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Liquor Control and Licensing Act

Liquor Control and Licensing Regulation

Note: Check the Cumulative Regulation Bulletin 2014

for any non-consolidated amendments to this regulation that may be in effect.

[includes amendments up to B.C. Reg. 231/2013, November 22, 2013]

Point in Time

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Part 1 — Definitions and Delegation by General Manager

Definitions

1 (1) In this regulation:

"Act" means the Liquor Control and Licensing Act;

"brewery" means the establishment

(a) at which a brewer who is licensed by the government of Canada may, in accordance with that licence, manufacture or keep malt liquor, and

(b) for which a licence referred to in section 57 (4) of the Act is issued;

"brewery licence" means a licence issued under section 12 of the Act to a person who manufactures beer in British Columbia;

"brewery lounge" means an area in a brewery to which a brewery lounge endorsement applies;

"brewery lounge endorsement" means a provision of a brewery licence that authorizes the sale or service of beer for consumption in an indoor area or a patio area of the brewery specified by the general manager;

"business location", in relation to a person, means the place at which

(a) the person stores the liquor to be sold at events catered by the person, and

(b) the person's kitchen, at which the person prepares the food that is provided at events catered by the person, is located;

"charitable auction" means an auction that is authorized under section 7.2 or 7.3 of the Act;

"contravention" means a matter referred to in the "Contravention" column of Schedule 4;

"distillery" means the establishment

(a) at which a distiller who is licensed by the government of Canada may, in accordance with that licence, manufacture or keep liquor, and

(b) for which a licence referred to in section 57 (4) of the Act is issued;

"distillery licence" means a licence issued under section 12 of the Act to a person who manufactures spirituous liquors in British Columbia;

"distillery lounge" means an area in a distillery to which a distillery lounge endorsement applies;

"distillery lounge endorsement" means a provision of a distillery licence that authorizes the sale or service of spirituous liquors for consumption in an indoor area or a patio area of the distillery specified by the general manager;

"endorsement area" means, in relation to a manufacturer licence, an area of the manufacturer site to which an endorsement applies;

"event" includes a catered event or a residential event;

"finding of contravention" means, in respect of an alleged contravention by a licensee,

(a) an agreement by the licensee under section 64 (3) that the contravention occurred, or

(b) a determination, made by the general manager under section 65, that the contravention occurred;

"Liquor Distribution Branch" means the Liquor Distribution Branch continued under the Liquor Distribution Act;

"lounge" in relation to a food primary licence means the area to which a lounge endorsement applies;

"lounge endorsement" in relation to a food primary licence means a provision of a food primary licence that authorizes a specified area of the licensed establishment to be operated as a lounge;

"manufacture" includes, in relation to liquor,

(a) the packaging or other enclosing of the liquor in containers in or from which the liquor is intended to be distributed to consumers,

(b) the blending of the liquor,

(c) the flavouring of the liquor, and

(d) the brewing, distilling or fermenting of the liquor;

"manufacturer licence" means one of the following:

(a) a brewery licence;

(b) a distillery licence;

(c) a winery licence;

"manufacturer on-site store" means a store that

(a) is owned or leased by a licensee who holds a manufacturer licence, and

(b) is located on the manufacturer site;

"manufacturer on-site store endorsement" means, in relation to a manufacturer licence, a provision of the licence that authorizes the sale or service of liquor;

"manufacturer site" means one of the following:

(a) the site of a brewery;

(b) the site of a distillery;

(c) the site of a winery;

"occupant load", in relation to an establishment or the site of a catered event, means the lesser of the following:

(a) the maximum number of persons allowed in the establishment or event site under Provincial building regulations;

(b) the maximum number of persons allowed in the establishment or event site under the Fire Services Act and British Columbia Fire Code Regulation;

(c) the maximum number of persons allowed in the establishment or event site under any other safety requirements enacted, made or established by the local government, first nation or treaty first nation for the area in which the establishment is located;

"patron capacity", in relation to an establishment, means the maximum number of patrons allowed by the general manager in the area of the establishment designated by the general manager under section 12 (3) (b) of the Act as the area where liquor may be sold or served;

"person capacity", in relation to an establishment, means the maximum number of persons allowed by the general manager in the establishment;

"picnicking area" means, in relation to a manufacturer licence, an outdoor area of the manufacturer site to which a picnicking endorsement applies;

"picnicking endorsement" means, in relation to a manufacturer licence, a provision of the licence that authorizes consumption in an outdoor area of the manufacturer site specified by the general manager;

"private special occasion" means any of the following events for which a special occasion licence is issued:

(a) an event for the conduct of tastings to acquaint the public with the products of a winery, brewery or distillery, if

(i) the licensee is the holder of an agent's licence under section 52 of the Act or a licence for the winery, brewery or distillery,

(ii) the event is organized and hosted by a person who holds an agent's licence under section 52 of the Act or a licence for the winery, brewery or distillery, and

(iii) attendance is limited to the licensee's members or staff, to invited guests or to persons to whom tickets have been sold or provided before the event;

(b) an event of a social, cultural, recreational, religious, sporting or community nature, if

(i) the licensee is an individual who is a member of and a representative for a genuine organization,

(ii) the event is organized and hosted by the organization, and

(iii) attendance is limited to the organization's members or staff, to invited guests or to persons to whom tickets have been sold or provided before the event;

(c) a celebration of a family occasion including, without limiting this, a wedding, a christening, a bar mitzvah or other religious occasion, a birthday or a wedding anniversary, if

(i) a member of the family or a close friend of the family is the licensee and host for the event,

(ii) attendance at the event is by prior invitation only, and

(iii) invitations are extended only to family members, friends of the family and those officiating at the event,

but does not include a pre-wedding party commonly known as a bachelor or bachelorette party;

"public special occasion" means an event for a community or public celebration or an event, open to the public, for the conduct of tastings to acquaint the public with products of a liquor manufacturer licensed under the Act or any comparable Act of any other jurisdiction, for which event,

(a) in the case of an event held on a reserve as defined in the Indian Act (Canada), support for the event has been expressed by

