Sale of Liquor Amendment Regulations 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 20th day of September 2004

Present:
Her Excellency the Governor-General in Council

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

Contents

1 Title
2 Commencement
3 Written notice requiring poll
4 Appointment of scrutineer to advise trust
5 Conduct of polls
6 Cost of polls
7 New heading and regulation 41A inserted
Community trusts
41A Application to amalgamation polls
8 Schedule 1 amended (forms 7 and 27)

Regulations

1 Title

(1) These regulations are the Sale of Liquor Amendment Regulations 2004.

(2) In these regulations, the Sale of Liquor Regulations 1990[1] are called "the principal regulations".

[1] SR 1990/61

2 Commencement

These regulations come into force on 1 October 2004.

3 Written notice requiring poll

Regulation 37 of the principal regulations is amended by omitting the words "an expansion proposal under section 218(3)(b)", and substituting the words "a proposal to reconstitute a licensing trust as a community trust under section 219E(2) or section 219F(2)".

4 Appointment of scrutineer to advise trust

Regulation 38(1) of the principal regulations is amended by omitting the words "an expansion proposal under section 218(3)(b)", and substituting the words "a proposal to reconstitute a licensing trust as a community trust under section 219E(2) or section 219F(2)".

5 Conduct of polls

Regulation 39 of the principal regulations is amended by revoking subclause (1), and substituting the following subclause:

"(1) The Licensing Authority must direct that a poll be held where—

"(a) a scrutineer appointed under regulation 38 has informed the Licensing Authority that at least 15% of the electors of the licensing trust have requested that a poll be held on an amalgamation proposal under section 211 of the Act, or on a competition proposal under section 215 of the Act, or on a proposal to reconstitute a licensing trust as a community trust under section 219E(2) or section 219F(2) of the Act; or

"(b) a licensing trust has informed the Licensing Authority that it has resolved that a poll be held on any competition proposal under section 215 of the Act, or reconstitution proposal under section 219E(2) or section 219F(2) of the Act."

6 Cost of polls

Regulation 40 of the principal regulations is amended by omitting the expression "section 218", and substituting the expression "section 219E or section 219F".

7 New heading and regulation 41A inserted

The principal regulations are amended by inserting, after regulation 41, the following heading and regulation:

"*Community trusts*

"41A **Application to amalgamation polls**

Regulations 37 to 40 apply, with any necessary modifications, to any poll held under section 219Z(5) of the Act."

8 Schedule 1 amended (forms 7 and 27)

(1) Form 7 in Schedule 1 of the principal regulations is amended by omitting from paragraph (a) under the heading "**Conditions**" the words "Easter Sunday,".

(2) Form 7 in Schedule 1 of the principal regulations is amended by inserting, after paragraph (a) under the heading "**Conditions**", the following paragraph:

"(ab) (*Except in the case of a licence endorsed under section 51 of the Act*) no liquor is to be sold or delivered on Easter Sunday unless the liquor is grape wine or fruit wine that is made—

"(i) on the premises; or

"(ii) from grapes or fruit harvested from land on which the premises are situated:".

(3) Form 7 in Schedule 1 of the principal regulations is amended by revoking paragraph (b) under the heading "**Conditions**", and substituting the following paragraph:

"(b) (*In the case only where the licensee is the holder of a club licence*) liquor may be sold or supplied only to—

"(i) any member of the club: or

"(ii) any member of any other club with which the holder of the licence has an arrangement for reciprocal visiting rights for members of the club:".

(4) Form 7 in Schedule 1 of the principal regulations is amended by adding to paragraph (c) under the heading "**Conditions**" the following subparagraph:

"(vii) any food condiment containing liquor if the food condiment has been prepared for culinary purposes and the food condiment has been rendered unsuitable for drinking:".

(5) Form 27 in Schedule 1 of the principal regulations is amended—

(a) by omitting from the heading the expression "*and 218,*", and substituting the expression "*219E, 219F, and 219Z*".

(b) by omitting the words "expansion proposal", and substituting the words "reconstitution proposal *or* community trusts amalgamation proposal".

Diane Morcom,
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, which come into force on 1 October 2004, amend the Sale of Liquor Regulations 1990. The amendments update those regulations (including 2 prescribed forms) following certain amendments made to the Sale of Liquor Act 1989 by the Sale of Liquor Amendment Act 2004.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 23 September 2004.
These regulations are administered in the Ministry of Justice.