



Local Government (Prohibition of Liquor in Public Places) Amendment Act 2001

Public Act 2001 No 106
Date of assent 21 December 2001
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Local Government (Prohibition of Liquor in Public Places) Amendment Act 2001.
- (2) In this Act, the Local Government Act 1974 is called “the principal Act”.

Part 1 **Preliminary provisions**

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purpose

The purpose of this Act is to—

- (a) authorise territorial authorities to designate certain public places within their districts or boundaries; and
- (b) confer additional powers on members of the police to require persons not to consume or carry liquor in designated public places; and
- (c) amend the current provisions of the Local Government Act 1974 to extend the methods of confiscation of liquor taken by a member of the police; and
- (d) provide for a transitional arrangement to permit the provisions of this Act to be given effect immediately until 30 April 2002, at which time the provisions of the principal Act prevail.

4 Interpretation

In this Act, unless the context otherwise requires,—

designated public place has the meaning given by section 6
liquor has the meaning given to it by the Sale of Liquor Act 1989

public place means any place to which the public, or any section of the public, has access, on payment or otherwise, as of right or by virtue of express or implied permission, without limitation to the effects of section 709B of the principal Act

territorial authority has the meaning given to it by the Local Government Act 1974.

Part 2

Prohibition on liquor in designated areas and other provisions

5 Liquor carriage or consumption in designated public places

- (1) Subsection (2) applies if a member of the police believes on reasonable grounds that a person is, or has been, carrying or consuming liquor in a designated public place or intends to consume liquor in such a place.
- (2) A member of the police acting under subsection (1) may, in addition to any other powers contained in the principal Act, require the person concerned—

- (a) not to consume in that place anything which is, or which the member of the police reasonably believes to be, liquor; and
 - (b) to surrender anything in his or her possession which is, or which the member of the police reasonably believes to be, liquor or a container for liquor.
- (3) A member of the police may dispose of anything surrendered under subsection (2)(b) immediately in such a manner as the member of the police considers appropriate.
- (4) A person who fails without reasonable excuse to comply with a requirement imposed under subsection (2)(a) or (b) commits an offence and is liable on summary conviction to a fine not exceeding \$500.
- (5) A member of the police who imposes a requirement on a person under subsection (2) must inform the person concerned that failure, without reasonable excuse, to comply with the requirement is an offence.

6 Designated public place

- (1) A place is a **designated public place** if it is—
- (a) a public place in the district of a territorial authority and for which the territorial authority is responsible; or
 - (b) is identified in an order made by a territorial authority under subsection (2).
- (2) A territorial authority may, for the purposes of subsection (1), by special order, identify any designated public place in its district if it is satisfied that—
- (a) nuisance or annoyance to members of the public or a section of the public, or disorder, has in the past been associated with the consumption of liquor in that place, irrespective of its public ownership; or
 - (b) it considers there to be sufficient grounds to act to prevent community concern that there may be disorder.
- (3) The power conferred by subsection (2) includes power—
- (a) to identify a place either specifically or by description;
 - (b) to revoke or amend orders previously made.

7 Places not designated public places

- (1) A place is not a designated public place or a part of such a place if it is—

- (a) licensed premises or a chartered club; or
 - (b) a place within the curtilage of any licensed premises or club; or
 - (c) a place where the sale of liquor is for the time being authorised by a special licence.
- (2) In subsection (1), **licensed premises**, **special licence**, and **chartered club** have the meanings given to them by the Sale of Liquor Act 1989.

Amendments to principal Act

8 Prohibition of vehicles and consumption or possession of intoxicating liquor in public place

Section 709A of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

- “(3) A prohibition of ordinary vehicular traffic under subsection (1)(d) must not have effect for more than 12 hours in any consecutive period of 24 hours.”

9 Interpretation

Section 709B of the principal Act is amended by repealing the definition of **specified day**, and substituting the following definition:

“**specified day** means a day or any days specified by a territorial authority in a resolution under section 709C(2) as a day or days in respect of which one or more powers under that subsection are to be exercised”.

Transitional provisions

10 Transitional provisions

- (1) Where a local authority has, before the commencement of this section, exercised a power under section 709A or section 709C(2)(b), (c), or (d) of the principal Act in respect of 1 or more specified days prior to 30 April 2002, the local authority may, by resolution, extend the application of that power for any period of consecutive days—
- (a) immediately prior to the specified day or days; or
 - (b) immediately following the specified day or days; or
 - (c) both.

- (2) A resolution under subsection (1) must not extend the application of any power to a day later than 30 April 2002.
- (3) A local authority must give public notice of a resolution under subsection (1)—
 - (a) not less than 14 days before the date of that resolution; or
 - (b) if the circumstances do not allow 14 days' notice, as early as possible and not later than the day before that resolution.
- (4) Sections 709C(3) to 709H of the principal Act apply to any resolution under this section as if it had been made under section 709C(2).
- (5) This section expires with the close of 30 April 2002.

Legislative history

18 December 2001	Introduction, first reading, second reading, committee of the whole House, third reading (Bill 197–1)
21 December 2001	Royal assent

This Act is administered in the Department of Internal Affairs.
