

## SALE OF LIQUOR AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill makes a number of miscellaneous and largely unrelated amendments to the Sale of Liquor Act 1962.

*Clause 1* relates to the Short Title.

*Clause 2* reduces from 9 litres to 8 litres the minimum quantity of liquor that may be sold to a member of the public by a wholesaler. It also authorises the sale by wholesalers in "containers" rather than in "kegs". The latter term is inappropriate for the use of mini-tankers and the like.

*Clause 3* allows for later hours for the sale of liquor pursuant to a booth licence on Fridays, Saturdays, Christmas Eve, and New Year's Eve. The latest hour prescribed in each case is the same as that prescribed in respect of applications for later hours of sale for hotels and taverns.

*Clause 4* removes the present requirement that a wine maker's licence must specify the maximum amount of wine that may be produced in any year pursuant to the licence. It also makes it a condition precedent of the renewal of a fruit wine licence that the holder has paid any levy payable by him under the Alcoholic Liquor Advisory Council Act 1976.

*Clause 5* reinstates a provision that was erroneously repealed by the Sale of Liquor Amendment Act 1976.

*Clause 6* provides that in future a manager's certificate will be 1 of 3 different kinds, a general manager's certificate, an ancillary manager's certificate, or a trust manager's certificate. Each certificate will authorise the holder to act as the manager of licensed premises only of the kind to which the certificate relates. At present, the holder of a manager's certificate may manage any licensed premises.

*Clause 7* extends from 1 month to 6 weeks the aggregate period in any year during which a licensee may appoint an acting manager to serve while the manager is on leave.

*Clause 8* relates to the power of a Licensing Committee to order the closure of any licensed premises where the premises are unsafe. At present, the Committee's order relates to the whole premises. Under the amendment, the Committee may order the closure of part only of the premises if it is satisfied of the 2 matters specified in the proposed provision.

*Clause 9* permits the holding of private gatherings on premises in respect of which a general ancillary licence is in force.

*Clause 10* corrects an error in the Sale of Liquor Amendment Act 1976.

*Clause 11* requires the consent of the Licensing Control Commission to alterations in any premises conducted pursuant to a wholesale licence or a club charter.

*Clauses 12 and 13* correct further errors in the Sale of Liquor Amendment Act 1976.

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*Hon. Mr Thomson*

## SALE OF LIQUOR AMENDMENT

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### ANALYSIS

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1. Short Title	8. Remedies in case of non-compliance with public health or fire precaution requirements
2. Wholesale licences	9. Permit for social gatherings on premises in respect of which general ancillary licence is in force
3. Booth licences	10. Consumption of liquor on cabaret premises
4. Grant and renewal of wine maker's licence	11. Alterations in premises
5. Removal of wine reseller's licence	12. Sale of liquor pursuant to certain permits
6. Managers' certificates	13. Hours of sale in licensed theatres
7. Acting managers	

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### A BILL INTITULED

#### An Act to amend the Sale of Liquor Act 1962

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,  
5 as follows:

**1. Short Title**—This Act may be cited as the Sale of Liquor Amendment Act 1977, and shall be read together with and deemed part of the Sale of Liquor Act 1962\* (hereinafter referred to as the principal Act).

\*Reprinted, 1975, Vol. 4, p. 2639  
Amendment: 1976, No. 53

**2. Wholesale licences**—(1) Section 67 (1) of the principal Act (as amended by section 12 (1) of the Sale of Liquor Amendment Act 1974) is hereby amended by omitting the expression “9 litres”, and substituting the expression “8 litres”.

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(2) The proviso to section 67 (4) of the principal Act (as amended by section 12 (1) of the Sale of Liquor Amendment Act 1974) is hereby amended—

(a) By omitting the word “kegs”, and substituting the word “containers”:

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(b) By omitting the expression “9 litres”, and substituting the word “8 litres”.

**3. Booth licences**—(1) Section 69 of the principal Act is hereby amended by repealing subsection (1) (as substituted by section 53 (1) of the Sale of Liquor Amendment Act 1976), and substituting the following subsections:

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“(1) A booth licence shall authorise the licensee to sell and dispose of liquor, for consumption only on the booth premises (which may include more bars than one), on the days (not being Good Friday) and during the hours specified in the licence, not being before 9 o'clock in the morning or after—

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“(a) Ten o'clock in the evening on any Monday, Tuesday, Wednesday, or Thursday (not being Christmas Eve or New Year's Eve):

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“(b) Eleven o'clock in the evening on any Friday or Saturday (not being New Year's Eve), or on Christmas Eve:

“(c) Half an hour after the expiration of New Year's Eve.