(i) the council of the band that is entitled under that Act to the use of the reserve, or

(ii) the police having jurisdiction in the reserve,

(b) in the case of an event held in an area under the jurisdiction of an aboriginal governing body, support for the event has been expressed by the aboriginal governing body or by police having jurisdiction in that area, or

(c) for any other event, support for the event has been expressed by the local government or police having jurisdiction in the area;

"special event area" means, in relation to a manufacturer licence, an area of the manufacturer site to which a special event endorsement applies;

"special event endorsement" means, in relation to a manufacturer licence, a provision of the licence that authorizes the sale or service of liquor for consumption in an area of the manufacturer site specified by the general manager;

"tour area" means, in relation to a manufacturer licence, an area of the manufacturer site to which a tour endorsement applies;

"tour endorsement" means, in relation to a manufacturer licence, a provision of the licence that authorizes the sale or service of liquor for consumption in an area of the manufacturer site specified by the general manager;

"U-Brew or U-Vin" means an establishment described in section 12.1 of the Act;

"wine" means liquor obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar, including honey and milk;

"wine product" means a product made

(a) from wine, and

(b) by using a method that does not involve the fermentation of that product;

"winery" means the establishment in respect of which a winery licence is issued;

"winery licence" means a licence issued under section 12 of the Act to a person who produces or manufactures wine in British Columbia;

"winery lounge" means the area in a winery to which a winery lounge endorsement applies;

"winery lounge endorsement" means a provision of a winery licence that authorizes the provision of wine for consumption at the winery in a specified indoor area of the winery, or a specified patio area.

(2) In the Act and in this regulation, "compliance history" means, in respect of a licensee, a record of

(a) the findings of contravention respecting the licensee,

(b) the offences under the Act, and the offences prescribed under section 20 (3) of the Act, of which the licensee has been convicted,

(c) any other matter referred to in section 20 (1) of the Act, and

(d) the enforcement actions to which the licensee was subject as a result of those findings of contravention, offences or matters.

(3) For the purposes of this regulation, a contravention is committed when the act or omission that constitutes the contravention occurs.

(4) In the Act and in this regulation, "catered event" means any event catered by a caterer at which liquor is sold, but does not include a residential event.

[am. B.C. Regs. 205/2005, s. 1; 43/2009, s. (a); 44/2013, s. 1; 48/2013, Sch. 1, s. 1 and Sch. 2, s. 1; 231/2013, Sch. s. 1.]

Liquor licensing committee

2 The general manager may appoint a Liquor Licensing Committee consisting of the general manager and any other persons the general manager considers advisable.

Delegation by general manager

3 (1) The general manager may delegate any of his or her powers, duties and functions under the Act and this regulation to one or more officers or persons or to the Liquor Licensing Committee appointed under section 2.

(2) If the general manager delegates a power, duty or function to the Liquor Licensing Committee under subsection (1), that power, duty or function must be exercised or performed by a panel of the committee consisting of the general manager as chair of the committee or another member whom the general manager designates as chair and 2 other members of the committee.

Part 2 — Requirements for Licensed Establishments

Requirement that applicant own or lease establishment

4 (1) A licence must not be issued or transferred to a person unless that person is

(a) the owner of the establishment to which the licence relates, or

(b) the lessee of the establishment under a lease that does not expire for at least 12 months after the date of issue or transfer of the licence.

(2) A licence must not be renewed for an establishment unless the licensee is the owner of the establishment to which the licence relates or provides evidence satisfactory to the general manager that the licensee is the lessee of the establishment under a lease of a duration that is satisfactory to the general manager.

(3) For the purposes of the application of this section to a person who is applying for, or who holds, a catering licence, a reference in subsection (1) or (2) to an establishment is a reference to the person's business location and does not include a reference to the site of an event catered by the person.

[am. B.C. Reg. 44/2013, s. 2.]

General manager may require local approval

5 Before issuing a licence for an establishment, the general manager may require evidence of local government or first nation approvals in relation to the establishment, including any applicable zoning approvals.

Capacity

6 (1) Before the general manager

- (a) approves the issuance of a licence,
- (b) approves a structural alteration of or a change to the size of any area of a licensed establishment,
- (c) approves a transfer of a licence under section 21 (3) of the Act, or
- (d) approves an application for an increase in the person capacity of a licensed establishment,

the general manager must set the person capacity of the establishment, having regard to the public interest and the views of a local government or first nation if provided under section 10 or 53 of this regulation.

(2) Once the general manager has set the person capacity of an establishment in accordance with subsection (1), the general manager must refuse to issue, amend or transfer a licence for that establishment if the occupant load of the establishment is not equal to the person capacity.

(3) Despite subsection (2), if the occupant load of an establishment is less than the person capacity of the establishment set under subsection (1), the general manager may issue, amend or transfer the licence for that establishment after reducing the person capacity to equal the occupant load.

(4) It is a term and condition of a licence that there must not be, in the licensed establishment at any one time, more persons than the person capacity set under subsection (1) or (3).

(5) This section does not apply to a catering licence or to a U-Brew, U-Vin, wine store, licensee retail store, a brewery without a brewery lounge endorsement or a distillery without a distillery lounge endorsement or a winery without a winery lounge endorsement.

[am. B.C. Regs. 44/2013, s. 3; 48/2013, Sch. 1, s. 2 and Sch. 2, s. 2.]

Structural alterations

7 (1) Structural alteration of or change to the size of any area of a licensed establishment, except for U-Brews and U-Vins, must not be made without the written authorization of the general manager.

(2) Written authorization of the general manager is not required for structural alteration of or change to the size of any area of a caterer's business location or the site of a catered event.

[am. B.C. Reg. 44/2013, s. 4.]

Part 3 — Licences

Division 1 — Liquor Primary, Liquor Primary Club and Food Primary Licences

Liquor primary licences and liquor primary club licences

8 (1) A liquor primary licence in respect of an establishment may be issued, renewed or transferred if the primary purpose of the business carried on in the establishment is beverage service, entertainment or hospitality.

