

Sections on liquor control and licensing extracted from the original omnibus bill which can be found at:

http://www.leg.bc.ca/39th2nd/1st_read/gov20-1.htm

**BILL 20 — 2010
MISCELLANEOUS STATUTES
AMENDMENT ACT (No. 3), 2010**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

...

Liquor Control and Licensing Act

Explanatory Note

114 Section 1 (1) of the Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267, is amended

(a) by repealing the definition of "agency store",

(b) by repealing the definition of "agent" and substituting the following:

"agent" means, for the purposes of section 52,

(a) a liquor manufacturer representing itself as agent,

(b) a person hired by a liquor manufacturer to represent the manufacturer as agent, or

(c) a person who represents a manufacturer who manufactures liquor outside British Columbia; ,

(c) by adding the following definition:

"employee" means an employee of the branch appointed under section 4; ,

(d) by repealing the definition of "liquor store" and substituting the following:

"liquor store" means a government liquor store, government beer store or government wine store; , *and*

(e) by repealing the definition of "officer".

Explanatory Note

115 Section 2 (2) is amended by striking out "from the Liquor Distribution Branch" and substituting "from the Liquor Distribution Branch, or from a licensee who holds a prescribed class or category of licence, "

Explanatory Note

116 Section 4 is amended

(a) in subsection (1) by striking out "Officers and other employees required for the purposes of this Act" and substituting "Employees required for the purposes of this Act", and

(b) in subsection (2) by striking out "officers" and substituting "employees".

Explanatory Note

117 Section 6 (f) is amended by striking out "officials" and substituting "employees".

Explanatory Note

118 Section 7 is amended

(a) by repealing subsection (1) and substituting the following:

(1) On application in the form established by the general manager, the general manager, a store manager or a licensee who holds a prescribed class or category of licence may, on payment of the prescribed fee by the applicant, and subject to the regulations, if any, issue a special occasion licence entitling the applicant to sell or serve liquor

(a) at a designated establishment for a special occasion, the purpose of which is named in the licence, and

(b) in accordance with this Act and the regulations and the terms and conditions of the licence. ,

(b) in subsection (3) by striking out "to a store manager or other employee" and substituting "to a class of persons", and

(c) by adding the following subsections:

(3.1) In deciding whether to issue a licence under this section, the general manager may consider whether the applicant is a fit and proper person.

(3.2) If the general manager considers whether the applicant is fit and proper for the purposes of subsection (3.1), section 16 (2) and (2.2) applies.

(3.3) The general manager may refuse to issue a licence under this section if, at the time of the application, a fine, monetary penalty or suspension has been imposed under this Act on the applicant and,

(a) in the case of a fine, the fine has become payable under the *Offence Act*, and has not been fully paid,

(b) in the case of a monetary penalty,

(i) the monetary penalty has become payable,

(ii) the time period for payment of the monetary penalty has expired, and

(iii) the monetary penalty has not been fully paid, or

(c) in the case of a suspension, the suspension has taken effect and has not been fully served.

(3.4) A store manager or licensee referred to in subsection (1) must, on the direction of the general manager, refuse to issue a licence under this section.

(3.5) The general manager may determine the days and hours a licence under this section may be in effect and how frequently a licence may be issued to an applicant or in respect of an establishment.

(4.1) The general manager or a peace officer may cancel a licence issued under this section if, in the general manager's opinion or in the opinion of the peace officer,

(a) the circumstances on the basis of which the licence was applied for and issued have changed so that they no longer meet the requirements of this Act or the regulations for issuance of the licence, or

(b) the circumstances on the basis of which the licence was issued did not exist at the time the licence was issued or the licence was otherwise issued in error.

(9) Section 20, except section 20 (1) (c) and (d) and (2) (f), applies to

(a) an applicant to whom a licence under this section is issued entitling the applicant to sell or serve liquor, and

(b) a person referred to in paragraph (a) following the expiry of the special occasion licence, provided that the general manager commences enforcement action against the person within 6 months after the expiry of the licence,

and for that purpose,

(c) a reference in section 20 to "licensee" must be read to include a person referred to in paragraph (b), and

(d) a reference in section 20 to "licensed establishment" must be read as a reference to the designated establishment in respect of which the licence under this section is issued.

