



Summary Offences (Alcohol Reform) Amendment Act 2012

Public Act 2012 No 122
Date of assent 18 December 2012
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Summary Offences (Alcohol Reform) Amendment Act 2012.
- 2 Commencement**
This Act comes into force on the day 12 months after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Summary Offences Act 1981 (the **principal Act**).

4 Interpretation

Section 2(1) is amended by omitting the definition of **intoxicating liquor** and substituting the following definition:

“**intoxicating liquor** means alcohol within the meaning of section 5(1) of the Sale and Supply of Alcohol Act 2012”.

5 Drinking in public place

Section 38(3) is amended by inserting “(or in a vehicle in any public place)” after “place”.

6 New sections 44A and 45 substituted

Section 45 is repealed and the following sections are substituted:

“44A Seizure and forfeiture of burglary instruments

If a person is found guilty of an offence against section 14, the court—

“(a) may order the instrument or instruments concerned to be forfeited to the Crown, or disposed of as the court directs at the expense of the person convicted; and

“(b) may also order the person to pay any reasonable costs incurred by the Commissioner of Police in holding the instrument or instruments.

“45 Seizure and forfeiture of alcohol

“(1) A constable who believes on reasonable grounds that any intoxicating liquor is intended for consumption in contravention of section 38 may seize and remove it and the vessels containing it.

“(2) On a person’s being found guilty of an offence against section 38 in respect of any intoxicating liquor seized, the intoxicating liquor and the vessels containing it are forfeit to the Crown.

“(3) Intoxicating liquor and the vessels containing it are forfeit to the Crown if—

- “(a) it is seized by the Police from a person under the age of 18 years who is issued with an infringement notice in respect of an offence against section 38(3) alleged to have been committed by the young person’s drinking it, or having it in his or her possession or control, in a public place; and
- “(b) the infringement fee is later paid.
- “(4) If a person is acquitted of an offence against section 38, intoxicating liquor seized under that section in relation to the offence—
- “(a) may be collected from the relevant Police station within 28 days of the acquittal by or on behalf of the person or, if the person is under the age of 18 years, by his or her parent or guardian; and
- “(b) if not collected within that time, may be disposed of in any manner the Commissioner of Police directs.”

Legislative history

6 December 2012	Divided from Alcohol Reform Bill by committee of the whole House as Bill 236–3C
11 December 2012	Third reading
18 December 2012	Royal assent

This Act is administered by the Ministry of Justice.