(2) For the purposes of subsection (1), the primary purpose of the business carried on in the following establishments is not beverage service, entertainment or hospitality:

(a) a facility frequented predominantly by or directed at minors and other young persons;

(b) Repealed. [B.C. Reg. 79/2012.]

(c) a restaurant;

(d) a take-away service;

(e) a motor vehicle;

(f) a video games arcade.

(2.1) Repealed. [B.C. Reg. 79/2012.]

(3) A liquor primary club licence may be issued, renewed or transferred only in respect of a club.

(4) Neither a liquor primary licence nor a liquor primary club licence may be transferred from one establishment to another unless the new establishment is considered by the general manager to be

(a) located within a reasonably close distance from the existing establishment, and

(b) within the same community as the existing establishment.

(5) Repealed. [B.C. Reg. 79/2012.]

[am. B.C. Regs. 406/2003, s. 1; 18/2012; 79/2012.]

Terms and conditions for liquor primary or liquor primary club licences

9 (1) The following terms and conditions apply to liquor primary licences and liquor primary club licences:

(a) minors are not allowed in the licensed establishment unless

(i) they are employed or retained as entertainers to entertain in the establishment,

(ii) they are allowed to be in the establishment by the general manager in the public interest, or

(iii) the establishment is a stadium, concert hall, convention centre, train, aircraft, motor vessel, airport or any other establishment the primary purpose of which is not the service of liquor and minors are allowed by the general manager to be in the establishment;

(b) subject to limitation by the general manager, hours of liquor service must start no earlier than 9:00 a.m. and end no later than 4:00 a.m. the next day;

(c) unless exempted by the general manager, food and non-alcoholic beverages must be available at reasonable prices to the patrons.

(2) If a liquor primary licence is endorsed with a catering endorsement, the terms and conditions set out in subsection (1) do not apply in relation to an event catered by the caterer.

[am. B.C. Reg. 44/2013, s. 5.]

Application for liquor primary or liquor primary club licence

10 (1) For the purposes of section 11.1 (1) of the Act, a liquor primary licence and a liquor primary club licence are prescribed categories of licences.

(2) If a person applies for a liquor primary licence or a liquor primary club licence for an establishment, the general manager must give notice of the application to the local government or first nation for the area in which the establishment is located or proposed to be located unless the local government or first nation has indicated that it does not wish to receive notice.

(3) In considering an application for which notice has been given under subsection (2), the local government or first nation must, in providing comments with respect to the licence application, take into account the following criteria:

(a) the location of the establishment;

(b) the proximity of the establishment to other social or recreational facilities and public buildings;

(c) the person capacity and hours of liquor service of the establishment;

(d) the number and market focus or clientele of liquor primary licence establishments within a reasonable distance of the proposed location;

(e) the impact of noise on the community in the immediate vicinity of the establishment;

(f) and (g) Repealed. [B.C. Reg. 26/2011, Sch. s. 1.]

(h) the impact on the community if the application is approved.

(4) If the operation of the establishment as a licensed establishment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act.

(5) If the local government or first nation wishes to provide comments to the general manager, it must provide the following in writing:

(a) its comments addressing the criteria in subsection (3) of this section;

(b) if it has gathered the views of residents under subsection (4),

(i) the views of the residents,

(ii) the method used to gather the views of the residents, and

(iii) its comments and recommendations respecting the views of the residents;

(c) its recommendations with respect to whether the licence should be issued;

(d) the reasons for its recommendations.

(6) The written comments referred to in subsection (5) must be provided to the general manager within 90 days after the local government or first nation receives notice under subsection (2), or any further period authorized by the general manager in writing.

[am. B.C. Reg. 26/2011, Sch. s. 1.]

Food primary licences

11 (1) A food primary licence in respect of an establishment may be issued, renewed or transferred if the primary purpose of the business carried on in the establishment is the service of food during all hours of its operation.

(2) The following terms and conditions apply to a food primary licence:

(a) minors are allowed in the establishment;

(b) liquor must not be served unless the establishment is open for service of a varied selection of food items, including both appetizers and main courses, or their equivalent;

(c) subject to limitation by the general manager, hours of liquor service must start no earlier than 9:00 a.m. and end no later than 4:00 a.m. the next day.

(3) The general manager may consider, in determining whether the primary purpose of the business carried on in the establishment is or will be the service of food during all hours of its operation, any or all of the following:

(a) kitchen equipment;

(b) furnishings and lighting;

(c) menu;

(d) type and hours of entertainment and games offered by the licensee;

(e) advertising;

(f) hours of operation;

(g) financial records;

(h) the ratio of receipts from food sales to receipts from liquor sales in the establishment;

(i) any other relevant consideration that may assist in the determination.

(4) If a food primary licence is endorsed with a catering endorsement, the terms and conditions set out in subsection (2) do not apply in relation to an event catered by the caterer.

[am. B.C. Reg. 44/2013, s. 6.]

Endorsement for lounge

12 (1) A person who holds a food primary licence or who is applying for a food primary licence in respect of an establishment that has a person capacity of at least 50 may apply for a lounge endorsement.

(2) The general manager must set the person capacity of any area in respect of which a lounge endorsement is sought at the lesser of

(a) 40 persons, and

(b) 20% of the person capacity of the interior of the principal area of the licensed establishment.

(3) The general manager may approve 2 lounges for the same licensed establishment if the person capacity of each of the lounges does not exceed the person capacity in subsection (2) and one of the lounges is located on a patio.

(4) If approval is given for 2 lounges under subsection (3) and both lounges are open for liquor service at the same time, the total at any one time of the number of persons in one of those lounges plus the number of persons in the other lounge must not exceed the number set by the general manager under subsection (2).

(5) The following terms and conditions apply to a lounge endorsement:

(a) food service must be available in the lounge;

(b) the licensee must not serve liquor in the lounge if the primary dining area of the licensed establishment is not open for service of its full food menu and liquor service;

(c) the lounge must, in the opinion of the general manager, appear to be an area that is distinct from the primary dining area of the licensed establishment.

Dual licensing

13 (1) A liquor primary licence and a food primary licence must not be issued in respect of the same establishment.

