



Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Act 2023

Public Act 2023 No 39
Date of assent 26 July 2023
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act	2
Part 1	
Main amendments	
4 New sections 45A to 45H and cross-heading inserted	2
<i>Rugby World Cup 2023 extended trading hours</i>	
45A Purpose	2
45B Game, and other terms, defined	2
45C Eligible premises	3
45D Trading hours extended	4
45E Effect of extensions (on one-way door restrictions, etc)	6
45F Display of information about extensions	7
45G Special licences unaffected, and not limiting, but do not apply if notice given	7
45H Duty to keep records for research purposes	8
5 New Schedule 4 inserted	8
6 Repeal of extended trading hours provisions	8
Part 2	
Related amendments	
7 Section 44 amended (Permitted trading hours for premises without relevant local alcohol policy)	9

8	Section 45 amended (Permitted trading hours for premises with relevant local alcohol policy)	9
9	Section 50 amended (One-way door restrictions in local alcohol policies to be complied with)	9
	Schedule	10
	New Schedule 4 inserted	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Sale and Supply of Alcohol (Rugby World Cup 2023 Extended Trading Hours) Amendment Act 2023.

2 Commencement

This Act comes into force on the day after Royal assent.

3 Principal Act

This Act amends the Sale and Supply of Alcohol Act 2012.

Part 1
Main amendments

4 New sections 45A to 45H and cross-heading inserted

After section 45, insert:

Rugby World Cup 2023 extended trading hours

45A Purpose

The purpose of sections 45B to 45H is to facilitate extended trading hours (and related adjustments to one-way door restrictions) for some premises—

- (a) for which an on-licence or a club licence is held; and
- (b) in which the licensee intends to televise, and televises, on a particular night, a notified game or games.

45B Game, and other terms, defined

- (1) In section 45A, this section, and sections 45C to 45H,—

game means a game of the Rugby World Cup 2023 tournament (the tenth quadrennial international rugby world championship, to be held in France, from 8 September 2023 (Central European Summer Time) to 28 October 2023 (Central European Summer Time), game details for which are set out, for public information and reference purposes only, in Schedule 4)

night, for licensed premises, means a period all or some of which is outside the permitted trading hours, including morning hours

televise, for a game, means to show customers the game via a live audiovisual communication—

- (a) in any form, on any basis (for example, subscription to a television channel or service, or on demand), and using any medium or media (for example, satellite television broadcast, or Internet video streaming); and
 - (b) to or for, or to or for a class of, the public.
- (2) **Permitted trading hours**, and other terms defined in section 5(1), have, in section 45A, this section, and sections 45C to 45H, the same meanings given to them by section 5(1).

45C Eligible premises

- (1) Sections 45D to 45F apply to any licensed premises for which an on-licence or a club licence—
- (a) is held, and not suspended or cancelled, immediately before a night—
 - (i) on or after 9 September 2023 (New Zealand standard time); and
 - (ii) before or on 29 October 2023 (New Zealand daylight time); and
 - (b) has not been varied or suspended under section 280 within 12 months before the date on which the licensee gives notice under this section.
- (2) However, sections 45D to 45F apply to the premises only if the licensee has given the territorial authority and the Police at least 7 days' written notice—
- (a) that the licensee intends to televise in the premises on the night the game, all games, or any 1 or more stated games; and
 - (b) of the details of a noise management plan that is, or the other arrangements for managing noise levels that are, appropriate to the locality and that the licensee is to have in place during every proposed extension under section 45D to the permitted trading hours.
- (3) The details under subsection (2)(b) must state how the licensee will comply with the noise level management conditions in section 45E(1)(c).
- (4) The notification to the Police must be sent to the constable in charge of the police station nearest to the premises for which the licence is held.
- (5) Sections 45D to 45F cease to apply to the premises if—
- (a) an application for an order under section 280 suspending or cancelling a licence is made on the grounds, expressly stated in the application, that the premises have clearly been conducted in breach, without reasonable excuse, of any of sections 45D to 45F; and
 - (b) a copy of the application is sent to, and received by, the licensee.
- (6) A licensee who has given notice under subsection (2) but subsequently decides not to televise in the premises any games on the night specified in that notice

must, as soon as is reasonably practicable, give notice of the decision to the territorial authority and the constable in charge of the police station nearest the premises for which the licence is held.

