of these 3 games on 12 October:

- the Argentina v Namibia game to start at 0.00 NZDT;

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- the Italy v Romania game to start at 2.30 NZDT;
 - the France v Ireland game to start at 4.45 NZDT.
- The last period of permitted trading hours for the premises ends at 0.30 NZDT.
- The premises can be open from 0.30 NZDT (the end of the last period of permitted trading hours) to the end of the first game, at 1.45 NZDT.
- The premises are required to be closed for the sale of alcohol at 2.15 NZDT.
- The premises are on-licence premises used mainly or only for the sale, supply, or consumption of alcohol, so no customers can be found in, or allowed on, the premises after 2.45 NZDT.
- The premises can open at 3.45 NZDT (1 hour before the start of the third game).
- The third game ends at 6.30 NZDT.
- The premises are required to be closed for the sale of alcohol at 7.00 NZDT.
- The premises are on-licence premises used mainly or only for the sale, supply, or consumption of alcohol, so customers can be found in, or allowed on, the premises, after 6.00 NZDT and until the next period of permitted trading hours for the premises begins.

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45E Effect of extensions (on one-way door restrictions, etc)

- (1) While the premises are open under an extension under **section 45D**,—
- (a) the licensee has, for the purposes of section 247(1), the authority of this Act to do any of the following things:
 - (i) sell or supply alcohol on the premises for consumption there; or
 - (ii) let people consume alcohol on the premises; and
 - (b) sections 46 to 63 and 259(1) require the licensee to comply with all applicable requirements and restrictions imposed by or under this Act, and with every (and, in particular, with the most restrictive relevant applicable) condition subject to which the licence has been issued or renewed, except so far as those requirements, restrictions, or conditions are overridden under **subsection (4)(a)**; and
 - (c) the licensee must comply with the following conditions:
 - (i) outside areas cannot be used for any purpose (despite section 12 of the Smoke-free Environments Act 1990);
 - (ii) outside audio equipment (for example, loudspeakers, amplifiers, or audio relay equipment) cannot be used;
 - (iii) bottles, or other rubbish, cannot be disposed of, or left for collection.
- (2) An extension under **section 45D**—
- (a) must be treated as if it were part of the permitted trading hours (for example, under sections 46(1) and 259(1)(a)) on a day on which alcohol may be sold and supplied; and

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- (b) is not (for example, under sections 255(1)(c)(i) and (ii) and 256), while it operates, a time when the premises are required to close, or to be closed, for the sale of alcohol.
- (3) Any one-way door restriction (whether imposed on the licence, or in a relevant local alcohol policy) applicable to the premises during the permitted trading hours does not operate— 5
- (a) within 1 hour before an extension starts under **section 45D(3)**; or
- (b) during an extension under **section 45D** to the permitted trading hours; or
- (c) within 1 hour and 30 minutes after the premises are required under **section 45D(5)** to close for the sale of alcohol. 10
- (4) **Section 45D** and this section—
- (a) override any contrary provisions of this Act, of a relevant local alcohol policy, or of a condition of the licence; and
- (b) do not affect closure under section 265 or 266 of the premises, or the operation of subpart 9 of Part 2 (other enforcement provisions) in respect of the premises. 15
- (5) A person's use of land must be treated as not contravening section 9 of the Resource Management Act 1991 if—
- (a) it complies with **section 45D** and the rest of this section; and 20
- (b) it would comply with section 9 of the Resource Management Act 1991 if it occurred only during permitted trading hours.
- 45F Display of information about extensions**
- (1) If **sections 45D and 45E** apply, under **section 45C**, to licensed premises, the licensee must display promptly a general statement about how **sections 45D and 45E** may be, and are to be, used in respect of the premises. 25
- (2) The statement must be displayed in the way section 57(1) or (2) requires display of a statement of all conditions subject to which the licence is issued.
- 45G Special licences unaffected, and not limiting, but do not apply if notice given** 30
- (1) **Sections 45A to 45F** and this section do not limit or affect—
- (a) an application for a special licence issued in respect of an event related to a game or games; or
- (b) the operation of a special licence of that kind.
- (2) **Section 45C(1)** applies to premises even if a special licence is also held for the premises, and has been issued in respect of an event related to all or any games that the licensee intends to televise in those premises in reliance instead on **sections 45D and 45E**. 35

- (3) However, if the holder of the special licence gives notice under **section 45C(2)** that the licensee intends to televise 1 or more games in reliance on **sections 45D and 45E**,—
- (a) **sections 45D to 45F** apply to the premises; and
 - (b) for the period of the extension provided by **section 45D**, the special licence does not apply to the premises.

