



SALE OF LIQUOR AMENDMENT REGULATIONS 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 4th day of October 1999

Present:

THE RIGHT HON WYATT CREECH PRESIDING IN COUNCIL

PURSUANT to section 229 of the Sale of Liquor Act 1989, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

- 1. Title and commencement
- 2. Interpretation

Evidence of Age

- 3. New regulations inserted

Applications for Evidence of Age Documents

- 21A. General requirements
- 21B. Information to be included in statutory declaration
- 21C. Forms of evidence of identification
- 21D. Statement as to identification
- 21E. Forms of evidence of address
- 21F. Applicant's photographs

Infringement Fee

- 4. Amount of infringement fee

Amendments to First Schedule

- 5. Form 4 of First Schedule amended
- 6. Form 7 of First Schedule amended
- 7. Form of infringement notice inserted in First Schedule

SCHEDULE

Form of Infringement Notice Inserted into First Schedule of Principal Regulations

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Sale of Liquor Amendment Regulations 1999, and are part of the Sale of Liquor Regulations 1990* (“the principal regulations”).

(2) Regulations 2 and 3 come into force on the day after the date on which these regulations are notified in the *Gazette*.

(3) Regulations 4 to 7 and the Schedule come into force on 1 December 1999.

2. Interpretation—Regulation 2 of the principal regulations is amended by inserting, in their appropriate alphabetical order, the following definitions:

“Evidence of age document’ means an evidence of age document of the type described in section 2A (2) (d) of the Act:

“Issuer’, in relation to an evidence of age document, means a person, organisation, body corporate, Government department, Crown agency, or statutory board specified under section 2A of the Act:

“New Zealand driver licence’ means a driver licence issued under the Land Transport Act 1998.”.

Evidence of Age

3. New regulations inserted—The principal regulations are amended by inserting, after regulation 21, the following heading and regulations:

Applications for Evidence of Age Documents

“21A. **General requirements**—A person (‘the applicant’) applying to an issuer for an evidence of age document must be 18 years of age or older, and must—

“(a) Produce a statutory declaration made by the applicant that includes the information specified in regulation 21B; and

“(b) Produce 1 of the forms of evidence of identification specified in regulation 21C; and

“(c) If the applicant produces 1 of the forms of evidence of identification specified in regulation 21C (d), (f), (g), (i), or (j), produce a statement as to identification that complies with regulation 21D; and

“(d) Produce 1 of the forms of evidence of address specified in regulation 21E; and

“(e) Produce, or permit the issuer to take, 2 photographs of the applicant that comply with regulation 21F.

“21B. **Information to be included in statutory declaration**—The statutory declaration must include the following information:

“(a) The applicant’s full name:

“(b) The applicant’s residential and postal addresses:

“(c) The applicant’s date of birth:

“(d) The applicant’s place of birth:

“(e) The applicant’s gender.

“21C. **Forms of evidence of identification**—The forms of evidence of identification are any of the following that have been issued to the applicant:

- “(a) A New Zealand passport that is current or has expired within the 2 years immediately preceding the date of the application:
- “(b) A New Zealand driver licence that is current or has expired within the 2 years immediately preceding the date of the application:
- “(c) An overseas passport that is current or has expired within the 2 years immediately preceding the date of the application:
- “(d) Any of the following certificates issued under the Citizenship Act 1977:
 - “(i) A certificate of New Zealand citizenship:
 - “(ii) A certificate confirming New Zealand citizenship:
 - “(iii) A certificate confirming registration of citizenship by descent:
- “(e) A certificate of identity, issued under the Passports Act 1992, that is current or has expired within the 2 years immediately preceding the date of the application:
- “(f) A certificate of identity, as defined in section 2 (1) of the Immigration Act 1987, that is current or has expired within the 2 years immediately preceding the date of the application:
- “(g) A confirmation of residence permit issued by or on behalf of the New Zealand Government:
- “(h) A refugee travel document, issued by or on behalf of the New Zealand Government, that is current or has expired within the 2 years immediately preceding the date of the application:
- “(i) A full birth certificate issued in New Zealand, the Cook Islands, Niue, or Tokelau:
- “(j) A birth certificate issued in a country (other than New Zealand, the Cook Islands, Niue, or Tokelau) containing information equivalent to that contained in a full New Zealand birth certificate.