- (7) If notice is given under subsection (6), sections 45D to 45F cease to apply.

45D Trading hours extended

- (1) The licensee has the extension provided in this section to the permitted trading hours, but only if the primary or sole purpose of the premises being open on the night is to allow customers to watch the televised game or games notified by the licensee under section 45C.
- (2) The premises may open 1 hour before the start of each game to be televised.
- (3) However, if the first or only game to be televised is to start no more than 2 hours after the end of the last period of permitted trading hours for the premises, the premises can stay open after that period, and until that game starts.
- (4) The premises can be open during each game televised.
- (5) The premises are required to close for the sale of alcohol 30 minutes after the end of each game televised (unless that 30-minute period ends after the start of the 1-hour period under subsection (2) for the next game to be televised).
- (6) Sections 255 and 256 make it an offence for a person to whom section 255(1) applies to be found in (and for the licensee or a manager of the premises to allow the person to be on) any part of the premises, if they are on-licence premises used principally or exclusively for the sale, supply, or consumption of alcohol, at any time that—
- (a) is not a time when a special licence applies to the premises; and
 - (b) is not between 6 am and the time when the next period of permitted trading hours for the premises begins; and
 - (c) is—
 - (i) more than 30 minutes after the premises are required to close for the sale of alcohol; or
 - (ii) a time when the premises are required to be closed for the sale of alcohol.

Example 1: game starts during and finishes outside permitted trading hours

The licensee notifies for the Italy v Namibia game played on 9 September at 23.00 NZST.

The last period of permitted trading hours for the premises ends at 23.30 NZST.

The premises can be open during the game televised, which ends at 0.45 NZST.

The premises are required to be closed for the sale of alcohol at 1.15 NZST.

The premises are on-licence premises used mainly or only for the sale, supply, or consumption of alcohol, so no customer can be found in, or allowed to be on, the premises after 1.45 NZST and before 6.00 NZST.

Example 2: game starts no more than 2 hours outside permitted trading hours

The licensee notifies for the Japan v Argentina game played on 9 October at 0.00 NZDT.

The last period of permitted trading hours for the premises ends at 22.00 NZDT.

As the game is to start no more than 2 hours after 22.00 NZDT, the premises can stay open after 22.00 NZDT until the game starts at or about 0.00 NZDT.

The premises can be open during the game televised, which ends at 1.45 NZDT.

The premises are required to be closed for the sale of alcohol at 2.15 NZDT.

The premises are on-licence premises used mainly or only for the sale, supply, or consumption of alcohol, so no customer can be found in, or allowed to be on, the premises after 2.45 NZDT and before 6.00 NZDT.

Example 3: game starts more than 2 hours outside permitted trading hours

The licensee notifies for the Australia v Fiji game played on 18 September at 3.45 NZST.

The last period of permitted trading hours for the premises ends at 17.00 NZST.

The premises can open at 2.45 NZST (1 hour before the start of the game).

The game ends at 5.30 NZST.

The premises are required to be closed for the sale of alcohol at 6.00 NZST.

Example 4: successive games

The licensee notifies for the first, second, and third of these 3 games played on 8 October:

- the Wales v Georgia game to start at 2.00 NZDT:
- the England v Samoa game to start at 4.45 NZDT:
- the Ireland v Scotland game to start at 8.00 NZDT.

The last period of permitted trading hours for the premises ends at 0.30 NZDT.

The opening time for permitted trading hours is 8.00 NZDT.

The premises can remain open and sell, supply, and let people consume alcohol on the premises from 0.30 NZDT on 8 October (the end of the last period of permitted trading hours) until 0.30 NZDT on 9 October (the end of last period of permitted trading hours the following day), because—

- (a) the first game is to start no more than 2 hours after 0.30 NZDT; and
- (b) premises can open 1 hour before the start of each game to be televised; and
- (c) alcohol sales are required to close 30 minutes after the game ends, unless that 30-minute period ends after the start of the 1-hour period under (b); and
- (d) the third game starts at the premises' opening time for permitted trading hours at 8.00 NZDT.

Example 5: non-successive games

The licensee notifies for the first and third, but not the second, of these 3 games played on 8 October:

- the Wales v Georgia game to start at 2.00 NZDT:
- the England v Samoa game to start at 4.45 NZDT:
- the Ireland v Scotland game to start at 8.00 NZDT.