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4 New Schedule 4 inserted

After Schedule 3, insert the **Schedule 4** set out in the **Schedule** of this Act.

5 Expiry and repeal of extended trading hours provisions

Sections 44(3), 45(3), 45A to 45G, and 50(3), the cross-heading above **section 45A**, and **Schedule 4**, expire, and are repealed, on 2 November 2016.

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Part 2

Extended licensing hours Consequential amendments

5 ~~Current licencees varied~~

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- (1) ~~This section applies during the 2015 Rugby World Cup period.~~
- (2) ~~The following conditions are added to current licencees after the condition about the days on which, and the hours during which, alcohol may be sold:~~

~~the previous condition states the standard licensing days and the standard licensing hours. During the period starting on 18 September 2015 and ending with the close of 1 November 2015, the standard days and hours are varied, and sections 43 to 45 of the Act are overridden, by the next 3 paragraphs, but only if the licensee—~~

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- (i) ~~broadcasts on 1 or more televisions in the licensed premises the game or games in the 2015 Rugby World Cup to which the paragraph relates; and~~
- (ii) ~~implements a system to ensure that the primary purpose of persons who enter the licensed premises is that of watching the game or games~~

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~~if a game or series of games in the 2015 Rugby World Cup takes place, wholly or partly, on a day that is not a standard licensing day, the day or the part of the day is an extended licensing day~~

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~~if a game or series of games in the 2015 Rugby World Cup starts within a 2-hour period after the standard licensing hours end, the licensing hours are extended until 1 hour after the end of the game or final game~~

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~~if a game or series of games in the 2015 Rugby World Cup starts more than 2 hours after the standard licensing hours end, the licensing hours~~

~~are extended to half an hour before the start of the game or first game
until 1 hour after the end of the game or final game~~

- (3) ~~A licensee whose licensed premises are affected by the extensions described in **subsection (2)** must prominently display at the premises—~~
- ~~(a) the specific extended licensing days; and~~ 5
 - ~~(b) a general statement about the extended hours.~~
- (4) **Subsection (5)** applies to a licensee to which both the following apply:
- ~~(a) the licensee's licensed premises are affected by the extensions described in **subsection (2)**; and~~
 - ~~(b) the licensee intends to open the premises—~~ 10
 - ~~(i) on an extended licensing day; or~~
 - ~~(ii) at an extended hour.~~
- (5) ~~At least 1 week before the first opening on an extended licensing day or at an extended hour, whichever occurs first, the licensee must inform the following of the licensee's intention:~~ 15
- ~~(a) the relevant district licensing committee; and~~
 - ~~(b) the police.~~

6 **New section 5A inserted (Status of examples)**

After section 5, insert:

- 5A** **Status of examples** 20
- An example provided in this Act of the operation of a provision of an enactment—
- (a) does not limit the provision; and
 - (b) may extend the operation of the provision.

7 **Section 44 amended (Permitted trading hours for premises without relevant local alcohol policy)** 25

After section 44(2), insert:

- (3) This section is overridden by **sections 45A to 45G** (Rugby World Cup 2015 extended trading hours).

8 **Section 45 amended (Permitted trading hours for premises with relevant local alcohol policy)** 30

After section 45(2), insert:

- (3) This section is overridden by **sections 45A to 45G** (Rugby World Cup 2015 extended trading hours).

9 Section 50 amended (One-way door restrictions in local alcohol policies to be complied with)

After section 50(2), insert:

- (3) **This section is overridden by sections 45A to 45G (Rugby World Cup 2015 extended trading hours).**

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Schedule
New Schedule 4 inserted

s 4

Schedule 4
Rugby World Cup 2015 extended trading hours: game details

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s 45B(1)

Notes

NZST means New Zealand Standard Time, and NZDT means New Zealand Daylight Time.

BST means British Summer Time, and GMT means Greenwich Mean Time.

Pool games involving New Zealand, and playoff games, are in bold.