“21D. **Statement as to identification**—A statement as to identification complies with this regulation if the statement—

- “(a) Contains the full name, address, and occupation of—
 - “(i) The person making the statement (‘the person’); and
 - “(ii) The applicant; and
- “(b) States that the person—
 - “(i) Is 20 years of age or older, as the case may be; and
 - “(ii) Holds a current New Zealand passport or a current New Zealand driver licence or a current overseas passport, and provides sufficient information (including the number) to identify the passport or licence; and
 - “(iii) Is not a relative, spouse, or partner of the applicant; and
 - “(iv) Does not live at the same address as the applicant; and
- “(c) States that the person has known the applicant for not less than 1 year; and
- “(d) States that the person believes that the applicant is 18 years of age or older, as the case may be; and
- “(e) Has attached to it a photograph of the applicant that—
 - “(i) Complies with regulation 21F; and
 - “(ii) Has, on the back of it, a certificate by the person that the photograph is a true likeness of the applicant.

“21E. **Forms of evidence of address**—The forms of evidence of address are as follows:

- “(a) An account statement, issued to the applicant in the 12 months immediately preceding the date of the application, from a bank, building society, credit union, or credit card issuer;
- “(b) A telephone, gas, or electricity account issued to the applicant in the 6 months immediately preceding the date of the application;
- “(c) A form of identification issued in the 12 months immediately preceding the date of the application that includes the name and address of the applicant and that is acceptable to the issuer as evidence of the applicant’s address.

“21F. **Applicant’s photographs**—The photographs of the applicant comply with this regulation if they show the applicant without wearing any item (such as sunglasses, a hat, or head coverings) that obscures the applicant’s face or prevents the photographs from being a good likeness of the applicant, unless—

- “(a) The applicant is required to wear the item for religious or medical reasons; and
- “(b) The applicant signs and supplies to the issuer a statement to that effect.”

Infringement Fee

4. Amount of infringement fee—The infringement fee payable in respect of an infringement offence (as defined in section 162A of the Act) is \$200.

Amendments to First Schedule

5. Form 4 of First Schedule amended—Form 4 of the First Schedule of the principal regulations is amended by omitting from paragraph (b) under the heading “CONDITIONS” the words “any Sunday or on Good Friday or Christmas Day”, and substituting the words “Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day”.

6. Form 7 of First Schedule amended—(1) Form 7 of the First Schedule of the principal regulations is amended by omitting from paragraph (a) under the heading “CONDITIONS” the words “any Sunday or on Good Friday or Christmas Day”, and substituting the words “Good Friday, Easter Sunday, Christmas Day, or before 1 pm on Anzac Day”.

(2) Form 7 in the First Schedule of the principal regulations is amended by omitting paragraph (c) under the heading “CONDITIONS”, and substituting the following paragraph:

“(c) *(In the case only where the licence applies to premises described in section 36 (1) (d) of the Act)* No liquor is to be sold other than—

“(i) Wine that conforms to the standard prescribed by regulation 219 of the Food Regulations 1984 (S.R. 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

“(ii) 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

“(iii) 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

“(iv) 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

“(v) 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

“(vi) 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.”

7. Form of infringement notice inserted in First Schedule—The First Schedule is amended by inserting, after form 24, the form set out in the Schedule.

SCHEDULE

Reg. 7

FORM OF INFRINGEMENT NOTICE INSERTED INTO FIRST SCHEDULE OF
PRINCIPAL REGULATIONS

"Form 24A

INFRINGEMENT NOTICE

Issued under section 162c of the Sale of Liquor Act 1989

Infringement notice No.: Date of notice:

All queries and correspondence regarding this infringement notice must be directed to *[Insert address]*.