(2) Subsection (1) does not apply to an establishment if

(a) the licensee for the establishment would, but for subsection (1) of this section, hold, in respect of the establishment, a liquor primary licence and a food primary licence, as a result of the operation of Part 8,

(b) the licences referred to in paragraph (a) remain in good standing, and

(c) all renewals of or amendments to the licences referred to in paragraph (a) are effected in accordance with this regulation.

Division 1.1

Repealed

13.1-13.11 Repealed. [1996-267-12.01]

Division 1.2 — Catering Licences, Endorsements and Authorizations

Residential events

13.01 An event is a residential event if

(a) liquor is sold at the event by a caterer,

(b) the event occurs at a residence, and

(c) the only persons who attend the event are the host of the event and the persons personally invited by the host or named in an invitation issued by the host.

[en. B.C. Reg. 44/2013, s. 8.]

Catering licences

13.02 (1) A licence may be issued, renewed or transferred to a person under this section if the general manager is satisfied that

(a) the primary business of the person is the preparation and serving of food, and

(b) the person has the personnel and infrastructure necessary to prepare and serve food at events hosted by others.

(2) A licence issued under this section is a catering licence.

[en. B.C. Reg. 44/2013, s. 8.]

Catering endorsements

13.03 (1) A person who holds a food primary licence or a liquor primary licence may apply for a catering endorsement.

(2) The general manager may add a catering endorsement to a licence referred to in subsection (1) if the general manager is satisfied that

(a) the primary business of the licensee, in relation to a catered event or a residential event, is the preparation and serving of food,

(b) the licensee has the personnel and infrastructure necessary to prepare and serve food at events hosted by others, and

(c) the licensee's business location is the licensee's licensed establishment.

[en. B.C. Reg. 44/2013, s. 8.]

Consideration of general manager

13.04 The general manager may consider, in determining the primary business of an applicant for or holder of a catering licence or a catering endorsement and whether the applicant or licensee has the personnel and infrastructure necessary to prepare and serve food at events hosted by others, any or all of the following:

(a) the kitchen equipment located at the business location of the applicant or licensee;

(b) the food selection offered by the applicant or licensee;

(c) advertising;

(d) financial records;

(e) staffing;

(f) the ratio of receipts from food sales to receipts from liquor sales at events catered by the caterer;

(g) any other relevant consideration that may assist in the determination.

[en. B.C. Reg. 44/2013, s. 8.]

Terms and conditions applicable to caterers

13.05 (1) Without limiting any other terms and conditions of or applicable to a catering licence or a catering endorsement, the following are terms and conditions of, and apply to, a catering licence or a catering endorsement:

(a) the caterer must be the owner of the catering business to which the licence or endorsement applies;

(b) the caterer must store at the caterer's business location the liquor to be sold at events catered by the caterer;

(c) the caterer may maintain in or on the outside of the caterer's business location a sign displaying the name of the caterer and the fact that the caterer is licensed under the Act, if the sign complies with local government bylaws and is approved by the general manager, and other signs must not be displayed inside or outside the caterer's business location unless they are approved by the general manager;

(d) the caterer must not change the location of the caterer's business location without the written consent of the general manager;

(e) the caterer must provide to the general manager, on request, any document relating to the caterer's catering business;

(f) the caterer must hold, in good standing, all municipally, regionally, provincially or federally granted licences, permits or certificates that the caterer is required to hold in order to operate the catering business and the caterer's business location;

(g) the caterer must not be convicted of an offence under the laws of Canada or British Columbia or under the bylaws of a municipality or regional district that relates to

(i) the caterer's business location or the conduct of it, or

(ii) the catering business or the conduct of it;

(h) the caterer must not promote, or invite people to, an event catered by the caterer unless

(i) the event is to express appreciation for the caterer's employees or customers,

(ii) the liquor is provided at no charge, and

(iii) the only persons who attend the event are the persons personally invited by the caterer or named in an invitation issued by the caterer;

(i) unless authorized by the general manager, the caterer must not offer liquor for sale at a series of events hosted by the same person if, as a result of doing so, the caterer is or appears to be operating an ongoing business with that person;

(j) revenue from liquor sales at an event catered by the caterer must be retained by the caterer;

(k) promptly after a catering authorization has been cancelled or suspended under section 22, 23 or 92 of the Act, the caterer must surrender the catering authorization to the general manager;

(l) the caterer or one or more employees of the caterer must be in attendance at each event catered by the caterer at all times that liquor is being sold or served at the event;

(m) any liquor sold at an event catered by the caterer must be sold by the caterer or an employee of the caterer;

(n) the caterer must not, at a residential event catered by the caterer, sell liquor to any of the patrons at the event.

(2) A minor must not sell or serve liquor at a catered event or a residential event.

(3) Unless otherwise restricted by the general manager, for the purposes of section 35 (c) of the Act,

(a) a minor may be allowed in the business location of a caterer who holds a catering licence, and

(b) subject to subsection (2), a minor may be allowed to be present at a catered event or a residential event.

[en. B.C. Reg. 44/2013, s. 8.]

Catering authorizations

13.06 (1) An application by a caterer under section 89 (1) of the Act for a catering authorization in relation to a catered event must include the following information:

(a) the name of the host of the catered event;

(b) the nature of the catered event;

(c) the date, time and location of the catered event;

(d) the estimated attendance for the catered event;

(e) any other information required by the general manager to assess the application.

(2) The following terms and conditions apply to a catering authorization and the catered event to which it relates:

(a) all means of access to the site of the catered event must be supervised to the satisfaction of the general manager;

(b) subject to limitation by the general manager, hours of liquor service must start no earlier than 9 a.m. and end no later than 4 a.m. the next day;

(c) unless exempted by the general manager, food and non-alcoholic beverages must be available to the patrons at a reasonable price;

(d) the site of the catered event, and the catered event itself, must comply with local bylaws and health and fire regulations;

(e) without limiting paragraph (d), the number of people in attendance at the catered event must not exceed the lesser of

(i) the maximum number of people that, under the catering authorization, may be in attendance at the catered event, and

(ii) the occupant load for the site of the catered event.

