

**ALCOHOL REGULATORY AND LICENSING AUTHORITY
PRACTICE DIRECTIONS AND STATEMENTS
PURSUANT TO SECTIONS 172 AND 176 OF THE
SALE AND SUPPLY OF ALCOHOL ACT 2012**

To: Secretaries
District Licensing Committees

This is the fifth practice direction and statement issued pursuant to sections 172 and 176 of the Sale and Supply of Alcohol Act 2012 since it came into force on 19 December 2012.

1. RENEWAL OF CATERERS' OFF-LICENCES ISSUED UNDER THE SALE OF LIQUOR ACT 1989

- 1.1 Under the Sale of Liquor Act 1989 caterers were issued endorsed off-licences. Caterers are issued endorsed on-licences under the Sale and Supply of Alcohol Act 2012. District Licensing Committees have been converting caterers' off-licences issued under the Sale of Liquor Act 1989 into caterers' on-licences under the Sale and Supply of Alcohol Act 2012 when they have come up for renewal.
- 1.2 Section 409 of the Sale and Supply of Alcohol Act 2012 provides that every licence granted under the Sale of Liquor Act 1989 that was in force immediately before the commencement of that section continues in force as if it is a licence of that kind issued under the Sale and Supply of Alcohol Act 2012 but:
 - 1.2.1 Expires in accordance with the Sale and Supply of Alcohol Act 2012, as if that Act had been in force when it was granted;
 - 1.2.2 Can be renewed only by application made and considered under the Sale and Supply of Alcohol Act 2012.
- 1.3 Renewal of off-licences are restricted by s.125 of the Sale and Supply of Alcohol Act 2012 even though they may have been issued under the Sale of Liquor Act 1989. The business of catering are not premises for which an off-licence can be issued under the Sale and Supply of Alcohol Act 2012. Accordingly, caterers' off-licences that continue in force pursuant to s.409 must not be renewed. The Authority therefore suggests:
 - 1.3.1 A new on-licence with a s.38 endorsement is to be sought;
 - 1.3.2 Any new on-licence with a s.38 endorsement issued will be for a period of 12 months only;
 - 1.3.3 The normal renewal process applies thereafter.

- 1.4 Existing caterers' off-licences which have already been renewed as caterers' on-licences under the Sale and Supply of Alcohol Act 2012 are to be treated as new licences and expire 12 months after that day it was issued.
- 1.5 Outstanding applications for renewal of caterers' off-licences are to be considered as new applications for an on-licence with a s.38 endorsement.

2. CATERERS' ENDORSEMENTS TO EXISTING ON-LICENCES UNDER THE SALE AND SUPPLY OF ALCOHOL ACT 2012

- 2.1 Endorsements under s.38 of the Sale and Supply of Alcohol Act 2012 must only be applied to an on-licence when that on-licence is issued and only if:
 - 2.1.1 When applying for that on-licence, the holder asked for it to be endorsed under s.38;
 - 2.1.2 The Authority or Committee is satisfied that the holder carries on the business of a caterer.
- 2.2 Endorsements under s.38 cannot be applied to existing on-licences or when renewing existing on-licences.
- 2.3 Caterers' on-licences with a s.38 endorsement may be renewed with the endorsement retained.

DATED at WELLINGTON this 28th day of July 2015

A E Cannell
Secretary
Alcohol Regulatory and Licensing Authority