This notice is issued to—

Name:

Address:

This notice is issued by *[Name and number of member of Police issuing the notice]*.

DETAILS OF ALLEGED INFRINGEMENT OFFENCE(S)

The member of the Police issuing this notice has reasonable cause to believe that on *[Insert day and date]* at *[Insert name and location of licensed premises]* you committed the following infringement offence(s):

- *1. Being a person under the age of 18 years, you purchased liquor on or from licensed premises in breach of section 162 of the Sale of Liquor Act 1989.
- *2. Being a person under the age of 18 years, you were found in a restricted area on licensed premises in breach of section 163 of the Sale of Liquor Act 1989.
- *3. Being a person under the age of 18 years, you were found in a supervised area on licensed premises not accompanied by your parent or guardian in breach of section 163 of the Sale of Liquor Act 1989.

* The infringement notice may specify 1 or more infringement offences. Delete if inapplicable.

The infringement fee payable in respect of an infringement offence is \$200.

Infringement fees are payable within 28 days after *[Earliest date notice delivered personally or posted]*.

SCHEDULE—*continued*FORM OF INFRINGEMENT NOTICE INSERTED INTO FIRST SCHEDULE OF
PRINCIPAL REGULATIONS—*continued*

Infringement fees are payable at [*Address where fees payable*]. This notice, or a copy of it, should be presented or forwarded when making payment. Cheques or money orders should be made out to the New Zealand Police, and should be crossed or marked “NOT TRANSFERABLE” or “ACCOUNT PAYEE ONLY”. If this notice sets out more than 1 infringement offence, the total amount of the infringement fees payable is \$

IMPORTANT: Please read the summary of rights printed on the following pages.

SCHEDULE—*continued*FORM OF INFRINGEMENT NOTICE INSERTED INTO FIRST SCHEDULE OF
PRINCIPAL REGULATIONS—*continued***SUMMARY OF RIGHTS**

Note: If, after reading these notes, you do not understand anything in the notes, you should consult a lawyer immediately.

1. This notice sets out 1 or more alleged infringement offences. If this notice sets out more than 1 alleged infringement offence, each offence that is identified by a number is a separate infringement offence. You may decide what to do in respect of each alleged offence individually, and may act in the same way in respect of all alleged offences or in different ways in respect of different alleged offences, as set out below.

Payments

2. If you pay the infringement fee for an alleged infringement offence within 28 days after the service on you of this notice, no further action will be taken for the offence. Payment should be made at the address for payment specified in this notice. If this notice sets out more than 1 alleged infringement offence and it is not clear which alleged offence a payment relates to, your payment may be treated as relating to the alleged offences in the order in which they are set out in this notice.

Payment by Instalments

3. The New Zealand Police may, but are not required to, enter into an arrangement allowing you to pay an infringement fee by instalments. See section 21 (3A) to (3D) of the Summary Proceedings Act 1957.
4. If you wish to pay an infringement fee by instalments, you should ask the New Zealand Police by letter whether the New Zealand Police will agree to payment by instalments.
5. If, under section 21 (3A) or (3C) (a) of the Summary Proceedings Act 1957, you arrange with the New Zealand Police to pay an infringement fee by instalments, you will not be entitled to request a hearing in respect of the offence and paragraphs 7 (b), 7 (c), 8, 9, and 10 below will not apply.

Defence

6. You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid to the New Zealand Police, at the address for payment specified in this notice, within 28 days after service on you of a reminder notice in respect of the offence.

Note: Late payment or payment at any other place will not be a defence.