(3) A person applying for a catering authorization must disclose all material facts required by the form of application and must not make any false or misleading statements in the form of application.

[en. B.C. Reg. 44/2013, s. 8.]

Licensee retail stores

14 (1) Subject to this section, a licence may be issued, renewed or transferred in respect of a licensee retail store, and the following terms and conditions apply to a licensee retail store licence:

- (a) all types of liquor may be sold, subject to limitation by the general manager in the licence;
 - (b) subject to limitation by the general manager in the licence, the hours of liquor service must start no earlier than 9 a.m. and end no later than 11 p.m.;
 - (c) minors accompanied by a parent or guardian are allowed in the establishment;
 - (d) packaged snacks, liquor related items and other items authorized by the general manager may be sold;
 - (e) Repealed. [B.C. Reg. 81/2003.]
 - (f) despite section 46, entertainment and games are not allowed;
 - (g) consumption of liquor within a licensee retail store is not allowed except as authorized by the general manager.
- (2) A licence must not be issued under subsection (1) unless an application for the licence was received by the general manager on or before 4:30 p.m. on November 29, 2002.
- (2.1) For the purposes of this section, a reference in subsection (2) to "an application for the licence" includes an application for the licence as that application was amended or transferred by an application made before, on or after November 29, 2002.
- (2.2) Subsections (2) and (2.1) and this subsection are repealed on July 1, 2022.
- (3) A licence in respect of a licensee retail store must not be issued, renewed or transferred unless

(a) the licensee retail store is located in

(i) a permanent, free-standing building that does not contain another business, or

(ii) a building in which there are other businesses, but the licensee retail store has its own entrance and exit separate from any other business and a solid floor-to-ceiling wall between the licensee retail store and any other business, and

(b) in the opinion of the general manager, the licensee retail store does not appear to be associated with another business.

(3.1) Despite subsection (3), a licence in respect of a licensed establishment that does not comply with that subsection may be renewed or transferred

(a) if the location of the licensed establishment was approved by the general manager on a previous occasion in accordance with the law that was in force at the time of the approval, or

(b) if the establishment is associated with another business and the association was permitted by the law that was in force at the time the general manager approved the licence.

(4) Repealed. [B.C. Reg. 289/2009, s. 1 (d).]

(5) Subject to subsection (6), an application to relocate a licensee retail store to a new location must not be approved unless

(a) the new location of the licensee retail store is at least 1.0 km from the site of another existing licensee retail store or a proposed licensee retail store, and

(b) the new location of the licensee retail store is

(i) within the jurisdiction of the same local government or first nation as the current location of the licensee retail store, or

(ii) within 5 km of the current location of the licensee retail store.

(6) If an application to relocate a licensee retail store does not comply with subsection (5) (a), the general manager may approve that application in one of the following circumstances only:

(a) if a licensee proposes to relocate its licensee retail store to a new location that has the same parcel identifier number as the current location, even if the new location is within 1.0 km of another existing licensee retail store or a proposed licensee retail store;

(b) if a licensee proposes to relocate its licensee retail store that is currently within 1.0 km of another existing licensee retail store or a proposed licensee retail store, and the new location is not closer to the existing licensee retail store or proposed licensee retail store than the licensee retail store's current location;

(c) if a licensee proposes to relocate its licensee retail store and the shortest travelling distance by road between the new location and another existing licensee retail store or a proposed licensee retail store is 1.0 km or more because of a natural barrier between the new location and the existing licensee retail store or proposed licensee retail store;

(d) if a licensee proposes to relocate its licensee retail store because the licensee retail store was substantially damaged by fire or natural disaster, even if the new location is within 1.0 km of another existing licensee retail store or a proposed licensee retail store.

(7) For the purposes of subsections (5) and (6), "proposed licensee retail store" means a proposed licensee retail store that is the subject of an application already received by the general manager for a licence under this section.

[am. B.C. Regs. 81/2003; 406/2003, s. 2; 379/2004, s. 1; 20/2007; 289/2009, s. 1; 42/2010; 43/2010; 177/2012; 47/2013, Sch. s. 1.]

Wine stores

14.1 (1) The following terms and conditions apply to a wine store licence:

(a) subject to limitation by the general manager, only wine may be sold in the wine store;

(b) subject to limitation by the general manager, hours of wine service must start no earlier than 9 a.m. and end no later than 11 p.m.;

(c) a minor is not allowed to be present in the wine store unless the minor is accompanied by a parent or guardian or authorized by the general manager;

(d) packaged snacks, wine related items and other items authorized by the general manager may be sold;

(e) despite section 46, entertainment and games are not allowed in the wine store;

(f) consumption of wine within a wine store is not allowed except as authorized by the general manager.

(2) Subject to subsections (3) and (4), a wine store licence must not be issued, renewed or transferred unless

(a) the wine store is located in

(i) a permanent, free-standing building that does not contain another business, or

(ii) a building in which there are other businesses, but the wine store has its own entrance and exit separate from any other business and a solid floor-to-ceiling wall between the wine store and any other business, and

(b) in the opinion of the general manager, the wine store does not appear to be associated with another business.

(3) A wine store licence that does not comply with subsection (2) may be renewed or transferred

(a) if the location of the wine store was approved by the general manager or the general manager of the Liquor Distribution Branch on a previous occasion in accordance with the law that was in force at the time of the approval, or

(b) if the establishment is associated with another business and the association was permitted by the law that was in force at the time the general manager or the general manager of the Liquor Distribution Branch approved the licence.

(4) A wine store licence that is converted from an appointment under section 75 is exempt from subsection (2) as follows:

(a) the exemption is only with respect to any non-compliance with the requirements in subsection (2) at the date of conversion;

(b) other than in respect of a wine store licence issued to a wine store that sells only wine for sacramental purposes, the exemption is in place only from the date of conversion until the wine store, with respect to which the wine store licence is issued, moves to premises at a new location.

(5) A wine store licence under which the licensee is authorized to sell only wine for sacramental purposes that is converted from an appointment under section 75 of this regulation is exempt from section 38 (3) (a) of the Act and section 35 (1) of this regulation.

