

**Reprint  
as at 18 December 2013**

## **Sale of Liquor Amendment Regulations 2005**

(SR 2005/25)

Sale of Liquor Amendment Regulations 2005: revoked, on 18 December 2013, pursuant to regulation 43(a) of the Sale and Supply of Alcohol Regulations 2013 (SR 2013/459).

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.

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### **1 Title**

- (1) These regulations are the Sale of Liquor Amendment Regulations 2005.

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#### **Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

**These regulations are administered by the Ministry of Justice.**

- (2) In these regulations, the Sale of Liquor Regulations 1990<sup>1</sup> are called “the principal regulations”.

## **2 Commencement**

- (1) Regulations 6 and 7 come into force on 1 April 2006.  
(2) The rest of these regulations come into force on 1 April 2005.

## **3 Definition of licensed premises in relation to on-licences**

- (1) Regulation 7(3) of the principal regulations is amended by inserting, after the words “Licensing Authority”, the words “or District Licensing Agency”.  
(2) Regulation 7(4) of the principal regulations is amended by inserting, after the words “Licensing Authority”, the words “or District Licensing Agency”.

## **4 Definition of licensed premises in relation to off-licences**

- (1) Regulation 10(3) of the principal regulations is amended by inserting, after the words “Licensing Authority”, the words “or District Licensing Agency”.  
(2) Regulation 10(4) of the principal regulations is amended by inserting, after the words “Licensing Authority”, the words “or District Licensing Agency”.

## **5 Definition of licensed premises in relation to club licences**

- (1) Regulation 13(3) of the principal regulations is amended by inserting, after the words “Licensing Authority”, the words “or District Licensing Agency”.  
(2) Regulation 13(4) of the principal regulations is amended by inserting, after the words “Licensing Authority”, the words “or District Licensing Agency”.

## **6 New heading and regulations 21AA to 21AAC inserted**

The principal regulations are amended by inserting, after regulation 21, the following heading and regulations:

### *General managers’ prescribed qualification*

#### **21AA General managers’ prescribed qualification**

The Licence Controller Qualification issued by the Hospitality Standards Institute (the Institute) is a qualification for the purposes of section 117A of the Act.

#### **21AAB Criteria to obtain Licence Controller Qualification**

- (1) Before awarding the Licence Controller Qualification to a person, the Institute must be satisfied that the person has successfully completed the 2 New Zealand Qualifications Authority unit standards described in subclause (2).  
(2) The 2 unit standards are—

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<sup>1</sup> SR 1990/61

- (a) unit standard 4646, which requires the person to demonstrate knowledge of the Act; and
- (b) unit standard 16705, which requires the person to demonstrate knowledge of host responsibility requirements as a general manager.

**21AAC Criteria for holders of general manager's certificate to obtain Licence Controller Qualification**

- (1) This regulation applies to persons who, at the commencement of this regulation, held a valid general manager's certificate.
- (2) Despite regulation 21AAB(1), the Institute may award the Licence Controller Qualification to a person to whom this regulation applies if the Institute is satisfied that the person has successfully completed the Institute's transition test, including obtaining 100% in the section of that test that relates to the Act.
- (3) If a person takes the Institute's transition test and does not obtain 100% in the section of that test that relates to the Act, the Institute must not award the Licence Controller Qualification to that person until he or she has, at the Institute's discretion, either—
  - (a) retaken part of the section of that test that relates to the Act and obtained 100%; or
  - (b) retaken all of the section of that test that relates to the Act and obtained 100%; or
  - (c) successfully completed the 2 unit standards described in regulation 21AAB(2).
- (4) This regulation expires on the close of 31 March 2008.

**7 Form 18 amended**

Form 18 of Schedule 1 of the principal regulations is amended by revoking clause 2(g) and substituting the following paragraph:

- (g) Does the applicant hold the Licence Controller Qualification?  
Yes/No  
If Yes, on what date was that qualification obtained?  
.....

**8 Form 20 amended**

Form 20 of Schedule 1 of the principal regulations is amended by adding, after clause 1(f), the following paragraph:

- (g) Does the applicant hold the Licence Controller Qualification?  
Yes/No  
If Yes, on what date was that qualification obtained?  
.....

Rebecca Kitteridge,  
Acting for 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 1990. Regulations 6 and 7 come into force on 1 April 2006. The rest of these regulations come into force on 1 April 2005.

The amendments serve 2 main purposes:

- to allow licensees to apply to a District Licensing Agency for authority to re-define their licensed premises;
- to prescribe a Licence Controller Qualification that must be held by general managers, and the criteria for obtaining that qualification (which differ depending on whether or not the applicant holds a valid general manager's certificate at the commencement of these regulations).

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 24 February 2005.

## **Reprint notes**

### ***1 General***

This is a reprint of the Sale of Liquor Amendment Regulations 2005 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### ***2 About this reprint***

This reprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

### ***3 Amendments incorporated in this reprint***

Sale and Supply of Alcohol Regulations 2013 (SR 2013/459): regulation 43(a)