“(1A) No such licence shall provide for the keeping open of the premises for the sale of liquor to the public for more than—

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“(a) Eleven hours on any Monday, Tuesday, Wednesday, or Thursday (not being Christmas Eve or New Year's Eve):

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“(b) Twelve hours on any Friday or Saturday (not being New Year's Eve), or on Christmas Eve:

“(c) Thirteen and one half hours on New Year's Eve.

“(1B) For the purposes of subsection (1A) of this section, the period commencing at midnight on New Year's Eve and ending at 0.30 o'clock in the morning of New Year's Day shall be deemed to be part of New Year's Eve and not part of New Year's Day.

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“(1c) Notwithstanding anything in subsection (1) but subject to subsection (1A) of this section, if, in any case, the Chairman of the Licensing Committee is satisfied that the booth premises will be used for a private gathering and will  
5 not be accessible to the general public, he may fix any time for the closure of the premises for the sale of liquor pursuant to the licence on any day (not being Good Friday or New Year’s Eve), not being later than 11.30 o’clock in the evening.”

10 (2) Section 53 (1) of the Sale of Liquor Amendment Act 1976 is hereby consequentially repealed.

**4. Grant and renewal of wine maker’s licence—**(1) Section 153 of the principal Act is hereby amended by repealing paragraph (c) of subsection (1).

15 (2) The said section 153 is hereby further amended by adding to subsection (1) (as amended by section 21 of the Wine Makers Levy Act 1976) the following paragraph:

20 “(e) That, in the case of the renewal of a fruit wine licence, the applicant has paid any levy payable pursuant to the Alcoholic Liquor Advisory Council Act 1976.”

(3) The said section 153 is hereby further amended by repealing subsections (6) (b) and (8).

25 (4) Section 150 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every grape wine licence shall be in the prescribed form, and shall authorise the holder thereof to manufacture wine from grapes grown in New Zealand.”

30 (5) The said section 150 is hereby further amended by repealing subsection (2) (a).

(6) Section 151 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

35 “(1) Every fruit wine licence shall be in the prescribed form, and shall authorise the holder thereof to manufacture such kind or kinds of wine as shall be specified in the licence, being wine, cider, or perry from apples or pears grown in New Zealand, or wine from any fruit, not being grapes,  
40 grown in New Zealand, or wine from any vegetable grown in New Zealand, whether the fruit or vegetable is cultivated or not.”

(7) Section 21 (1) of the Wine Makers Levy Act 1976 is hereby consequentially repealed.

**5. Removal of wine reseller's licence**—Section 160 of the principal Act (as substituted by section 8 of the Sale of Liquor Amendment Act 1965 and amended by section 45 (1) of the Sale of Liquor Amendment Act 1976) is hereby amended by adding the following subsection: 5

“(5) The provisions of sections 139, 140, 141B, 142, 145, and 147 of this Act, so far as they are applicable and with all necessary modifications, shall apply to the removal of any such licence as if the reference in the said section 141B to a wholesale licence were a reference to a wine reseller's licence.” 10

**6. Managers' certificates**—(1) Section 177 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Every manager's certificate shall be of one of the following kinds: 15

“(a) A general manager's certificate, which shall authorise the holder to manage any premises conducted under a hotelkeeper's licence, or a tavernkeeper's licence, or a tourist-house keeper's licence, or an airport licence: 20

“(b) An ancillary manager's certificate, which shall authorise the holder to manage any premises conducted under a restaurant licence, or a theatre licence, or a cabaret licence, or a caterer's licence, or a general ancillary licence: 25

“(c) A trust manager's certificate, which shall authorise the holder to manage any premises conducted by a suburban licensing trust or a district licensing trust.”

(2) The said section 177 is hereby further amended by repealing subsection (5) (as added by section 18 of the Sale of Liquor Amendment Act 1964), and substituting the following subsection: 30

“(5) The Hotel Association of New Zealand, established under the Hotel Association of New Zealand Act 1969, may, by notice in writing filed with the Clerk, object to the grant or renewal of any general manager's certificate on the ground that the applicant or, as the case may require, the holder is not a fit and proper person to be the holder of such a 35

certificate, and shall be entitled to appear and be heard in support of the objection.”