(6) A wine store licence under which the licensee is authorized to sell only BC VQA wine, within the meaning of the Wines of Marked Quality Regulation, B.C. Reg. 79/2005, that is converted from an appointment under section 75 of this regulation is exempt from the requirements in section 16 (1) (b) and (c) of the Act.

(7) The following are prohibited in relation to a wine store licence:

(a) the issuance of a wine store licence, other than a wine store licence that was converted from an appointment under section 75;

(b) an application for a wine store licence.

[en. B.C. Reg. 48/2013, Sch. 1, s. 4.]

Division 3 — Special Occasion Licences

Special occasion licences

15 (1) The general manager must determine how frequently special occasion licences may be issued to an applicant and the days and hours during which each special occasion licence will be in effect.

(2) A person issuing a special occasion licence under section 7 of the Act must endorse on the licence the maximum retail prices at which liquor may be sold and, except in the case of charitable events, the maximum retail prices of drinks served are to be set so as to recover only the operating costs of the event.

(3) For the purposes of section 35 (c) of the Act, minors may be in a licensed establishment when a special occasion licence is in effect.

(4) The local police authority or a delegate of the general manager must approve the application for a special occasion licence before that licence is issued.

(5) If the general manager delegates to a person other than a member of the local police authority the power to approve an application for a special occasion licence, the person issuing the special occasion licence must, if directed to do so by the general manager, inform the local police authority, before the event to which the licence relates, of the nature, time and place of the event.

(6) All liquor that is sold or served under a special occasion licence must be sold or served and consumed in the licensed establishment.

(7) Subject to subsection (8) of this section, a person must not in any advertisement or other promotion of an event indicate that liquor will be sold or served.

(8) In the case of an event held under a public special occasion licence, at which a number of manufacturers of wine, beer or other liquor are conducting tastings at one location, the event organizer may advertise the name of the event followed by the names of the participating liquor manufacturers.

(9) If an event for which a special occasion licence is to be issued is to be held on lands or premises owned or operated by a local government or first nation or by the Provincial or Federal Government, the applicant must, before issuance of the licence, produce written permission for the event signed by an authorized official of that government or first nation.

(10) A licensed establishment in which liquor is sold or provided under a special occasion licence must be enclosed and all means of access to the establishment must be supervised to the satisfaction of the local police authority.

(11) Promptly after a special occasion licence has been cancelled or suspended under section 7, 20 or 22 of the Act, the licensee must surrender the licence to the general manager or to a delegate of the general manager.

Division 4 — Wineries, Breweries and Distilleries

Conditions for issue or renewal of a winery licence

16 (1) A person who applies for a winery licence, or for the renewal of a winery licence, must, in addition to complying with the requirements of section 4, own or lease, under a lease that does not expire for at least 12 months after the date of the issue or renewal of the winery licence, the following equipment and facilities:

(a) fermentation tanks or barrels;

(b) filtering equipment;

(c) a secure storage area.

(2) The equipment and facilities required by subsection (1) must be adequate for the production of at least 4 500 litres of wine per year.

(3) To be eligible for a winery licence, an applicant must demonstrate, to the satisfaction of the general manager, an intention to ferment in each year at least 4 500 litres of wine owned by the applicant.

(4) To be eligible for the renewal of a winery licence, a licensee must have fermented in each year at least 4 500 litres of wine owned by the licensee.

(5) Despite subsection (4), the general manager may, having regard for the public interest, renew a winery licence if a licensee is unable to produce at least 4 500 litres of wine per year because of

(a) crop failure,

(b) standard agricultural practices that result in the temporary loss of sufficient fruit to meet the winery's normal production volumes, or

(c) an event that, in the opinion of the general manager, is beyond the control of the licensee.

(6) A licensee must not use the establishment in respect of which the licence was issued

(a) for any purpose other than that authorized under the licence, or

(b) for the manufacture of any liquor, other than

(i) wine owned by the licensee,

(ii) liquor owned by another person who is licensed under the Act, or

(iii) wine that is owned by a winery in another jurisdiction.

(7) An applicant or licensee who manufactures a wine product by a unique process, and who demonstrates the uniqueness of the process in a manner acceptable to the general manager, is exempt from the requirements of subsections (1) (a) and (b), (2), (3) and (4).

Record keeping and reporting requirements

17 (1) For the purposes of administering and enforcing the Act and this regulation, a person who holds a winery licence must, in a manner acceptable to the general manager, maintain the following documents and records:

(a) source documents including, without limiting this, business structure documents, invoices, receipts and bank statements;

(b) records including, without limiting this, the general financial ledger, general production and inventory ledger and winemaker's journal.

(2) In addition to the requirements under section 34, a person who holds a winery licence must make available for inspection, at the request of the general manager or his or her designate, records of the following information as applicable:

(a) records of tonnage of grapes or fruit harvested;

(b) purchase records for grapes or fruit purchased indicating the type, source and tonnage of the grapes or fruit;

(c) purchase records for juice or concentrate purchased indicating the type, source and volume of the juice or concentrate;

(d) purchase records for bulk and bottled wine purchased indicating the type, source and volume of the bulk and bottled wine;

(e) purchase records for additives to wine such as alcohol and sugar indicating the source and volume of the additives;

(f) production records for bulk and bottled wines;

(g) records of the movement and disposition of bulk and bottled wine that is transferred from one location to another for sale or export;

(h) records of the disposition of wine by spillage, sampling and tasting.

(3) The information required by subsection (2) must be recorded on an ongoing basis.

Endorsements for lounge or special event area at winery, brewery or distillery

18 (1) A licensee holding a winery licence or an applicant for a winery licence may apply for a winery lounge endorsement or a special event endorsement in respect of the winery licence.

(1.1) A licensee holding a brewery licence or an applicant for a brewery licence may apply for a brewery lounge endorsement or a special event endorsement in respect of the brewery licence.

(1.2) A licensee holding a distillery licence or an applicant for a distillery licence may apply for a distillery lounge endorsement or a special event endorsement in respect of the distillery licence.