The last period of permitted trading hours for the premises ends at 0.30 NZDT.

The opening time for permitted trading hours is 8.00 NZDT.

As the game is to start no more than 2 hours after the end of the last period of permitted trading hours, the premises can remain open from 0.30 NZDT to the end of the first game, at 3.45 NZDT.

The premises are required to be closed for the sale of alcohol at 4.15 NZDT.

The premises are on-licence premises used mainly or only for the sale, supply, or consumption of alcohol, so no customers can be found in, or allowed on, the premises after 4.45 NZDT and until 6.00 NZDT.

The premises can open again for the sale of alcohol at 7.00 NZDT (1 hour before the start of the third game).

The third game ends at 8.45 NZDT, within the premises' permitted trading hours, and can remain open until 0.30 NZDT on 9 October (the last period of permitted trading hours the following day).

45E Effect of extensions (on one-way door restrictions, etc)

- (1) While the premises are open under an extension under section 45D,—
- (a) the licensee has, for the purposes of section 247(1), the authority of this Act to do any of the following things:
 - (i) sell or supply alcohol on the premises for consumption there; or
 - (ii) let people consume alcohol on the premises; and
 - (b) sections 46 to 63 and 259(1) require the licensee to comply with all applicable requirements and restrictions imposed by or under this Act, and with every (and, in particular, with the most restrictive relevant applicable) condition subject to which the licence has been issued or renewed, except so far as those requirements, restrictions, or conditions are overridden under subsection (4)(a); and
 - (c) the licensee must comply with the following conditions:
 - (i) open areas cannot be used for any purpose (despite section 12 of the Smokefree Environments and Regulated Products Act 1990):
 - (ii) audio equipment (for example, loudspeakers, amplifiers, or audio relay equipment) cannot be used in an open area:
 - (iii) bottles, or other rubbish, cannot be disposed of, or left for collection in an open area.
- (2) An extension under section 45D—

- (a) must be treated as if it were part of the permitted trading hours (for example, under sections 46(1) and 259(1)(a)) on a day on which alcohol may be sold and supplied; and
 - (b) is not (for example, under sections 255(1)(c)(i) and (ii) and 256), while it operates, a time when the premises are required to close, or to be closed, for the sale of alcohol.
- (3) Any one-way door restriction (whether imposed on the licence, or in a relevant local alcohol policy) applicable to the premises during the permitted trading hours does not operate—
 - (a) within 1 hour before an extension starts under section 45D(3); or
 - (b) during an extension under section 45D to the permitted trading hours; or
 - (c) within 1 hour after the premises are required under section 45D(5) to close for the sale of alcohol.
- (4) Section 45D and this section—
 - (a) override any contrary provisions of this Act, of a relevant local alcohol policy, or of a condition of the licence; and
 - (b) do not affect closure of the premises under section 265 or 266, or the operation of subpart 9 of Part 2 (other enforcement provisions) in respect of the premises.
- (5) A person's use of land must be treated as not contravening section 9 of the Resource Management Act 1991 if—
 - (a) it complies with section 45D and the rest of this section; and
 - (b) it would comply with section 9 of the Resource Management Act 1991 if it occurred only during permitted trading hours.
- (6) For the purposes of subsection (1)(c), **open area** has the same meaning as in section 2(1) of the Smokefree Environments and Regulated Products Act 1990.

45F Display of information about extensions

- (1) If sections 45D and 45E apply, under section 45C, to licensed premises, the licensee must display promptly a general statement about how sections 45D and 45E may be, and are to be, used in respect of the premises.
- (2) The statement must be displayed in the way section 57(1) or (2) requires display of a statement of all conditions subject to which the licence is issued.
- (3) To avoid doubt, a person who fails or refuses to comply with subsection (2) commits an offence against section 259(1).

45G Special licences unaffected, and not limiting, but do not apply if notice given

- (1) Sections 45A to 45F and this section do not limit or affect—

- (a) an application for a special licence issued in respect of an event related to a game or games; or
 - (b) the operation of a special licence of that kind.
- (2) Section 45C(1) applies to premises even if a special licence is also held for the premises, and has been issued in respect of an event related to all or any games that the licensee intends to televise in those premises in reliance instead on sections 45D and 45E.
- (3) However, if the holder of the special licence gives notice under section 45C(2) that the licensee intends to televise 1 or more games in reliance on sections 45D and 45E,—
- (a) sections 45D to 45F apply to the premises; and
 - (b) for the period of the extension provided by section 45D, the special licence does not apply to the premises.

