



ANALYSIS

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1985, No. 195

An Act to amend the Wine Makers Act 1981

[17 December 1985]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Wine Makers Amendment Act 1985, and shall be read together with and deemed part of the Wine Makers Act 1981 (hereinafter referred to as the principal Act).

(2) Section 3 of this Act shall come into force on the 1st day of April 1986.

2. Commission may grant wine maker's bar permit—(1) The principal Act is hereby amended by repealing section 17, and substituting the following section:

“17. (1) Notwithstanding anything in this Act, on the grant of a wine maker's licence, or at any subsequent time (whether the licence was granted before or after the commencement of this Act), the Commission may in its discretion, on application, and subject to such conditions as it thinks fit, grant to the holder of the licence a wine maker's bar permit in accordance with this section.

“(2) Every wine maker's bar permit shall be in writing and shall authorise the holder to sell and dispose of wine made by the holder, for consumption on the portion of the holder's premises described in the permit, at any time between the hours of 9 o'clock in the morning and 9 o'clock in the evening on any day.

“(3) Every wine maker's bar permit shall be deemed to be granted subject to the condition that every bottle or other container in which wine is supplied pursuant to the permit,

and every drinking vessel used for its consumption, shall be cleared away immediately after 9.30 o'clock in the evening.

“(4) Notwithstanding anything in subsection (2) of this section, a wine maker’s bar permit shall be granted only in respect of any premises—

“(a) That comprise the whole or part of the premises described in the applicant’s wine maker’s licence; or

“(b) That, in the case of a grape wine maker’s licence, comprise the whole or part of a vineyard owned by the applicant in which the applicant grows grapes for use in making wine; or

“(c) That, in the case of a fruit wine maker’s licence, comprise the whole or part of an orchard or other horticultural holding owned by the applicant in which the applicant grows fruit or vegetables for use in making wine.”

(2) Section 18 of the principal Act is hereby amended by omitting from subsections (1) (c), (2), and (3) the word “vineyard” wherever it occurs, and substituting in each case the words “wine maker’s”.

(3) Section 19 of the principal Act is hereby amended—

(a) By omitting from subsection (3) (a) the words “growing of grapes or the making of wine”, and substituting the words “making of wine, or the growing of grapes or other fruit or vegetables”;

(b) By omitting from subsections (3), (4), and (5) the word “vineyard” wherever it occurs, and substituting in each case the words “wine maker’s”.

(4) Section 20 (1) of the principal Act is hereby amended by omitting the word “vineyard”, and substituting the words “wine maker’s”.

(5) Section 23 (1) (e) of the principal Act is hereby amended by omitting the word “vineyard”, and substituting the words “wine maker’s”.

(6) Section 27 of the principal Act is hereby amended by omitting from subsections (2) and (3) the word “vineyard”, and substituting in each case the words “wine maker’s”.

(7) Section 259A of the Sale of Liquor Act 1962 (as inserted by section 62 of the Sale of Liquor Amendment Act 1980 and as amended by section 29 (3) of the principal Act) is hereby amended by omitting from subsections (6) (a) and (7) the word “vineyard”, and substituting in each case the words “wine maker’s”.

(8) Section 260 of the Sale of Liquor Act 1962 (as substituted by section 3 of the Sale of Liquor Amendment Act 1976) is

hereby amended by omitting from subsection (2) (b) (as substituted by section 8 (1) of the Sale of Liquor Amendment Act 1981) the word "vineyard", and substituting the words "wine maker's".

(9) Section 36 of the Invercargill Licensing Trusts Act 1950 (as substituted by section 15 (1) of the Licensing Trusts Amendment Act 1977) is hereby amended by omitting from subsection (1A) (as inserted by section 33 of the principal Act) the words "vineyard bar".

(10) Every vineyard bar permit that was in force immediately before the date of the commencement of this Act shall hereafter be known as a wine maker's bar permit; and every application for a vineyard bar permit that had been made but not determined before that date shall be deemed to be an application for a wine maker's bar permit.

3. Kiwifruit wine not to be exported without certificate of compliance—(1) Section 25 (1) of the principal Act is hereby amended by inserting, after the words "grape wine", the words "or of kiwifruit wine".

(2) Section 25 of the principal Act is hereby further amended by repealing subsection (2), and substituting the following subsection:

"(2) If the Director refuses to issue a certificate in respect of any wine for the purposes of subsection (1) of this section on the ground that the wine is not free from obvious fault, any person aggrieved by the Director's decision may require the case to be reviewed by a reviewing panel, comprising not less than 3 persons appointed, in accordance with regulations made under this section,—

"(a) By the Wine Institute, in the case of any grape wine;

"(b) By the Minister of Justice, in the case of any kiwifruit wine."

(3) Section 25 (5) of the principal Act is hereby amended by inserting, after the definition of the term "Director", the following definition:

"'Kiwifruit wine' means the product of the alcoholic fermentation of the juice, or of the juice and other portions, of kiwifruit:".

(4) Section 25 (6) of the principal Act (as added by section 3 of the Wine Makers Amendment Act (No. 2) 1983) is hereby amended by inserting, after the words "grape wine" in both places where they occur, the words "or kiwifruit wine".