(1.3) This section applies only to endorsements under subsections (1), (1.1) and (1.2) and the applications and endorsement areas, as applicable, to those endorsements.

(2) An endorsement area must be

(a) owned by or leased to the licensee who was granted the endorsement, and

(b) located on the manufacturer site.

(3) Subject to limitation by the general manager, hours of liquor service authorized by an endorsement must start no earlier than 9:00 a.m. and end no later than 4:00 a.m. the next day.

(4) A minor is not allowed to be present in an endorsement area unless the minor is

(a) accompanied by a parent or guardian, or

(b) employed or retained as an entertainer to entertain in the licensed establishment.

(5) The areas that constitute a special event area may be located indoors or outdoors and must be

(a) in a location approved by the general manager, and

(b) of a size and configuration approved by the general manager.

(6) Unless otherwise authorized by the general manager, the licensee must make food and non-alcoholic beverages available at reasonable prices to customers in a winery lounge, brewery lounge, distillery lounge or special event area.

(7) The sale or service of liquor is restricted as follows:

(a) in a winery lounge or special event area in respect of a winery licence, the sale or service of liquor is restricted to wine manufactured in British Columbia;

(b) in a brewery lounge or special event area in respect of a brewery licence, the sale or service of liquor is restricted to beer registered to the brewer under an agreement under section 5 of the Liquor Distribution Act in respect of the brewery;

(c) in a distillery lounge or special event area in respect of a distillery licence, the sale or service of liquor is restricted to spirituous liquor registered to the distiller under an agreement under section 5 of the Liquor Distribution Act in respect of the distillery.

(8) Subject to subsections (21) to (24), if a licensee holding

(a) a winery licence or an applicant for a winery licence applies for an endorsement under subsection (1) in respect of the winery,

(b) a brewery licence or an applicant for a brewery licence applies for an endorsement under subsection (1.1) in respect of the brewery, or

(c) a distillery licence or an applicant for a distillery licence applies for an endorsement under subsection (1.2) in respect of the distillery

the general manager must give notice of the application to the local government or first nation for the area in which the winery, brewery or distillery, as applicable, is located unless the local government or first nation has indicated that it does not wish to receive notice.

(9) In considering an application for which notice has been given under subsection (8), the local government or first nation must, in providing comments with respect to the application, take into account the following criteria:

(a) the location of the winery lounge, brewery lounge, distillery lounge or special event area;

(b) the proximity of the winery lounge, brewery lounge, distillery lounge or special event area to other social or recreational facilities and public buildings;

(c) the person capacity and hours of liquor service of the winery lounge, brewery lounge, distillery lounge or special event area;

(d) the impact of noise on the community in the immediate vicinity of the winery lounge, brewery lounge, distillery lounge or special event area;

(e) the impact on the community if the application is approved.

(10) If the operation of a winery lounge, brewery lounge, distillery lounge or special event area may affect nearby residents, the local government or first nation must gather the views of residents of an area determined by the local government or first nation.

(11) If the local government or first nation wishes to provide comments to the general manager, it must provide the following in writing:

(a) its comments addressing the criteria in subsection (9);

(b) if it has gathered the views of residents under subsection (10),

(i) the views of the residents,

(ii) the method used to gather the views of the residents, and

(iii) its comments and recommendations respecting the views of the residents;

(c) its recommendations with respect to whether the endorsement should be issued;

(d) the reasons for its recommendations.

(12) The written comments referred to in subsection (11) must be provided to the general manager within 90 days after the local government or first nation receives notice under subsection (8), or any further period authorized by the general manager in writing.

(13) If under subsection (11) (c), the local government or first nation recommends that an endorsement be issued, the general manager must take that recommendation into account in deciding whether to issue the endorsement.

(14) Subject to subsection (15), the general manager must not approve an application that is not supported by the local government or first nation.

(15) The general manager need not comply with subsection (14) if the general manager is satisfied that

(a) the local government or first nation did not comply with the requirements of this section, or

(b) the recommendation provided by the local government or first nation is contrary to the public interest.

(16) If, after notice is provided to the local government or first nation under subsection (8), the local government or first nation informs the general manager that the local government or first nation will not provide input to the general manager in respect of the application or does not respond to the notice within the time allowed under subsection (12), the general manager may, in deciding whether or not to approve the application, take into account

(a) the criteria in subsection (9), and

(b) any other matters the general manager considers relevant.

(17) In a case to which subsection (16) applies, the general manager must, before deciding whether or not to approve an application, provide an opportunity for residents of an area determined by the general manager to provide comments in respect of the application unless the general manager is satisfied that that opportunity has already been provided by the local government or first nation.

(18) In order to provide an opportunity for residents to provide comments under subsection (17), the general manager may direct that, at the applicant's expense,

(a) a public comment process be held in a manner required by the general manager, or

(b) the applicant post a public notice of the application at the locations, in the manner and form and with content that is satisfactory to the general manager.

(19) After providing an opportunity for comments under subsections (17) and (18), the general manager

(a) may, if the general manager is of the opinion that the residents are not opposed to the application, approve the application, and

(b) must not approve the application if the general manager is of the opinion that the residents are not in favour of the application.

(20) Despite subsection (19), if, under subsection (18), the general manager directs that a referendum be held for residents of an area specified by the general manager, the general manager must not approve the application unless 60% of the residents in the specified area who vote in the referendum favour approving the application as presented.

(21) If a licensee who holds, in respect of the same location,

(a) a combination of any 2 or more manufacturer licences, and

(b) one of the following:

(i) a winery lounge endorsement in respect of a winery licence;

(ii) a brewery lounge endorsement in respect of a brewery licence;

(iii) a distillery lounge endorsement in respect of a distillery licence

applies for an endorsement described in paragraph (b) (i), (ii) or (iii) for the same endorsement area and with the same hours of liquor service as the existing endorsement, the general manager must give notice of the application to the local government or first nation for the area in which the winery, brewery or distillery, as applicable, is located unless the local government or first nation has indicated that it does not wish to receive notice.