<u>New Zealand time</u>	<u>UK time</u>	<u>Game (and venue)</u>
<i>Pool games</i>		
<u>Sat 19 Sept, 7:00 NZST</u>	<u>Fri 18 Sep, 20:00 BST</u>	<u>England v Fiji (Twickenham)</u>
<u>Sat 19 Sept, 23:00 NZST</u>	<u>Sat 19 Sep, 12:00 BST</u>	<u>Tonga v Georgia (Gloucester)</u>
<u>Sun 20 Sept, 1:30 NZST</u>	<u>Sat 19 Sep, 14:30 BST</u>	<u>Ireland v Canada (Cardiff)</u>
<u>Sun 20 Sept, 3:45 NZST</u>	<u>Sat 19 Sep, 16:45 BST</u>	<u>South Africa v Japan (Brighton)</u>
<u>Sun 20 Sept, 7:00 NZST</u>	<u>Sat 19 Sep, 20:00 BST</u>	<u>France v Italy (Twickenham)</u>
<u>Sun 20 Sept, 23:00 NZST</u>	<u>Sun 20 Sep, 12:00 BST</u>	<u>Samoa v USA (Brighton)</u>
<u>Mon 21 Sept, 1:30 NZST</u>	<u>Sun 20 Sep, 14:30 BST</u>	<u>Wales v Uruguay (Cardiff)</u>
<u>Mon 21 Sept, 3:45 NZST</u>	<u>Sun 20 Sep, 16:45 BST</u>	<u>New Zealand v Argentina (Wembley)</u>
<u>Thurs 24 Sept, 1:30 NZST</u>	<u>Wed 23 Sep, 14:30 BST</u>	<u>Scotland v Japan (Gloucester)</u>
<u>Thurs 24 Sept, 3:45 NZST</u>	<u>Wed 23 Sep, 16:45 BST</u>	<u>Australia v Fiji (Cardiff)</u>
<u>Thurs 24 Sept, 7:00 NZST</u>	<u>Wed 23 Sep, 20:00 BST</u>	<u>France v Romania (Olympic Stadium)</u>
<u>Fri 25 Sept, 7:00 NZST</u>	<u>Thu 24 Sep, 20:00 BST</u>	<u>New Zealand v Namibia (Olympic Stadium)</u>
<u>Sat 26 Sept, 3:45 NZST</u>	<u>Fri 25 Sep, 16:45 BST</u>	<u>Argentina v Georgia (Gloucester)</u>
<u>Sun 27 Sept, 1:30 NZST</u>	<u>Sat 26 Sep, 14:30 BST</u>	<u>Italy v Canada (Leeds)</u>
<i>(New Zealand transitions from NZST to NZDT on Sun 27 Sept at 2:00 NZST)</i>		
<u>Sun 27 Sept, 4:45 NZDT</u>	<u>Sat 26 Sep, 16:45 BST</u>	<u>South Africa v Samoa (Birmingham)</u>
<u>Sun 27 Sept, 8:00 NZDT</u>	<u>Sat 26 Sep, 20:00 BST</u>	<u>England v Wales (Twickenham)</u>

