



Sale and Supply of Alcohol Amendment Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 14th day of August 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 397 of the Sale and Supply of Alcohol Act 2012 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Sale and Supply of Alcohol Amendment Regulations 2017.

2 Commencement

These regulations come into force on 15 September 2017.

3 Principal regulations

These regulations amend the Sale and Supply of Alcohol Regulations 2013 (the **principal regulations**).

4 Regulation 6 amended (Ascertaining principal business carried on on premises (existing business))

After regulation 6(1)(a)(i), insert:

- (ia) excise duty and excise-equivalent duty on tobacco products; and

5 Regulation 7 amended (Ascertaining principal business carried on on premises (new business))

After regulation 7(1)(a)(i), insert:

- (ia) excise duty and excise-equivalent duty on tobacco products; and

6 Regulation 12 amended (Requirements for statements of annual sales revenue (existing businesses))

Replace regulation 12(1)(a) with:

- (a) a statement of the gross sales revenue of the business being carried on on the premises for the period of 12 months ending no more than 90 days before the time at which the application for the issue or renewal of an off-licence for the premises is made,—
 - (i) excluding GST; and
 - (ii) excluding excise duty and excise-equivalent duty on tobacco products; and
 - (iii) after deduction of all revenue from sales of lotto, Keno, Instant Kiwi, or any other New Zealand lottery promoted by the New Zealand Lotteries Commission; and

7 Regulation 13 amended (Requirements for statements of annual sales revenue (new businesses))

After regulation 13(1)(a)(i), insert:

- (ia) excluding excise duty and excise-equivalent duty on tobacco products; and

Michael Webster,
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 15 September 2017, amend the Sale and Supply of Alcohol Regulations 2013 (the **principal regulations**). The regulations provide that excise duty and excise-equivalent duty on tobacco products are to be deducted or excluded from the calculation of a business's actual or projected gross annual sales revenue. The result of this calculation affects the eligibility of grocery stores to hold alcohol off-licences. More specifically, the regulations, for existing and new businesses, establish requirements for—

- the deduction of excise duty and excise-equivalent duty on tobacco products from the calculation of the businesses' actual or projected gross sales revenue (as the case may be) for the purposes of ascertaining their principal business (as defined in section 5(1) of the Sale and Supply of Alcohol Act 2012) (amendments to regulations 6 and 7 of the principal regulations);
- the exclusion of excise duty and excise-equivalent duty on tobacco products from the businesses' statement of actual or projected gross sales revenue (as the case may be) to which the licensing authority or a licensing committee must have regard in determining whether any premises are a grocery store (amendments to regulations 12 and 13 of the principal regulations).

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 17 August 2017.

These regulations are administered by the Ministry of Justice.