45H Duty to keep records for research purposes

- (1) The Police must keep records of the notices given under section 45C for research purposes.
- (2) The records must—
- (a) specify the number of notices given under section 45C(2); and
 - (b) specify the number of notices given under section 45C(6); and
 - (c) classify the premises to which the notifications relate (including size, type, and location); and
 - (d) specify, for each premises,—
 - (i) the period of extended hours that have been notified (hours and times); and
 - (ii) the period of time between the giving of a notice and the start of the extended hours to which the notice relates.

5 New Schedule 4 inserted

After Schedule 3, insert the Schedule 4 set out in the Schedule of this Act.

6 Repeal of extended trading hours provisions

Sections 44(3), 45(3), 45A to 45H, and 50(3), the cross-heading above section 45A, and Schedule 4 are repealed on 31 October 2023.

Part 2

Related amendments

7 Section 44 amended (Permitted trading hours for premises without relevant local alcohol policy)

After section 44(2), insert:

- (3) This section is overridden by sections 45A to 45H (Rugby World Cup 2023 extended trading hours).

8 Section 45 amended (Permitted trading hours for premises with relevant local alcohol policy)

After section 45(2), insert:

- (3) This section is overridden by sections 45A to 45H (Rugby World Cup 2023 extended trading hours).

9 Section 50 amended (One-way door restrictions in local alcohol policies to be complied with)

After section 50(2), insert:

- (3) This section is overridden by sections 45A to 45H (Rugby World Cup 2023 extended trading hours).

Schedule

New Schedule 4 inserted

s 5

Schedule 4

Rugby World Cup 2023 extended trading hours: game details

s 45B(1)

Notes

NZST means New Zealand Standard Time, and NZDT means New Zealand Daylight Time.

CEST means Central European Summer Time.

Pool games involving New Zealand, and playoff games, are in **bold**.

Time in New Zealand	Time in France	Game
<i>Pool games</i>		
Sat 9 Sep, 7.15 NZST	Fri 8 Sep, 21.15 CEST	France v New Zealand
Sat 9 Sep, 23.00 NZST	Sat 9 Sep, 13.00 CEST	Italy v Namibia
Sun 10 Sep, 1.30 NZST	Sat 9 Sep, 15.30 CEST	Ireland v Romania
Sun 10 Sep, 4.00 NZST	Sat 9 Sep, 18.00 CEST	Australia v Georgia
Sun 10 Sep, 7.00 NZST	Sat 9 Sep, 21.00 CEST	England v Argentina
Sun 10 Sep, 23.00 NZST	Sun 10 Sep, 13.00 CEST	Japan v Chile
Mon 11 Sep, 3.45 NZST	Sun 10 Sep, 17.45 CEST	South Africa v Scotland
Mon 11 Sep, 7.00 NZST	Sun 10 Sep, 21.00 CEST	Wales v Fiji
Fri 15 Sep, 7.00 NZST	Thurs 14 Sep, 21.00 CEST	France v Uruguay
Sat 16 Sep, 7.00 NZST	Fri 15 Sep, 21.00 CEST	New Zealand v Namibia
Sun 17 Sep, 1.00 NZST	Sat 16 Sep, 15.00 CEST	Samoa v Chile
Sun 17 Sep, 3.45 NZST	Sat 16 Sep, 17.45 CEST	Wales v Portugal
Sun 17 Sep, 7.00 NZST	Sat 16 Sep, 21.00 CEST	Ireland v Tonga
Mon 18, 1.00 NZST	Sun 17 Sep, 15.00 CEST	South Africa v Romania
Mon 18 Sep, 3.45 NZST	Sun 17 Sep, 17.45 CEST	Australia v Fiji
Mon 18 Sep, 7.00 NZST	Sun 17 Sep, 21.00 CEST	England v Japan
Thurs 21 Sep, 3.45 NZST	Wed 20 Sep, 17.45 CEST	Italy v Uruguay
Fri 22 Sep, 7.00 NZST	Thurs 21 Sep, 21.00 CEST	France v Namibia
Sat 23 Sep, 3.45 NZST	Fri 22 Sep, 17.45 CEST	Argentina v Samoa