(3) Notwithstanding anything in subsection (1) of this section, every manager’s certificate issued before the date of the commencement of this section and in force at that date shall continue in force (subject to section 177 (4) of the principal Act) according to its tenor; but, on the grant of an application for the renewal of any such certificate, the Chairman of the Licensing Committee shall issue to the holder, in the place of the certificate, a general manager’s certificate, or an ancillary manager’s certificate, or a trust manager’s certificate, as the case may require.

(4) The following enactments are hereby consequentially repealed:

- 15 (a) Section 18 of the Sale of Liquor Amendment Act 1964:
- (b) Section 21 (1) (d) of the Hotel Association of New Zealand Act 1969:
- 20 (c) Section 34 (3) of the Sale of Liquor Amendment Act (No. 2) 1971:
- (d) Sections 24 (6) and 65 of the Sale of Liquor Amendment Act 1976.

7. **Acting managers**—Section 178 (1) (b) of the principal Act is hereby amended by omitting the expression “one month”, and substituting the expression “6 weeks”.

8. **Remedies in case of non-compliance with public health or fire precaution requirements**—Section 212 of the principal Act is hereby amended by inserting, after subsection (4A) (as inserted by section 14 (1) of the Sale of Liquor Amendment Act 1976), the following subsection:

“(4B) Without limiting subsection (4) but notwithstanding subsection (4A) of this section, if, in any case to which that latter subsection applies, the Committee is satisfied—

35 “(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; and

40 “(b) That the risk or danger can be averted by ordering the closure of part only of the premises,—

the Committee 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 Committee within such period as the Committee may allow, the Committee shall suspend the licence under subsection (4A) of this section."

**9. Permit for social gatherings on premises in respect of which general ancillary licence is in force**—The principal Act is hereby amended by inserting, after section 218A (as inserted by section 61 (1) of the Sale of Liquor Amendment Act 1976), the following section:

"218B. (1) Notwithstanding anything in this Act, any Magistrate may from time to time, in his discretion, on application made to him in the prescribed manner, grant to any person, or to the secretary or other authorised officer or representative of any body of persons (whether incorporated or not) a permit authorising the supply and consumption of liquor in any premises in respect of which a general ancillary licence is in force, at any time on any day when the premises are required to be closed for the sale of liquor, by persons attending any social gathering, being a gathering to be held on a day specified in the permit, held or promoted by such person or body of persons as aforesaid.

"(2) The provisions of subsections (2) to (8) of section 216 of this Act shall apply to any permit issued under this section and to any gathering to which the permit relates.

"(3) Every such permit shall be deemed to be issued subject to compliance with the additional conditions—

"(a) That no charge shall be made to any person for liquor supplied under the permit other than a charge, or charges, payable for admission to the gathering:

"(b) That the holder of the permit shall, not less than 24 hours before the commencement of any such gathering, notify the member of the Police for the time being in charge of the police station nearest to the premises that the gathering is to take place there."

**10. Consumption of liquor on cabaret premises**—Section 249 (4c) of the principal Act (as inserted by section 45 (1) of the Sale of Liquor Amendment Act (No. 2) 1971 and amended by section 21 (1) of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting the expression "1.30 o'clock", and substituting the expression "3.30 o'clock".



**11. Alterations in premises**—Section 291 of the principal Act is hereby amended—

- 5       (a) By inserting in subsection (3A) (as substituted by section 40 (1) of the Sale of Liquor Amendment Act 1976), before the word “theatre,”, the word “wholesale,”;
- (b) By inserting in that subsection (as so substituted), after the words “general ancillary licence”, the words “or a club charter”.

10   **12. Sale of liquor pursuant to certain permits**—(1) Section 58 of the Sale of Liquor Amendment Act 1976 is hereby amended by inserting in subsection (1), after the words “the principal Act”, the words “(as substituted by section 21 (1) of this Act)”.

15   (2) The said section 58 is hereby further amended by inserting in subsection (6), after the words “the principal Act”, the words “(as substituted by section 21 (1) of this Act)”.

20   **13. Hours of sale in licensed theatres**—The Third Schedule to the Sale of Liquor Amendment Act 1976 is hereby amended by inserting in the first item relating to section 65A of the principal Act, after the word “between”, the words “the hours of”.