

# INTRODUCTION COPY

## SALE OF LIQUOR (OFF-LICENCE) AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill amends the Sale of Liquor Act 1989.

At present—

- (a) Wine may be sold pursuant to off-licences granted in respect of supermarkets, grocery stores, and wine shops on any day except Good Friday, Christmas Day and any Sunday.
- (b) An off-licence granted in respect of a supermarket or grocery store does not allow the sale of beer.
- (c) The Sale of Liquor Act 1989 does not allow the granting of off-licences to supermarkets, grocery stores, and wine shops situated in trust districts and no-licence areas.

This Bill provides for the sale of beer and wine pursuant to off-licences granted in respect of supermarkets, grocery stores, and wine shops on any day of the week but excluding Good Friday and Christmas Day. It also provides for the granting of off-licences to supermarkets, grocery stores, and wine shops situated in trust districts and no-licence areas.

*Clause 2* provides for a definition of “wine shop”.

*Clause 3* extends the type of premises in respect of which an off-licence may be granted.

*Clause 4* amends section 37 of the Sale of Liquor Act 1989 by inserting a new subsection (1B) which provides that it shall be a condition of an off-licence granted to a supermarket, grocery store, or wine shop that no liquor shall be sold or delivered on Good Friday or Christmas Day. The effect of the amendment is to permit Sunday sales in supermarkets, grocery stores, and wine shops.

*Clause 4* also amends section 37 (3) of the Sale of Liquor Act 1989 by adding dessert wine, certain wine-based liquor, and beer to the types of liquor that may be sold pursuant to an off-licence granted to a supermarket or grocery store.

*Clauses 5 and 6* amend sections 215 (2) and 216 (b) of the Sale of Liquor Act 1989 by adding supermarkets, grocery stores, and wine shops to the types of premises in respect of which off-licences may be granted within a trust district to persons other than the licensing trust for that district.

*Clauses 7 to 11* amend sections 249 to 253 of the Sale of Liquor Act 1989 by adding supermarkets, grocery stores, and wine shops to the types of premises in respect of which off-licences may be granted in the various no-licence districts and the Tawa special district.

*Clause 12* gives effect to the amendments in this Bill to off-licences granted prior to the commencement of the Act.

*Mr Max Bradford*

## SALE OF LIQUOR (OFF-LICENCE) AMENDMENT

### ANALYSIS

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### A BILL INTITULED

#### An Act to amend the Sale of Liquor Act 1989

BE IT ENACTED by the Parliament of New Zealand as follows:

5     **1. Short Title**—This Act may be cited as the Sale of Liquor (Off-Licence) Amendment Act 1995, and shall be read together with and deemed part of the Sale of Liquor Act 1989\* (hereinafter referred to as the principal Act).

10     **2. Interpretation**—Section 2 of the principal Act (as amended by section 92 (1) of the Building Act 1991) is hereby amended by inserting, after the definition of the term “tourist-house”, the following definition:

15     “ ‘Wine shop’ includes a retail shop, having a floor area of not more than 100 square meters, in which the principal business is the sale of liquor; but does not include a hotel or tavern, club, or winebar.”

\*1989, No. 63

Amendments: 1989, No. 134; 1990, No. 4, s. 31; 1990, No. 28, s. 105 (1), (2); 1990, No. 57, s. 6 (1); 1990, No. 60, s. 50 (5); 1991, No. 52; 1991, No. 60, s. 3 (4); 1991, No. 150, s. 92 (1); 1992, No. 35; 1992, No. 96, s. 62 (1); 1993, No. 82, ss. 145, 146; 1993, No. 119

**3. Types of premises in respect of which off-licences may be granted**—Section 36 (1) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

- “(c) In respect of— 5
- “(i) Any wine shop; and
- “(ii) Any other premises in which the principal business is the sale of liquor; and
- “(iii) Any premises in which the principal business is the manufacture of liquor; or” 10

**4. Conditions of off-licences**—(1) Section 37 of the principal Act (as amended by section 2 of the Sale of Liquor (Off-Licence) Amendment Act 1992) is hereby amended by omitting the words “subsection (1A)”, and substituting the words “subsections (1A) and (1B)”. 15