Explanatory Note

119 Section 10 is repealed and the following substituted:

Approvals to care facilities to provide alcohol

10 (1) In this section:

"assisted living residence" has the same meaning as in the *Community Care and Assisted Living Act*;

"community care facility" has the same meaning as in the *Community Care and Assisted Living Act*;

"hospital" has the same meaning as in the *Hospital Act*.

(2) Despite section 40 but subject to subsections (3) and (4) of this section, a person in charge of an assisted living residence, a community care facility or a hospital may, subject to the terms and conditions imposed by the general manager, if any,

(a) allow liquor to be provided to a patient or resident of that institution or a guest of the patient or resident, and

(b) charge for the liquor provided under paragraph (a).

(3) The general manager may prohibit a specified assisted living residence, community care facility or hospital from doing a thing referred to in subsection (2).

(4) This section does not affect section 41 and does not apply to an offence under section 48 (1) in respect of a contravention of section 41.

Explanatory Note

120 Section 11.3 is amended

(a) in subsection (1) by striking out "or renewed",

(b) in subsections (1) to (3) by striking out "or renewal" wherever it appears, and

(c) in subsection (3) by striking out "or renew".

Explanatory Note

121 The following section is added:

Exceptions to sections 11.1 and 11.3

11.31 (1) Despite sections 11.1 and 11.3 and regulations under those sections, the Lieutenant Governor in Council may make regulations

(a) exempting a class or category of licence or class of establishment or licensed establishment from one or more of the requirements under one or both of those sections, and

(b) substituting and governing a different process or different requirements for consultation with local governments and first nations for a class or category of licence or class of establishment or licensed establishment exempted under paragraph (a).

(2) Regulations under this section may be different for different classes or categories of licences or different classes of establishments or licensed establishments.

Explanatory Note

122 Section 12 is amended

(a) by repealing subsection (3) (j), and

(b) by adding the following subsection:

(5.1) Despite subsection (5), if, within one year of the expiry date referred to in that subsection, a licensee applies to renew its licence, the general manager may, subject to payment of the prescribed fees, renew the licence.

Explanatory Note

123 Section 12.1 is amended by adding the following subsection:

(6.1) Despite subsection (6), if, within one year of the expiry date referred to in that subsection, a licensee applies to renew its licence, the general manager may, subject to payment of the prescribed fees, renew the licence.

Explanatory Note

124 Section 16 is amended

(a) by repealing subsection (2) and substituting the following:

(2) In deciding if a person is fit and proper for the purposes of subsection (1) (a), the general manager

(a) must consider convictions of the person under the laws of Canada or a province or the bylaws of a municipality or regional district in British Columbia, and

(b) may consider

(i) administrative penalties levied against the person under a law of Canada or a province,

(ii) the financial integrity of the person, and

(iii) other factors the general manager believes are relevant to the consideration.

(2.1) The general manager may at any time, on the general manager's own initiative, if the general manager thinks it necessary or desirable, determine whether a licensee is a fit and proper person.

(2.2) The general manager may conduct an investigation that the general manager considers is or may be necessary for the purpose of determining whether a person or licensee is fit and proper. , **and**

(b) in subsection (3) by striking out "issued, renewed or transferred" and substituting "issued, renewed, transferred or amended".

Explanatory Note

125 Section 17 is amended by adding the following subsections:

(3) In deciding whether to grant approval under this section, the general manager must determine whether the other person is a fit and proper person, and section 16 (2) and (2.2) applies to the determination.

(4) The general manager may at any time, on the general manager's own initiative, if the general manager thinks it necessary or desirable, determine whether a person using the licence of a licensee is a fit and proper person, and section 16 (2) and (2.2) applies to the determination.

(5) If, in the general manager's opinion, the other person is not a fit and proper person, the approval must not be granted or must be withdrawn, as the case may be.