Time in New Zealand	Time in France	Game
Sun 24 Sep, 0.00 NZST	Sat 23 Sep, 14.00 CEST	Georgia v Portugal
<i>(New Zealand transitions from NZST to NZDT on Sun 24 Sep at 02.00 NZST)</i>		
Sun 24 Sep, 4.45 NZDT	Sat 23 Sep, 17.45 CEST	England v Chile
Sun 24 Sep, 8.00 NZDT	Sat 23 Sep, 21.00 CEST	South Africa v Ireland
Mon 25 Sep, 4.45 NZDT	Sun 24 Sep, 17.45 CEST	Scotland v Tonga
Mon 25 Sep, 8.00 NZDT	Sun 24 Sep, 21.00 CEST	Wales v Australia
Thurs 28 Sep, 4.45 NZDT	Wed 27 Sep, 17.45 CEST	Uruguay v Namibia
Fri 29 Sep, 8.00 NZDT	Thurs 28 Sep, 21.00 CEST	Japan v Samoa
Sat 30 Sep, 8.00 NZDT	Fri 29 Sep, 21.00 CEST	New Zealand v Italy
Sun 1 Oct, 2.00 NZDT	Sat 30 Sep, 15.00 CEST	Argentina v Chile
Sun 1 Oct, 4.45 NZDT	Sat 30 Sep, 17.45 CEST	Fiji v Georgia
Sun 1 Oct, 8.00 NZDT	Sat 30 Sep, 21.00 CEST	Scotland v Romania
Mon 2 Oct, 4.45 NZDT	Sun 1 Oct, 17.45 CEST	Australia v Portugal
Mon 2 Oct, 8.00 NZDT	Sun 1 Oct, 21.00 CEST	South Africa v Tonga
Fri 6 Oct, 8.00 NZDT	Thurs 5 Oct, 21.00 CEST	New Zealand v Uruguay
Sat 7 Oct, 8.00 NZDT	Fri 6 Oct, 21.00 CEST	France v Italy
Sun 8 Oct, 2.00 NZDT	Sat 7 Oct, 15.00 CEST	Wales v Georgia
Sun 8 Oct, 4.45 NZDT	Sat 7 Oct, 17.45 CEST	England v Samoa
Sun 8 Oct, 8.00 NZDT	Sat 7 Oct, 21.00 CEST	Ireland v Scotland
Mon 9 Oct, 0.00 NZDT	Sun 8 Oct, 13.00 CEST	Japan v Argentina
Mon 9 Oct, 4.45 NZDT	Sun 8 Oct, 17.45 CEST	Tonga v Romania
Mon 9 Oct, 8.00 NZDT	Sun 8 Oct, 21.00 CEST	Fiji v Portugal
<i>Quarter-finals</i>		
Sun 15 Oct, 4.00 NZDT	Sat 14 Oct, 17.00 CEST	Winner Pool C v Runner-up Pool D
Sun 15 Oct, 8.00 NZDT	Sat 14 Oct, 21.00 CEST	Winner Pool B v Runner-up Pool A
Mon 16 Oct, 4.00 NZDT	Sun 15 Oct, 17.00 CEST	Winner Pool D v Runner-up Pool C
Mon 16 Oct, 8.00 NZDT	Sun 15 Oct, 21.00 CEST	Winner Pool A v Runner-up Pool B
<i>Semi-finals</i>		
Sat 21 Oct, 8.00 NZDT	Fri 20 Oct, 21.00 CEST	Winner QF1 v Winner QF2

Time in New Zealand	Time in France	Game
Sun 22 Oct, 8.00 NZDT	Sat 21 Oct, 21.00 CEST	Winner QF3 v Winner QF4
<i>Finals</i>		
Sat 28 Oct, 8.00 NZDT	Fri 27 Oct, 21.00 CEST	Bronze Medal Match
Sun 29 Oct, 8.00 NZDT	Sat 28 Oct, 21.00 CEST	Final

Legislative history

6 June 2023	Introduction (Bill 259–1), first reading and referral to Justice Committee
7 July 2023	Reported from Justice Committee (Bill 259–2)
18 July 2023	Second reading, committee of the whole House, third reading
26 July 2023	Royal assent

This Act is administered by the Ministry of Justice.