SCHEDULE—*continued*FORM OF INFRINGEMENT NOTICE INSERTED INTO FIRST SCHEDULE OF
PRINCIPAL REGULATIONS—*continued***Further Action**

7. If you wish—

- (a) To raise any matter relating to an alleged offence for consideration by the New Zealand Police; or
- (b) To deny liability for an alleged offence and request a District Court hearing (refer to paragraphs 8, 9, and 13 below); or
- (c) To admit liability for an alleged offence, but wish to have a District Court consider written submissions as to penalty or otherwise (refer to paragraphs 10 and 13 below),—

you should write to the New Zealand Police at the address for correspondence specified in this notice. Any such letter should be personally signed.

8. You have a right to a District Court hearing. If you deny liability for an alleged offence and request a hearing in respect of it, the New Zealand Police will (unless the New Zealand Police decide not to commence court proceedings) serve you with a notice of hearing setting out the place and time at which the matter will be heard by a District Court.

Note: If the District Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

9. A request for a hearing must—

- (a) Be in writing and signed by you; and
- (b) Be delivered to the New Zealand Police at the address for correspondence specified in this notice; and
- (c) Be so delivered within 28 days after service on you of a reminder notice.

10. If you admit liability in respect of an alleged offence but want the District Court to consider your submissions as to penalty or otherwise, you should, in your letter,—

- (a) Request a hearing; and
- (b) Admit liability for the offence; and
- (c) Set out the written submissions you wish to be considered by the District Court.

The New Zealand Police will then file your letter with the District Court (unless the New Zealand Police decide not to commence court proceedings). There will be no oral hearing before the District Court if you follow this course of action.

Note: Costs will be imposed in addition to any penalty.

Reminder Notice

11. If, on the expiration of 28 days after the date of service of this notice, the infringement fee has not been paid to the New Zealand Police at the address for payment specified in this notice and the New Zealand Police have not received at the address for correspondence specified in this notice a notice requesting a

SCHEDULE—*continued*FORM OF INFRINGEMENT NOTICE INSERTED INTO FIRST SCHEDULE OF
PRINCIPAL REGULATIONS—*continued*

hearing in respect of the offence, you will be served with a reminder notice (unless the New Zealand Police decide otherwise).

12. If, on the expiration of 28 days after the date of service of the reminder notice, the infringement fee has not been paid to the New Zealand Police at the address for payment specified in this notice and the New Zealand Police have not received at the address for correspondence specified in this notice a notice requesting a hearing,—
- (a) The New Zealand Police may file a copy of the reminder notice in a District Court; and
 - (b) You will become liable under section 21 (5) of the Summary Proceedings Act 1957 to pay COSTS IN ADDITION TO THE INFRINGEMENT FEE.

Queries and Other Correspondence

13. When writing or making payment, please include—
- (a) The date of the infringement; and
 - (b) The infringement notice number; and
 - (c) The details of the alleged offence and the course of action you are taking in respect of it; and
 - (d) Your address for replies.

Notes:

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN SECTIONS 162B AND 162C OF THE SALE OF LIQUOR ACT 1989 AND SECTION 21 OF THE SUMMARY PROCEEDINGS ACT 1957.

ALL QUERIES AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT NOTICE MUST BE DIRECTED TO THE NEW ZEALAND POLICE AT THE ADDRESS FOR CORRESPONDENCE SPECIFIED IN THIS NOTICE.”

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Sale of Liquor Regulations 1990. The amendments—

- (a) Set out the requirements for applications for evidence of age documents;
- (b) Alter the forms of on-licence and off-licence to take account of Sunday trading and sales of beer in supermarkets permitted by the Sale of Liquor Amendment Act 1999 from 1 December 1999;
- (c) Prescribe \$200 as the amount of the infringement fee payable in respect of infringement offences;
- (d) Prescribe the form of the infringement notice for infringement offences.

The amendments described in paragraph (a) come into force on the day after the date on which these regulations are notified in the *Gazette*. The rest of the amendments come into force on 1 December 1999.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 7 October 1999.

These regulations are administered in the Ministry of Justice.