

1982/62



**THE SALE OF LIQUOR REGULATIONS 1963,
AMENDMENT NO. 9**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 22nd day of March 1982

Present:

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

PURSUANT to section 299 of 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.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Application for renewal of licence 4. Wine makers' licences 5. New heading and regulations inserted in principal regulations <p style="text-align: center;"><i>Alcoholic Drinks Licence</i></p> <ol style="list-style-type: none"> 18A. Application for grant, renewal, transfer, or removal of alcoholic drinks licence | <ol style="list-style-type: none"> 18B. Commission or Chairman may require further information 18C. Conditions to be stated on endorsement of licence 18D. Notice of intention to consider cancelling or suspending alcoholic drinks licence 6. Vineyard bar permits 7. Service of notice of appeal under section 229 of Act 8. Notice of sittings and determinations of Licensing Committee 9. New forms prescribed 10. Amendments of prescribed forms 11. Fees Schedule |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Sale of Liquor Regulations 1963, Amendment No. 9, 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 1st day of April 1982.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by omitting the definition of the term “viticulturist”.

(2) Regulation 2 (a) of the Sale of Liquor Regulations 1963, Amendment No. 6 is hereby consequentially revoked.

3. Application for renewal of licence—(1) Regulation 8 (1) of the principal regulations is hereby amended by omitting from subsection (1) the words “(other than the holder of a wine maker’s licence)”.

(2) Regulation 8 (2) of the principal regulations is hereby amended by omitting the words “(other than a wine maker’s licence)”.

(3) Regulation 8 (3) of the principal regulations is hereby revoked.

4. Wine makers’ licences—(1) The principal regulations are hereby amended by revoking the heading before regulation 10, and by revoking regulations 10 to 16.

(2) Paragraphs (b) to (e) of regulation 2, and regulations 3 and 4, of the Sale of Liquor Regulations 1963, Amendment No. 6 are hereby consequentially revoked.

5. New heading and regulations inserted in principal regulations—The principal regulations are hereby amended by inserting, after regulation 18, the following heading and regulations:

“Alcoholic Drinks Licence

“18A. Application for grant, renewal, transfer, or removal of alcoholic drinks licence—(1) Every application for an alcoholic drinks licence shall be in form 44A.

“(2) Every application for the renewal of an alcoholic drinks licence shall be in form 44C.

“(3) Every application for the transfer of an alcoholic drinks licence shall be in form 44D.

“(4) Every application for the removal of an alcoholic drinks licence shall be in form 44E.

“18B. Commission or Chairman may require further information—On any application for the grant, renewal, transfer, or removal of an alcoholic drinks licence, the Commission or, as the case may be, the Chairman of the Commission or the Chairman of the Licensing Committee may require the applicant to supply such further information as the Commission or the Chairman may reasonably consider to be

*S.R. 1963/131

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
Amendment No. 6: S.R. 1978/11
Amendment No. 7: S.R. 1981/61
Amendment No. 8: S.R. 1981/123

necessary to enable it or him to be satisfied of the matters specified in section 161F (2) or section 161F (3) or section 161I (4) or section 161J (5) or section 161K (7) or section 161K (8) of the Act, as the case may require.

“18C. Conditions to be stated on endorsement of licence—Where the Chairman of the Commission, in the case of an application for the transfer of a wine maker’s licence, or the Commission itself, in the case of an application for the removal of a wine maker’s licence, grants the application subject to any condition, that condition shall be included in the endorsement by which the transfer or removal of the licence is effected.

“18D. Notice of intention to consider cancelling or suspending alcoholic drinks licence—Before considering whether or not it should cancel or suspend an alcoholic drinks licence under section 161L of the Act, the Commission shall give to the holder of the licence a notice in form 44F of its intention to consider the matter.”

6. Vineyard bar permits—(1) Regulation 31c of the principal regulations (as inserted by regulation 4 of the Sale of Liquor Regulations 1963, Amendment No. 5) is hereby revoked.

(2) Regulation 4 of the Sale of Liquor Regulations 1963, Amendment No. 5 is hereby revoked.

7. Service of notice of appeal under section 229 of Act—Regulation 32 (1) of the principal regulations is hereby amended by inserting, after the word “section”, the words “161M or section 161N or section”.