Explanatory Note

126 Section 18 is amended

(a) by repealing subsection (1),

(b) in subsections (2) and (2.1) by striking out "subsection (1), (1.1) or (1.2)" and substituting "subsection (1.1) or (1.2)",

(c) in subsection (2) by striking out "whether or not that subsection applies to that person",

(d) in subsection (2.1) by striking out "whether or not that subsection applies to that licensee", and

(e) by repealing subsections (2.2), (3) and (4) and substituting the following:

(4) Subject to the regulations, the general manager may specify that a licence, other than a licence referred to in section 52, 57 or 58, must not be issued, renewed or transferred

(a) to a person who has agreed or arranged with another to sell the liquor of a manufacturer to the exclusion of the liquor of another manufacturer, or

(b) to a liquor manufacturer or the manufacturer's agent, or to a person who is so associated with,

connected with or financially interested in them, that it is likely to promote the sale of liquor for that manufacturer or person.

Explanatory Note

127 Section 19 (2) and (3) is repealed.

Explanatory Note

128 Section 22 (3) is amended by striking out "to specified officers and peace officers" and substituting "to a class of employees or peace officers".

Explanatory Note

129 Section 23 is amended

(a) in subsection (1) by striking out "may suspend or impose conditions" and substituting "may, without a hearing, suspend or impose terms and conditions",

(b) by adding the following subsections:

(2.1) The general manager may, without a hearing, suspend a licence or impose terms and conditions on a licence for a period not exceeding 14 days, if the general manager has reasonable grounds to believe that it is in the public interest to prevent the licensed establishment from continuing to operate as a result of extraordinary circumstances existing at, or being associated with the operation of, the licensed establishment.

(2.2) If under subsection (2.1), the general manager suspends a licence or imposes terms and conditions on a licence, the general manager must

(a) provide the licensee with written notice of the suspension of the licence or imposition of terms and conditions on the licence,

(b) set out in the notice the reasons for taking the action, and

(c) set out in the notice the details of the action including, if a suspension is imposed, the period of the suspension and the dates of the suspension. ,
and

(c) in subsection (3) by striking out "suspension of or the imposition of conditions on" and substituting "suspension of, or imposition of terms and conditions on,".

Explanatory Note

130 Sections 24, 25 and 27 to 29 are repealed.

Explanatory Note

131 Section 32 is amended

(a) in subsection (1) by striking out "or other officer or employee of the branch" and substituting "or employee", and

(b) in subsection (2) by striking out "or an officer or employee of the branch" and substituting "or an employee".

Explanatory Note

132 Section 34 is amended by adding the following subsection:

(5) This section, except as subsection (1) applies to the consumption of liquor, does not apply to a minor

(a) who is employed or contracted by a municipal police board, the provincial police force or the general manager to test the compliance of a licensee with section 33 or 35 or the regulations, and

(b) while the minor is engaged in that employment or under that contract and accompanied or supervised by a peace officer or an employee.

Explanatory Note

133 Section 36 is amended

(a) by repealing subsections (1) and (3),

(b) in subsection (2) (a) by striking out "gambling," and

(c) in subsection (2) by adding "or" at the end of paragraph (a), by striking out ", or" at the end of paragraph (b) and by repealing paragraph (c).

Explanatory Note

134 Section 38 is amended

(a) by adding the following subsection:

(2.1) Provided that a person to whom a special occasion licence has been issued under section 7 is registered as a charity with the Canada Revenue Agency,

(a) an agent as defined in section 1 or a liquor manufacturer may give liquor that has been purchased from the Liquor Distribution Branch to the person to sell in accordance with the terms and conditions of the special occasion licence and this Act and the regulations, and

(b) the person to whom the special occasion licence has been issued may sell the liquor referred to in paragraph (a) in accordance with the terms and conditions of the special occasion licence and this Act and the regulations. , ***and***

(b) in subsection (3) (a) by adding "or from a licensee who holds a prescribed class or category of licence referred to in section 2 (2) " after "the Liquor Distribution Branch".

Explanatory Note

135 Section 38.1 (2) is repealed and the following substituted:

(2) Subsection (1) does not prevent a licensee from diluting or adulterating liquor in a drink at the request of a customer ordering that drink or in anticipation of a customer ordering that drink.

