

1978/11



THE SALE OF LIQUOR REGULATIONS 1963,
AMENDMENT NO. 6

KEITH HOLYOAKE, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 7th day of February
1978

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Sale of Liquor Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Sale of Liquor Regulations 1963, Amendment No. 6, and shall be read together with and deemed part of the Sale of Liquor Regulations 1963* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Functions of viticulturist—The principal regulations are hereby amended—

- (a) By omitting from the definition of the term “viticulturist” in regulation 2 the words “Department of Agriculture”, and substituting the words “Ministry of Agriculture and Fisheries”;
- (b) By omitting from regulation 10 (4) the words “and a copy to the Viticulturist at Auckland”;
- (c) By revoking regulations 10 (6), 12 (3), and 13 (2) (c);
- (d) By omitting from regulation 15 (1) the words “or any Viticulturist”;
- (e) By revoking regulation 15 (2);
- (f) By omitting from regulation 18 (2) the words “, and a copy to the Viticulturist at Auckland”;
- (g) By revoking regulation 18 (4).

*S.R. 1963/151

Amendment No. 1: S.R. 1965/89
Amendment No. 2: S.R. 1968/129
Amendment No. 3: S.R. 1969/91
Amendment No. 4: S.R. 1973/120
Amendment No. 5: S.R. 1977/74

3. Notice of grants and renewals to be given to viticulturist—The principal regulations are hereby amended by inserting, after regulation 15, the following regulation:

“15A. Where any wine maker’s licence is granted or renewed under the Act, the Clerk shall notify the Viticulturist.”

4. Increase in quantity authorised by wine maker’s licence—(1) Regulation 14 of the principal regulations is hereby revoked.

(2) Form 39 in the First Schedule to the principal regulations is hereby consequentially revoked.

5. Application for grant or renewal of manager’s certificate—(1) The First Schedule to the principal regulations is hereby amended by revoking form 48, and substituting the form numbered 48 set out in the Schedule to these regulations.

(2) The said First Schedule is hereby further amended by revoking form 49, and substituting the form numbered 49 set out in the Schedule to these regulations.

6. Permit for social gathering on premises in respect of which general ancillary licence is in force—(1) The principal regulations are hereby amended by inserting, after regulation 30B (as inserted by regulation 3 of the Sale of Liquor Regulations 1963, Amendment No. 5), the following regulation:

“30c. (1) Every application for a permit under section 218B of the Act shall be in form 56G, and every such permit shall be in form 56H.

“(2) Every such application shall have endorsed thereon the signed consent of the holder of the general ancillary licence in respect of the premises on which it is proposed to hold the gathering to which the application relates, or of any person authorised by the holder of that licence to consent on the holder’s behalf.

“(3) The provisions of regulation 30 of these regulations, so far as they are applicable and with the necessary modifications, shall apply with respect to applications for and the grant of permits under section 218B of the Act.”

(2) The First Schedule to the principal regulations is hereby amended by inserting, after form 56F (as inserted by regulation 7 of the Sale of Liquor Regulations 1963, Amendment No. 5), the forms numbered 56G and 56H set out in the Schedule to these regulations.

7. Amendments of prescribed forms—(1) Form 16 in the First Schedule to the principal regulations is hereby amended—

(a) By omitting the expression “9 litres” (as substituted by regulation 6 (7) (a) of the Sale of Liquor Regulations 1963, Amendment No. 5), and substituting the expression “8 litres”:

(b) By omitting the expression “one reputed quart”, and substituting the expression “760 millilitres”.

(2) Form 17 in the said First Schedule is hereby amended by omitting the word “kegs”, and substituting the word “containers”.

(3) Form 21 in the said First Schedule is hereby amended by omitting the words “10 p.m. or, in the case of a private gathering, 11.30 p.m., and not in any case being more than 11 hours in total on any day” (as substituted by regulation 6 (9) (b) of the Sale of Liquor Regulations

1963, Amendment No. 5), and substituting the words "*the latest hour authorised for a gathering of the type proposed on that day by subsection (1) or (as the case may require) subsection (1C) of section 69 of the Act, and not being more than the total number of hours authorised for that day by subsection (1A) of that section*".

(4) Form 32 in the said First Schedule is hereby amended—

(a) By omitting the words "I hereby declare":

(b) By revoking paragraphs (1) and (2).

(5) Form 33 in the said First Schedule is hereby amended by revoking the second paragraph.

(6) Form 34 in the said First Schedule (as amended by regulation 6 (14) (a) of the Sale of Liquor Regulations 1963, Amendment No. 5) is hereby amended by omitting the words "a total quantity not exceeding litres of".

(7) Form 35 in the said First Schedule (as amended by regulation 6 (15) (a) of the Sale of Liquor Regulations 1963, Amendment No. 5) is hereby amended by omitting the words "a total quantity not exceeding litres of".

(8) Form 54 in the said First Schedule is hereby amended by revoking paragraph (a).

(9) Regulation 6 of the Sale of Liquor Regulations 1963, Amendment No. 5 is hereby consequentially amended by revoking subclauses (7) (a), (9) (b), (12), (13), (14) (a), and (15) (a).