8. Notice of sittings and determinations of Licensing Committee—Regulation 46 (3) of the principal regulations is hereby amended by omitting the words “the Medical Officer of Health, and, in the case of a wine maker’s licence, the Viticulturist at Auckland,”, and substituting the words “and the Medical Officer of Health”.

9. New forms prescribed—The First Schedule to the principal regulations is hereby amended by inserting, in their appropriate numerical order, the forms set out in the First Schedule to these regulations.

10. Amendments of prescribed forms—(1) Form 24 in the First Schedule to the principal regulations is hereby amended by omitting from the heading the words “WINE MAKER’S”, and substituting the words “ALCOHOLIC DRINKS”.

(2) Form 26 in that Schedule is hereby amended—

(a) By omitting the expression “153, and 158”, and substituting the expression “158, and 161r”:

(b) By inserting, after the word “the” where it secondly occurs, the words “(or the Chairman of the)”:

(c) By revoking the second paragraph.

(3) Form 27 in that Schedule is hereby amended by omitting from the heading the words “WINE MAKER’S”, and substituting the words “ALCOHOLIC DRINKS”.

(4) Form 28 in that Schedule is hereby amended—

(a) By omitting the expression “154, and 159”, and substituting the expression “159, and 161j”:

- (b) By inserting, after the words "Licensing Committee" where they first occur, the words "(or Chairman of the Licensing Control Commission)";
- (c) By inserting, after the words "Licensing Committee" where they secondly occur, the words "(or Secretary of the Licensing Control Commission)".
- (5) Forms 32 to 38 in that Schedule are hereby revoked.
- (6) Form 41 in that Schedule is hereby amended by omitting the words "New Zealand".
- (7) Form 56B in that Schedule (as inserted by regulation 7 of the Sale of Liquor Regulations 1963, Amendment No. 5) is hereby revoked.
- (8) The following regulations are hereby consequentially revoked:
 - (a) Subclause (11), paragraphs (b) to (d) of subclause (14), paragraphs (b) to (d) of subclause (15), and subclause (16), of regulation 6 of the Sale of Liquor Regulations 1963, Amendment No. 5:
 - (b) Subclauses (4) to (7) of regulation 7 of the Sale of Liquor Regulations 1963, Amendment No. 6.

11. Fees—The Second Schedule to the principal regulations (as substituted by regulation 8 of the Sale of Liquor Regulations 1963, Amendment No. 5) is hereby amended by omitting the item relating to applications for vineyard bar permits, and substituting the following item:

S

"On making application for an alcoholic drinks licence (section 161E of the Act) or for the renewal of such a licence (section 161I of the Act) 150."

SCHEDULE

Reg. 9

NEW FORMS INSERTED IN PRINCIPAL REGULATIONS

Form 44A

Reg. 18A (1)

APPLICATION FOR GRANT OF ALCOHOLIC DRINKS LICENCE

Section 161E, Sale of Liquor Act 1962

I, [*Full name, address, and occupation*] hereby apply for the grant of an alcoholic drinks licence to manufacture the following kind(s) of alcoholic drink, namely:

.....

.....

on the premises situated at [*Full address of premises*], and to sell alcoholic drink(s) of my manufacture.

Attached to this application are particulars of each alcoholic drink that I intend to manufacture and sell if this application is granted.

*I hereby declare that I am not the holder of, nor have I applied for, a wine maker's licence under the Wine Makers Act 1981.

OR

SCHEDULE—continued

*I hereby declare that I am the holder of (or have applied for) a [*Specify grape or fruit*] wine maker's licence under the Wine Makers Act 1981, and attached are particulars of my (or my proposed) equipment, production control methods, and records.

Dated at this day of 19.....

.....
Applicant.

To the Secretary,
The Licensing Control Commission,
Wellington.

Note: This application is to be accompanied by 3 copies.

*Delete whichever is inapplicable.

Form 44B

ALCOHOLIC DRINKS LICENCE

Section 161D, Sale of Liquor Act 1962

Pursuant to the Sale of Liquor Act 1962, [*Full name*] is hereby authorised to manufacture on the premises situated at [*Full address of premises*] the following kind(s) of alcoholic drink, namely:

.....
.....;

and to sell alcoholic drink(s) manufactured pursuant to this licence to any person who is the holder of a licence under the Act or to a chartered club or to a licensing trust at any time between the hours of 9 a.m. on any day and 9 p.m. on the same day.