Explanatory Note

136 Section 40 (1) is amended by striking out "a person must not consume liquor in a public place" and substituting "a person must not, in a public place, consume liquor or possess liquor in an open container".

Explanatory Note

137 Section 42 is amended by striking out ", liquor store or agency store" and substituting "or liquor store".

Explanatory Note

138 Section 45 is repealed and the following substituted:

Licensee not to give or accept gifts

45 Subject to the regulations, the general manager may specify that a licensee must not offer or give, agree to offer or give, demand, accept or receive, or agree to accept or receive, money, gifts, reward or remuneration, directly or indirectly, for promoting, inducing or furthering the sale of liquor.

Explanatory Note

139 Section 52 is amended

(a) in subsection (3) by striking out "A liquor manufacturer or agent must not give liquor to a person" and substituting "An agent must not give or sell liquor to a person",

(b) in subsection (5) by striking out "or importer",

(c) in subsection (5) by striking out "the prescribed amount" and substituting "the maximum amount authorized by the general manager",

(d) by adding the following subsection:

(5.1) An agent

(a) may advertise and promote liquor manufactured by the manufacturer the agent represents to licensees, liquor stores and the public, and

(b) may only sell liquor manufactured by the manufacturer the agent represents to the Liquor Distribution Branch in a manner authorized by the general manager of the Liquor Distribution Branch. , **and**

(e) by repealing subsection (6).

Explanatory Note

140 Section 54 is repealed and the following substituted:

Sponsorship

54 A licensee may, subject to the regulations and the terms and conditions imposed on the licence by the general manager, sponsor an event, activity or organization under

- (a) the corporate name of the licensee,
- (b) the name of the licensed establishment, or
- (c) the brand name of the product sold by the licensee.

Explanatory Note

141 Section 57 is amended

(a) in subsections (1) (a) and (2) (a) by striking out "the Liquor Distribution Branch" and substituting "the Liquor Distribution Branch and otherwise in accordance with the terms and conditions of the licence",

(b) in subsection (4) by adding ", under section 12," after "the general manager may" and by striking out "expiring on the date specified on it as the expiry date",

(c) in subsection (6) by striking out "an officer or peace officer" and substituting "the general manager or a peace officer",

(d) in subsection (7) by striking out "An officer" and substituting "The general manager",

(e) in subsection 8 (a) and (b) by striking out "an officer or peace officer" and substituting "the general manager or a peace officer", and

(f) in subsection (8) (c) by striking out "an officer" and substituting "the general manager".

Explanatory Note

142 Section 58 is amended

(a) in subsection (3) (a) by striking out "in accordance with the regulations" and substituting "in accordance with the terms and conditions of the licence",

(b) in subsection (3) (f) by striking out ", in accordance with the regulations," and substituting ", in accordance with the terms and conditions of the licence," and

(c) by adding the following paragraph:

(g) in accordance with the terms and conditions of the licence, sell the wine produced by that winery to the public for consumption other than at the winery.

Explanatory Note

143 Section 62 (3), (3.1) and (4) is amended by striking out "toilet, confectionery, culinary, cleaning or disinfecting preparation" wherever it appears and substituting "toilet, confectionery, culinary, herbal remedy, cleaning or disinfecting preparation".

Explanatory Note

144 Section 65 is repealed.

Explanatory Note

145 Section 66 is amended by striking out "The amount imposed for licence fee under sections 57 and 58 and an amount set under section 65 are" and substituting "The amount imposed for a licence fee under sections 57 and 58 is".

Explanatory Note

146 Section 69 (1) is amended

(a) by striking out "If the officer" and substituting "If a person", and

(b) in paragraph (b) by striking out "the officer" and substituting "the person".

Explanatory Note

147 Section 70 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

(1) If liquor is found by the general manager, an employee or a peace officer under circumstances that satisfy the general manager, employee or peace officer that the liquor is being possessed or kept contrary to this Act, the *Liquor Distribution Act* or the regulations under either of them, the general manager, employee or peace officer may immediately seize and remove the liquor and packages containing it and

(a) may retain the liquor and packages to be dealt with under this section, or

(b) may immediately destroy the liquor and packages.