SCHEDULE

NEW FORMS INSERTED OR SUBSTITUTED IN PRINCIPAL REGULATIONS

Regs. 5 (1), (2), 6 (2)

Form 48

Regs. 25, 26, 27

APPLICATION FOR GRANT (RENEWAL) OF MANAGER'S CERTIFICATE

Section 177, Sale of Liquor Act 1962

I, [Full name, address, and occupation], hereby apply for the grant to me of a [Specify type] manager's certificate (or, as the case may require, the renewal of my [Specify type] manager's certificate granted (or last renewed) on [Date] at [Place]).

I am (to be) employed as the manager of the premises situated at [Number, street, and town] by [Name of licensee] being the holder of [Specify type] licence in respect of those premises.

I enclose the statutory declaration (*and testimonials) required by the Sale of Liquor Regulations 1963.

Dated at this day of 19.....

.....
Applicant.

To the Clerk of the Licensing Committee,
.....

NOTE: This application and the declaration and testimonials are each to be accompanied by a copy.

*Delete in case of renewal.

Form 49

GRANT (RENEWAL) OF MANAGER'S CERTIFICATE

Section 177, Sale of Liquor Act 1962

PURSUANT to the Sale of Liquor Act 1962, [Full name] is hereby granted a (renewal of his) [Specify type] manager's certificate.

This certificate, unless it is sooner cancelled under Part VII of the Act, and subject to any suspension pursuant to that Part, continues in force for a period of 3 years from the date hereof and may from time to time be renewed by the Chairman of any Licensing Committee for a further period of 3 years.

Dated at this day of 19.....

.....
Chairman of the
Licensing Committee.

SCHEDULE—continued

Form 56g

Reg. 30c

APPLICATION FOR SOCIAL GATHERING PERMIT ON PREMISES IN RESPECT OF WHICH GENERAL ANCILLARY LICENCE IS IN FORCE

Section 218B, Sale of Liquor Act 1962

I, [Full name and address], [Occupation, or if application is made on behalf of a body of persons, capacity in which applicant is applying] hereby apply for a permit authorising me to supply liquor for consumption on the premises situated at [Number, street, and town], being premises in respect of which a general ancillary licence held by [Name of holder of licence] is for the time being in force, between the hours of and on [Specify date] to persons attending a social gathering to be held there.

I certify that—

- (a) The gathering is to be held or promoted by me [or as the case may be]:
- (b) The purpose of the gathering is
- (c) The approximate number of persons attending the gathering is

Dated at this day of 19.....

.....
Applicant.

I, [Full name and address], being the holder of a general ancillary licence in respect of the abovenamed premises, hereby consent to the holding of the proposed social gathering in the said premises at the time referred to in this application, and to the consumption of liquor thereat in accordance with any permit that may be granted in respect of this application.

.....
[Holder of licence or other person authorised to consent on holder's behalf]

To: The Registrar of the Magistrate's Court at
The senior member of the Police at

Please report on the foregoing application for the information of the Magistrate.

.....
Registrar.

NOTE: This application is to be filed in duplicate.



SCHEDULE—*continued*

Form 56H

Reg. 30c

SOCIAL GATHERING PERMIT ON PREMISES IN RESPECT OF WHICH
GENERAL ANCILLARY LICENCE IS IN FORCE*Section 218B, Sale of Liquor Act 1962*

I,, Stipendiary Magistrate (or Registrar of the Magistrate's Court at), hereby authorise, of, to supply liquor, for consumption on the premises situated at, being premises in respect of which a general ancillary licence held by [Name of holder of licence] is for the time being in force, between the hours of and on [Specify date] to persons attending a social gathering to be held there.

This permit is issued subject to the following conditions:

- (a) That no charge shall be made to any person for liquor supplied under this permit other than a charge, or charges, payable for admission to the gathering:
- (b) That, except in the case of employees or other persons engaged in service at the gathering, no persons shall be admitted to the gathering except the person or persons holding or promoting the gathering and guests specially invited thereto:
- (c) That liquor shall not be supplied or consumed after the hour last mentioned in this permit:
- (d) Where the gathering is for the purposes of a dance, that the only liquor consumed at the dance shall be liquor supplied pursuant to the permit and that no liquor shall be taken into the premises by any guest or other person while the dance is being held.

Dated at this day of 19.....

.....
Magistrate (or Registrar).

P. G. MILLEN,
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 1963, consequent upon a number of amendments effected by the Sale of Liquor Amendment Act 1977.

Regulation 1 relates to the Title and commencement.

Regulation 2: Under the principal regulations, copies of applications for wine makers' licences, and for the renewal of such licences, are to be forwarded to the Viticulturist, who is an officer of the Ministry of Agriculture and Fisheries. He is entitled to submit a report in respect of every such application. This requirement is now dropped, and this regulation provides accordingly.

Regulation 3 requires notice of the grant and renewal of wine makers' licences to be given to the Viticulturist.

Regulation 4 revokes regulation 14 of the principal regulations, relating to the quantity of wine to be manufactured pursuant to a wine maker's licence. No limit is now imposed on the amount that may be so manufactured.

Regulation 5 prescribes a new form for managers' certificates, recognising the 3 different types of certificate now provided for by the Act.

Regulation 6 prescribes the form of application for a permit for a social gathering on premises in respect of which a general ancillary licence is in force. It also prescribes the form of the permit.

Regulation 7 amends a number of prescribed forms set out in the First Schedule to the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 February 1978.

These regulations are administered in the Department of Justice.