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<u>New Zealand time</u>	<u>UK time</u>	<u>Game (and venue)</u>
<u>Mon 28 Sept, 0:00 NZDT</u>	<u>Sun 27 Sep, 12:00 BST</u>	<u>Australia v Uruguay (Villa Park)</u>
<u>Mon 28 Sept, 2:30 NZDT</u>	<u>Sun 27 Sep, 14:30 BST</u>	<u>Scotland v USA (Leeds)</u>
<u>Mon 28 Sept, 4:45 NZDT</u>	<u>Sun 27 Sep, 16:45 BST</u>	<u>Ireland v Romania (Wembley Stadium)</u>
<u>Wed 30 Sept, 4:45 NZDT</u>	<u>Tue 29 Sep, 16:45 BST</u>	<u>Tonga v Namibia (Exeter)</u>
<u>Fri 2 Oct, 4:45 NZDT</u>	<u>Thu 1 Oct, 16:45 BST</u>	<u>Wales v Fiji (Cardiff)</u>
<u>Fri 2 Oct, 8:00 NZDT</u>	<u>Thu 1 Oct, 20:00 BST</u>	<u>France v Canada (Milton Keynes)</u>
<u>Sat 3 Oct, 8:00 NZDT</u>	<u>Fri 2 Oct, 20:00 BST</u>	<u>New Zealand v Georgia (Cardiff)</u>
<u>Sun 4 Oct, 2:30 NZDT</u>	<u>Sat 3 Oct, 14:30 BST</u>	<u>Samoa v Japan (Milton Keynes)</u>
<u>Sun 4 Oct, 4:45 NZDT</u>	<u>Sat 3 Oct, 16:45 BST</u>	<u>South Africa v Scotland (Newcastle)</u>
<u>Sun 4 Oct, 8:00 NZDT</u>	<u>Sat 3 Oct, 20:00 BST</u>	<u>England v Australia (Twickenham)</u>
<u>Mon 5 Oct, 2:30 NZDT</u>	<u>Sun 4 Oct, 14:30 BST</u>	<u>Argentina v Tonga (Leicester)</u>
<u>Mon 5 Oct, 4:45 NZDT</u>	<u>Sun 4 Oct, 16:45 BST</u>	<u>Ireland v Italy (Olympic Stadium)</u>
<u>Wed 7 Oct, 4:45 NZDT</u>	<u>Tue 6 Oct, 16:45 BST</u>	<u>Canada v Romania (Leicester)</u>
<u>Wed 7 Oct, 8:00 NZDT</u>	<u>Tue 6 Oct, 20:00 BST</u>	<u>Fiji v Uruguay (Milton Keynes)</u>
<u>Thurs 8 Oct, 4:45 NZDT</u>	<u>Wed 7 Oct, 16:45 BST</u>	<u>South Africa v USA (Olympic Stadium)</u>
<u>Thurs 8 Oct, 8:00 NZDT</u>	<u>Wed 7 Oct, 20:00 BST</u>	<u>Namibia v Georgia (Exeter)</u>
<u>Sat 10 Oct, 8:00 NZDT</u>	<u>Fri 9 Oct, 20:00 BST</u>	<u>New Zealand v Tonga (Newcastle)</u>
<u>Sun 11 Oct, 2:30 NZDT</u>	<u>Sat 10 Oct, 14:30 BST</u>	<u>Samoa v Scotland (Newcastle)</u>
<u>Sun 11 Oct, 4:45 NZDT</u>	<u>Sat 10 Oct, 16:45 BST</u>	<u>Australia v Wales (Twickenham)</u>
<u>Sun 11 Oct, 8:00 NZDT</u>	<u>Sat 10 Oct, 20:00 BST</u>	<u>England v Uruguay (Manchester)</u>
<u>Mon 12 Oct, 0:00 NZDT</u>	<u>Sun 11 Oct, 12:00 BST</u>	<u>Argentina v Namibia (Leicester)</u>
<u>Mon 12 Oct, 2:30 NZDT</u>	<u>Sun 11 Oct, 14:30 BST</u>	<u>Italy v Romania (Exeter)</u>
<u>Mon 12 Oct, 4:45 NZDT</u>	<u>Sun 11 Oct, 16:45 BST</u>	<u>France v Ireland (Cardiff)</u>
<u>Mon 12 Oct, 8:00 NZDT</u>	<u>Sun 11 Oct, 20:00 BST</u>	<u>USA v Japan (Gloucester)</u>
<i><u>Quarter-finals</u></i>		
<u>Sun 18 Oct, 4:00 NZDT</u>	<u>Sat 17 Oct, 16:00 BST</u>	<u>Winner B v Second A (Twickenham)</u>
<u>Sun 18 Oct, 8:00 NZDT</u>	<u>Sat 17 Oct, 20:00 BST</u>	<u>Winner C v Second D (Cardiff)</u>
<u>Mon 19 Oct, 1:00 NZDT</u>	<u>Sun 18 Oct, 13:00 BST</u>	<u>Winner D v Second C (Cardiff)</u>
<u>Mon 19 Oct, 4:00 NZDT</u>	<u>Sun 18 Oct, 16:00 BST</u>	<u>Winner A v Second B (Twickenham)</u>
<i><u>Semi-finals</u></i>		
<u>Sun 25 Oct, 4:00 NZDT</u>	<u>Sat 24 Oct, 16:00 BST</u>	<u>Winner C/Second D v Winner B/Second A (Twickenham)</u>

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<u>New Zealand time</u>	<u>UK time</u>	<u>Game (and venue)</u>
<i>(The UK transitions from BST to GMT on Sun 25 Oct at 2:00 GMT)</i>		
<u>Mon 26 Oct, 5:00 NZDT</u>	<u>Sun 25 Oct, 16:00 GMT</u>	<u>Winner D /Second C v Winner A/Second B (Twickenham)</u>
<i>Finals</i>		
<u>Sat 31 Oct, 9:00 NZDT</u>	<u>Fri 30 Oct, 20:00 GMT</u>	<u>Bronze medal match (Olympic Stadium)</u>
<u>Sun 1 Nov, 5:00 NZDT</u>	<u>Sat 31 Oct, 16:00 GMT</u>	<u>Final (Twickenham)</u>

Legislative history

12 August 2015

Introduction (Bill 55–1), first reading