All alcoholic drink(s) sold pursuant to this licence is (or are) to be delivered from the premises specified above or from any premises used by the holder of this licence for the bulk storage of his products.

Such drink(s) shall not be consumed on the premises.

Subject to the provisions of the Act, this licence continues in force until the close of the 30th day of June next following its issue, and may from time to time be renewed by the Chairman for a period of 12 months from the time when the licence or the last preceding renewal thereof expires.

Dated at this day of 19.....

.....
Chairman of the Licensing Committee.

Countersigned:

.....
Clerk of the Licensing Committee.

SCHEDULE—continued

Form 44C

Reg. 18A (2)

APPLICATION FOR RENEWAL OF ALCOHOLIC DRINKS LICENCE

Section 161i, Sale of Liquor Act 1962

I, [Full name and address], hereby apply for the renewal of the alcoholic drinks licence held by me in respect of the premises situated at [Full address of premises] to manufacture the following kind(s) of alcoholic drink, namely:

.....
.....

Dated at this day of 19.....

.....
Applicant.

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

Note: This application is to be accompanied by 3 copies.

Form 44D

Reg. 18A (3)

APPLICATION FOR TRANSFER OF ALCOHOLIC DRINKS LICENCE

Section 161j, Sale of Liquor Act 1962

I, [Full name, address, and occupation], hereby apply for the transfer to me of the alcoholic drinks licence held by [Full name of holder of licence] in respect of the premises situated at [Full address of premises] to manufacture the following kind(s) of alcoholic drink, namely:

.....
.....

I will, if the licence is transferred to me, carry on the business conducted under the licence.

*I hereby declare that I am not the holder of, nor have I applied for, a wine maker's licence under the Wine Makers Act 1981.

OR

*I hereby declare that I am the holder of (or have applied for) a [Specify grape or fruit] wine maker's licence under the Wine Makers Act 1981, and attached are particulars of my (or my proposed) equipment, production control methods, and records.

The licence will be produced for endorsement if this application is granted.

Dated at this day of 19.....

.....
Applicant.

To the Secretary,
The Licensing Control Commission,
Wellington.

*Delete whichever is inapplicable.

SCHEDULE—continued

Reg. 18A (4)

Form 44E

APPLICATION FOR REMOVAL OF ALCOHOLIC DRINKS LICENCE

Section 161K, Sale of Liquor Act 1962

I, [Full name], being the holder of an alcoholic drinks licence in force in respect of the premises situated at [Full address of premises], hereby apply for an order removing the said licence to the premises (or proposed premises to be) situated at [Full address of premises].

*I hereby declare that I am not a holder of, nor have I applied for, a wine maker's licence under the Wine Makers Act 1981.

OR

*I hereby declare that I am the holder of (or have applied for) a [Specify grape or fruit] wine maker's licence under the Wine Makers Act 1981, and attached are particulars of the equipment, production control methods, and records that I propose to use and keep on the premises to which this application relates if the application is granted.

Dated at this day of 19.....

.....
Applicant.

To the Secretary,
Licensing Control Commission,
Wellington.

*Delete whichever is inapplicable.

Reg. 18C

Form 44F

NOTICE OF HEARING TO CONSIDER WHETHER OR NOT AN ALCOHOLIC
DRINKS LICENCE SHOULD BE CANCELLED OR SUSPENDED*Section 161L, Sale of Liquor Act 1962*

Take notice that you are called upon to appear before the Commission at on day the day of 19..... at in the noon to show cause why your alcoholic drinks licence in respect of the premises situated at should not be cancelled (or suspended) upon the grounds that you were convicted of an offence against on the day of 19..... by the District (or High) Court at

If you do not appear in person or by your counsel, solicitor, or agent at the time stated above, the matter may be heard and determined in your absence.

You are required to bring your licence with you and produce it at the hearing.

Dated at this day of 19.....

To the holder of the alcoholic drinks licence.

[Not printed]

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 are consequential upon the Sale of Liquor Amendment Act 1981 and the Wine Makers Act 1981. By those enactments, the provisions relating to wine makers were removed from the Sale of Liquor Act 1962 and re-enacted (with some amendments) in the Wine Makers Act 1981. Provision for a new licence for the manufacture and sale of certain alcoholic drinks was inserted in the Sale of Liquor Act 1962.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 25 March 1982.

These regulations are administered in the Department of Justice.