(2) If liquor is seized under subsection (1) but not destroyed under subsection (1) (b), and no person by notice in writing filed with the general manager within 30 days of the date of the seizure claims that the liquor seized under subsection (1) was lawfully possessed or kept for lawful purposes by that person at the time of the seizure, the liquor and the packages containing it are forfeited to the government. ,

(b) in subsection (4) by striking out "claiming to be the owner of the liquor" and substituting "claiming that the liquor seized under subsection (1) was lawfully possessed or kept for lawful purposes by that person at the time of the seizure",

(c) by repealing subsection (4) (a) and substituting the following:

(a) in respect of liquor that is still in the custody of the general manager, an employee or a peace officer, order that the liquor be returned to the person, ,

(d) in subsection (4) (b) by striking out "the owner" and substituting "the person",

(e) by repealing subsection (4) (c) and substituting the following:

(c) in respect of liquor that has been destroyed by the general manager or an employee under subsection (1) (b), provide for compensation to the person by the branch. , ***and***

(f) by adding the following subsection:

(4.1) If a person claiming that the liquor seized under subsection (1) was lawfully possessed or kept for lawful purposes by the person at the time of the seizure fails to establish his or her claim and right to possession of the liquor, the liquor and the packages containing it are forfeited to the government.

Explanatory Note

148 Sections 70 (3) (a) and 71 (1) (a) are amended by striking out "minister" and substituting "general manager".

Explanatory Note

149 Section 71 is amended

(a) in subsection (2) by striking out "he or she must advise the minister of its value and",

(b) in subsection (2) by striking out "under this Act" and substituting "under the Liquor Distribution Act",

(c) by repealing subsection (3), and

(d) in subsection (4) by striking out "the minister" and substituting "the general manager of the Liquor Distribution Branch".

Explanatory Note

150 Section 72 is repealed.

Explanatory Note

151 Section 84 (2) is amended

(a) by repealing paragraphs (b) and (c) and substituting the following:

(b) respecting special occasion licences, and, without limiting this,

(i) providing mechanisms for consultation by the general manager or store manager with local governments, first nations and police before issuing the licences, and

(ii) imposing a requirement on applications for the licences, on the licensees or on the designated establishments in respect of which the licences are issued that is additional to a requirement in section 7, with power to delegate a matter or confer a discretion in relation to the requirement;

(c) setting and imposing fees and charges payable under this Act by applicants for licences and permits, by licensees, by permit holders or by other persons who obtain or require the benefits or services of the branch, with power to impose different fees for different types of benefits or services and on different classes or categories of persons, licences, permits, establishments and licensed establishments; ,

(b) by adding the following paragraphs:

- (b.1) respecting licences issued to clubs;
- (z.3) setting out exceptions or restrictions or establishing rules for the purposes of section 18 (4) or 45 (1). ,

(c) in paragraph (g) by striking out "agency stores, ",

(d) in paragraph (m) by striking out "to officers or other persons or to a committee, which may include the general manager or officers or both" and substituting "to employees or persons or to a class of employee or person or to a committee, which may include the general manager or employees or both",

(e) by repealing paragraphs (q) and (r),

(f) in paragraph (y) by striking out "by a liquor manufacturer or an agent under section 52" and substituting "by a licensee", and

(g) by adding the following subsections:

(4.2) Without limiting subsection (3) (a) or (4), regulations under subsection (2) (i) may, in the case of a licence referred to in section 57, set terms and conditions respecting

(a) the production of

(i) liquor by a distiller, or

(ii) malt liquor by a brewer, and

(b) sale by a distiller or brewer of its own products to the public for consumption other than at the licensed establishment.

(4.3) Without limiting subsection (3) (a) or (4), regulations under subsection (2) (i) may, in the case of a licence referred to in section 58, set terms and conditions respecting

(a) the production or manufacture of wine by a winery,

(b) sale by a winery of wine produced at the winery and wine produced by other wineries licensed under

section 12 to the public for consumption at the winery, and

(c) sale by a winery of wine produced at the winery to the public for consumption other than at the winery.