(2) The said section 37 is hereby further amended by inserting, after subsection (1A), the following subsection:

“(1B) Where a person holds an off-licence in respect of a supermarket or grocery store as described in section 36 (1) (d) of this Act or in respect of a wine shop, **subsection (1)** of this section shall not apply in respect of that off-licence but it shall be a condition of that off-licence that no liquor be sold or delivered on Good Friday or Christmas Day.” 20

(3) The said section 37 of the principal Act is hereby amended by adding to paragraph (d) of subsection (3) “; and”. 25

(4) The said section 37 of the principal Act is hereby further amended by adding to subsection (3) the following paragraphs:

- “(e) Dessert wine that conforms to the standard prescribed by regulation 221 of those regulations, or any other standard that may be prescribed pursuant to the Food Act 1981 in substitution for that standard; and 30
- “(f) Wine cocktail, vermouth, wine cooler, or wine aperitif that conforms to the standard prescribed by regulation 223 of those regulations, or any other standard that may be prescribed pursuant to the Food Act 1981 in substitution for that standard; and 35
- “(g) Beer that conforms to the standard prescribed by regulation 218 of those regulations, or any other standard that may be prescribed pursuant to the Food Act 1981 in substitution for that standard.” 40

**5. Poll may be held on competition proposal**—Section 215 (2) of the principal Act is hereby amended by inserting,

after the words “certain club premises”, the words  
“, supermarkets, grocery stores, wine shops,”.

**6. Provisions applying until competition proposal  
carried**—Section 216 (b) of the principal Act is hereby  
5 amended by inserting, after subparagraph (iii) of paragraph (b),  
the following subparagraphs:

“(iv) In respect of any supermarket or grocery  
store as described in section 36 (1) (d) (i) and (ii) of  
this Act:

10 “(v) In respect of any wine shop:”.

**7. Special provisions relating to Roskill no-licence  
district**—Section 249 (2) (b) of the principal Act (as amended  
by section 31 (1) of the Local Restoration Polls Act 1990) is  
15 hereby amended by inserting, after subparagraph (i), the  
following subparagraphs:

“(ia) Supermarkets and grocery stores as  
described in section 36 (1) (d) (i) and (ii) of this Act;  
or

“(ib) Wine shops; or”.

20 **8. Special provisions relating to Wellington East no-  
licence district**—Section 250 (2) (b) of the principal Act (as  
amended by section 31 (1) of the Local Restoration Polls Act  
1990) is hereby amended by inserting, after subparagraph (i),  
the following subparagraphs:

25 “(ia) Supermarkets and grocery stores as  
described in section 36 (1) (d) (i) and (ii) of this Act;  
or

“(ib) Wine shops; or”.

30 **9. Special provisions relating to Grey Lynn no-licence  
district**—Section 251 (2) (b) of the principal Act (as amended  
by section 31 (1) of the Local Restoration Polls Act 1990) is  
hereby amended by inserting, after subparagraph (i), the  
following subparagraphs:

35 “(ia) Supermarkets and grocery stores as  
described in section 36 (1) (d) (i) and (ii) of this Act;  
or

“(ib) Wine shops; or”.

**10. Special provisions relating to Eden no-licence  
district**—Section 252 (2) (b) of the principal Act (as amended  
40 by section 31 (1) of the Local Restoration Polls Act 1990) is

hereby amended by inserting, after subparagraph (i), the following subparagraphs:

“(ia) Supermarkets and grocery stores as described in section 36 (1) (d) (i) and (ii) of this Act; or

“(ib) Wine shops; or”.

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**11. Special provisions relating to Tawa special district**—Section 253 (2) (b) of the principal Act (as amended by section 31 (1) of the Local Restoration Polls Act 1990) is hereby further amended by inserting after subparagraph (i), the following subparagraphs:

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“(ia) Supermarkets and grocery stores as described in section 36 (1) (d) (i) and (ii) of this Act; or

“(ib) Wine shops; or”.

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**12. Effect of Act on existing off-licences granted in respect of supermarkets, grocery stores, and wine shops**—Section 4 of this Act shall apply in respect of every off-licence granted in respect of supermarkets, grocery stores, and wine shops whether granted before or after the date of commencement of this Act.

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