Explanatory Note

152 Section 84 (4) (i) is amended by striking out "and holding".

Liquor Distribution Act

Explanatory Note

153 Section 1 of the Liquor Distribution Act, R.S.B.C. 1996, c. 268, is amended

(a) by repealing the definitions of "agency store" and "agent",

(b) by repealing paragraph (b) in the definition of "authorized vendor",

(c) in paragraph (d) of the definition of "authorized vendor" by striking out "a duty free liquor store, including", and

(d) in the definition of "liquor store" by striking out ", or an agency established by the general manager under this Act".

Explanatory Note

154 Sections 18 (5) and 22 are repealed.

Explanatory Note

155 Section 21 is amended

(a) by repealing subsection (1) and substituting the following:

(1) The general manager may establish ship chandlers in British Columbia to sell liquor solely to persons leaving Canada. , **and**

(b) in subsection (2) by striking out "those stores" and substituting "ship chandlers".

Explanatory Note

156 Sections 26 and 28 are amended by striking out "or agency store".

Explanatory Note

157 Section 27 (1) and (2) is amended by striking out "or agent" wherever it appears.

Liquor Statutes Amendment Act, 1999

Explanatory Note

158 Sections 1, 2 (a), 4, 7, 9, 17 to 19, 24 and 37 of the Liquor Statutes Amendment Act, 1999, S.B.C. 1999, c. 36, are repealed.

Transitional Provision

Explanatory Note

Transition — appointments under Liquor Distribution Act

173 (1) In this section:

"appointment" means an appointment under section 18 (5) of the *Liquor Distribution Act*;

"endorsement" means an endorsement on a class or category of licence under the *Liquor Control and Licensing Act*;

"licence" means a licence under the *Liquor Control and Licensing Act*.

(2) The Lieutenant Governor in Council may make regulations as follows:

(a) providing for the conversion on a prescribed date of an appointment or a class of appointment to a licence or class or category of licence;

(b) providing for the conversion on a prescribed date of an appointment or a class of appointment to an endorsement or class of endorsement;

(c) providing for the conversion on a prescribed date of an application for an appointment or a class of appointment to an application for a class or category of licence or an endorsement or class of endorsement.

(3) A regulation under this section may do one or more of the following:

(a) despite anything in the *Liquor Control and Licensing Act* or the regulations, specify that a term or condition of an appointment or a class of appointment is a term or condition of the licence, class or category of licence, endorsement or class of endorsement to which the appointment or class of appointment is converted;

(b) set terms and conditions of the licence, class or category of licence, endorsement or class of endorsement to which the appointment or class of appointment is converted that differ from those in the appointment or class of appointment;

(c) apply one or more of the terms and conditions of an existing class or category of licence or class of endorsement to a licence, a class or category of licence, an endorsement or a class of endorsement to which an appointment or a class of appointment is converted;

(d) vary the terms and conditions of an appointment or a class of appointment on its conversion to a licence, a class or category of licence, an endorsement or a class of endorsement;

(e) prohibit one or both of the following:

(i) the issuance of a class or category of licence or class of endorsement, which class or category originates from the conversion under this section of an appointment or class of appointment, otherwise than as a conversion under this section;

(ii) applications for a class or category of licence or class of endorsement, which class or category originates from the conversion under this section of an appointment or class of appointment;

(f) permit the general manager to do one or more of the things referred to in paragraphs (a) to (e) in a specific case or class of cases as determined by the general manager.

(4) Without limiting subsection (3) (a), a regulation under this section may exempt from the requirements in section 16 (1) (b) and (c) of the *Liquor Control and Licensing Act* a licence or class or category of licence to which an appointment or a class of appointment is converted if the appointment or class of appointment immediately prior to its conversion did not comply with or contain those requirements.

(5) Regulations under this section may

(a) be different for

(i) different appointments or classes of appointments,

(ii) different licences or classes or categories of licences, and

(iii) different endorsements or classes of endorsements, and

(b) may prescribe different dates for conversion of different appointments or classes of appointments.

(Explanatory)

SECTION 114: [***Liquor Control and Licensing Act, section 1***] amends the definitions of "agent" and "liquor store", repeals the definitions of "agency store" and "officer" and adds a definition of "employee".

SECTION 115: [***Liquor Control and Licensing Act, section 2***] allows prescribed classes of licensees to sell liquor.

SECTION 116: [***Liquor Control and Licensing Act, section 4***] makes amendments consequential to the repeal of the definition of "officer" and the addition of the definition of "employee".

SECTION 117: [***Liquor Control and Licensing Act, section 6***] makes an amendment consequential to the addition of the definition of "employee".

SECTION 118: [***Liquor Control and Licensing Act, section 7***] makes changes in relation to special occasion licences:

- adds a discretion to issue a special occasion licence;
- allows the general manager to consider whether the applicant is a fit and proper person;
- allows the refusal to issue a special occasion licence and cancellation of the licence for reasons set out in the provision;
- gives the general manager authority to determine how frequently a licence may be issued to an applicant or in respect of a location;
- allows enforcement provisions of the Act to be used in relation to special occasion licensees and individuals who once held a special occasion licence, provided that, in the latter case, the general manager takes prompt enforcement action.

SECTION 119: [***Liquor Control and Licensing Act, section 10***] allows care facilities to serve liquor to guests of residents and to charge for the liquor.

SECTION 120: [***Liquor Control and Licensing Act, section 11.3***] deletes the requirement for consultation with local governments or first nations on renewal of a prescribed class or category of licence.

SECTION 121: ***[Liquor Control and Licensing Act, section 11.31]*** allows regulations to exempt certain classes of licences, establishments or licensed establishments from requirements to consult with local governments and first nations and allows for regulations to provide an alternative process for the consultation in that case.

SECTION 122: ***[Liquor Control and Licensing Act, section 12]*** repeals the ability to specify the manner in which sponsorship may be conducted and extends the stated expiry date of liquor licences if the licensee applies to renew within one year of the expiry.

SECTION 123: ***[Liquor Control and Licensing Act, section 12.1]*** extends the stated expiry date of a U-Brew or U-Vin establishment licence if the licensee applies to renew within one year of the expiry.

SECTION 124: ***[Liquor Control and Licensing Act, section 16]*** refines the ability of the general manager to decide whether an applicant is a fit and proper person, allows the general manager to determine whether an existing licensee is fit and proper and adds an investigation power for these purposes.

SECTION 125: ***[Liquor Control and Licensing Act, section 17]*** allows the general manager to determine whether a person who will use a licence issued to another person under the Act is a fit and proper person and adds an investigation power for this purpose.

SECTION 126: ***[Liquor Control and Licensing Act, section 18]*** permits the association of, and arrangements between, liquor licensees subject to any regulations or a direction of the general manager.

SECTION 127: ***[Liquor Control and Licensing Act, section 19]*** is self-explanatory.

SECTION 128: ***[Liquor Control and Licensing Act, section 22]*** allows the general manager to delegate his or her ability to suspend a licence for the stated reasons to a class of Liquor Control Branch employees or peace officers.

SECTION 129: ***[Liquor Control and Licensing Act, section 23]*** clarifies that a hearing is not required in relation to the current ability of the general manager to suspend a licence for up to 24 hours and allows the general manager to suspend a licence without a hearing for up to 14 days if extraordinary circumstances make this in the public interest.

SECTION 130: ***[Liquor Control and Licensing Act, sections 24, 25 and 27 to 29]*** is self-explanatory.

SECTION 131: ***[Liquor Control and Licensing Act, section 32]*** makes amendments consequential to the addition of the definition of "employee" and the repeal of the definition of "officer".

SECTION 132: ***[Liquor Control and Licensing Act, section 34]*** stipulates that most of the usual rules about minors and licensed establishments do not apply to a minor who is hired to test the compliance of licensees with those rules.

SECTION 133: ***[Liquor Control and Licensing Act, section 36]*** repeals prohibitions against the authorization of gambling in licensed establishments.

SECTION 134: ***[Liquor Control and Licensing Act, section 38]*** allows liquor to be donated to a special occasion licensee that is a registered charity and allows that licensee to sell the donated liquor.

SECTION 135: ***[Liquor Control and Licensing Act, section 38.1]*** clarifies that alcoholic drinks may be mixed before being ordered.

SECTION 136: ***[Liquor Control and Licensing Act, section 40]*** clarifies that a person must not possess open liquor in a public place.

SECTION 137: ***[Liquor Control and Licensing Act, section 42]*** makes an amendment consequential to the repeal of the definition of "agency store".

SECTION 138: ***[Liquor Control and Licensing Act, section 45]*** allows inducements for the sale of liquor subject to regulations or a direction of the general manager.

SECTION 139: [*Liquor Control and Licensing Act, section 52*] clarifies the role of agents in conjunction with the new definition of "agent".

SECTION 140: [*Liquor Control and Licensing Act, section 54*] allows licensees to sponsor events, activities and organizations.

SECTION 141: [*Liquor Control and Licensing Act, section 57*] allows a licence to permit the sale by a distiller or brewer of liquor manufactured by the distiller or brewer for consumption off the premises of that distiller or brewer.

SECTION 142: [*Liquor Control and Licensing Act, section 58*] allows a licence to permit the sale of wine by a winery produced by the winery for consumption off the premises of that winery.

SECTION 143: [*Liquor Control and Licensing Act, section 62*] exempts herbal remedies containing alcohol from application of the Act and allows the general manager to direct how herbal remedies are sold, distributed for sale and kept for sale.

SECTION 144: [*Liquor Control and Licensing Act, section 65*] is self-explanatory.

SECTION 145: [*Liquor Control and Licensing Act, section 66*] makes an amendment consequential to the repeal by this Bill of section 65 of the Act.

SECTION 146: [*Liquor Control and Licensing Act, section 69*] makes an amendment consequential to the repeal of the definition of "officer".

SECTION 147: [*Liquor Control and Licensing Act, section 70*] clarifies liquor seizure provisions.

SECTION 148: [*Liquor Control and Licensing Act, sections 70 and 71*] permits the general manager, in the place of the minister, to direct the destruction or disposal of liquor forfeited to the government.

SECTION 149: [*Liquor Control and Licensing Act, section 71*]

- relieves the general manager of the Liquor Distribution Branch from advising the minister of the value of forfeited liquor,
- clarifies the application of the *Liquor Distribution Act*,
- repeals an obsolete subsection about deduction of liquor transportation expenses, and
- allows the general manager of the Liquor Distribution Branch, in place of the minister, to direct the destruction of forfeited liquor that cannot be sold in government liquor stores.

SECTION 150: [***Liquor Control and Licensing Act, section 72***] is self-explanatory.

SECTION 151: [***Liquor Control and Licensing Act, section 84***] makes amendments consequential to other amendments to the Act and adds regulation-making powers related to

- special occasion licences,
- fees in relation to permits and permit holders,
- club licences,
- the regulation of tied houses and inducements to sell liquor and gifts of liquor, and
- the sale of liquor, beer and wine by the producers of those.

SECTION 152: [***Liquor Control and Licensing Act, section 84***] deletes an obsolete expression from the regulation-making power concerning terms and conditions for service of liquor in dining establishments.

SECTION 153: [***Liquor Distribution Act, section 1***] amends definitions in the Act consequential to the repeal by this Bill of section 18 (5).

SECTION 154: [***Liquor Distribution Act, sections 18 and 22***] is self-explanatory.

SECTION 155: [***Liquor Distribution Act, section 21***] makes amendments consequential to the repeal by this Bill of the definition of "agency store".

SECTION 156: [***Liquor Distribution Act, sections 26 and 28***] makes amendments consequential to the repeal by this Bill of the definition of "agency store".

SECTION 157: [***Liquor Distribution Act, section 27***] makes amendments consequential to the repeal by this Bill of section 18 (5).

SECTION 158: [***Liquor Statutes Amendment Act, 1999, sections 1, 2, 4, 7, 9, 17 to 19, 24 and 37***] is self-explanatory.

SECTION 173: [***Transition – appointments under Liquor Distribution Act***] provides for the conversion of appointments under section 18 (5) of the *Liquor Distribution Act* to licences under the *Liquor Control and Licensing Act*.