(22) If a licensee who holds, in respect of the same location,

(a) a combination of any 2 or more manufacturer licences, and

(b) a special event endorsement in respect of one of the licences described in paragraph (a)

applies for a special event endorsement for the same endorsement area and with the same hours of liquor service as the existing endorsement, the general manager must give notice of the application to

the local government or first nation for the area in which the winery, brewery or distillery, as applicable, is located unless the local government or first nation has indicated that it does not wish to receive notice.

(23) If the general manager gives notice under subsection (21) or (22), the local government or first nation must select

(a) the process set out in subsections (9) to (20), or

(b) the abbreviated process set out in subsection (24).

(24) The abbreviated process includes all of the following:

(a) the local government or first nation must complete a form provided by the general manager, which must

(i) include comments on the impact on the community if the endorsement is approved, and

(ii) be provided to the general manager within 90 days after the local government or first nation receives notice under subsection (21) or (22), or any further period authorized by the general manager in writing;

(b) if the local government or first nation recommends that an endorsement be issued, the general manager must take that recommendation into account in deciding whether to issue the endorsement;

(c) the general manager must not approve an application that is not supported by the local government or first nation unless the general manager is satisfied that

(i) the local government or first nation did not comply with the requirements of this section, or

(ii) the recommendation provided by the local government or first nation is contrary to the public interest.

[am. B.C. Regs. 205/2005, ss. 2 and 3; 48/2013, Sch. 1, s. 5 and Sch. 2, s. 4.]

Picnicking areas and tour areas

18.1 (1) A licensee holding a manufacturer licence or an applicant for a manufacturer licence may apply for a picnicking endorsement or a tour endorsement, and this section applies only to those endorsements and to the applications and endorsement areas applicable to them.

(2) An endorsement area must be owned by or leased to the licensee who was granted the endorsement.

(3) Subject to subsection (4), (4.1) or (4.2), as applicable,

(a) wine may be consumed within a winery's endorsement area;

(b) beer may be consumed within a brewery's endorsement area;

(c) spirituous liquors may be consumed within a distillery's endorsement area.

(4) Wine consumed in a winery's endorsement area must be produced at a winery and must be

(a) purchased from the licensee at a store with a manufacturer on-site store endorsement under section 18.2,

(b) purchased from an area of the winery to which a winery lounge endorsement, a tour endorsement or a special event endorsement applies, or

(c) provided by the licensee from the sampling room of the winery.

(4.1) Beer consumed in a brewery's endorsement area must be manufactured at the brewery and must be

(a) purchased from or served by the licensee,

(b) purchased from an area of the brewery to which a brewery lounge endorsement, a tour endorsement or a special event endorsement applies, or

(c) provided by the licensee from the sampling room of the brewery.

(4.2) Spirituous liquor consumed in a distillery's endorsement area must be manufactured at the distillery and must be

(a) purchased from or served by the licensee,

(b) purchased from an area of the distillery to which a distillery lounge endorsement, a tour endorsement or a special event endorsement applies, or

(c) provided by the licensee from the sampling room of the distillery.

(5) Minors are allowed to be present in an endorsement area unless otherwise restricted by the general manager.

(6) A picnicking area must be

(a) located outdoors, in a location approved by the general manager,

(b) defined by a clearly identifiable boundary, and

(c) of a size and configuration approved by the general manager, but not larger than 1 000 square metres.

(7) A tour area may be located indoors or outdoors and must be

(a) in a location approved by the general manager, and

(b) of a size and configuration approved by the general manager.

(8) Hours of liquor consumption in a picnicking area must start no earlier than 9 a.m. and end not later than dusk unless otherwise authorized or limited by the general manager.

[en. B.C. Reg. 205/2005, s. 4; am. B.C. Reg, 48/2013, Sch. 1, s. 5 and Sch. 2, s. 5.]

Endorsement for manufacturer on-site store

18.2 (1) A licensee holding a manufacturer licence or an applicant for a manufacturer licence may apply for one manufacturer on-site store endorsement per licence, and this section applies only to those endorsements and to the applications applicable to them.

(2) The following terms and conditions apply to a manufacturer on-site store endorsement:

(a) the sale or service of liquor is restricted in the manufacturer on-site store to liquor registered to the licensee under an agreement under section 5 of the Liquor Distribution Act;

(b) subject to limitation by the general manager, hours of liquor service must start no earlier than 9 a.m. and end no later than 11 p.m.;

(c) a minor is not allowed to be present in a manufacturer on-site store unless the minor is accompanied by a parent or guardian or authorized by the general manager;

(d) packaged snacks, liquor related items and other items authorized by the general manager may be sold;

(e) despite section 46, entertainment and games are not allowed in the manufacturer on-site store;

(f) consumption of liquor within a manufacturer on-site store is not allowed except as authorized by the general manager.

[en. B.C. Reg. 48/2013, Sch. 1, s. 6.]

Repealed

19 Repealed. [B.C. Reg. 205/2005, s. 5.]

Maximum quantity of product samples

20 For the purposes of section 53 (1) of the Act, product samples may be offered free of charge in a sampling room designated by the general manager under that section, but the total volume of product samples that may be sold to a person during a day must be no more than

(a) 150 millilitres for a winery,

(b) 375 millilitres for a brewery, and

(c) 45 millilitres for a distillery.

[am. B.C. Reg. 48/2013, Sch. 1, s. 7.]

Division 5 — U-Brews and U-Vins

Definitions

21 In this Division:

"bottle" includes a can, keg, cask or other container or package into which beer, wine or cider is placed after it is removed from a carboy;

"carboy" means a container used for the aging or storage of beer, wine or cider;

"customer" means a person who pays a fee to manufacture beer, wine or cider in a U-Brew or U-Vin;

"licensee" means a person holding a licence under section 12.1 of the Act to operate a U-Brew or U-Vin.

[am. B.C. Reg. 47/2013, Sch. s. 2.]

Payment, acknowledgment and invoice required

22 (1) A licensee must ensure that a customer is not allowed to begin producing or manufacturing his or her beer, wine or cider in the U-Brew or U-Vin unless the customer first

(a) pays the licensee

(i) for the ingredients to make the beer, wine or cider, or

(ii) if the customer brings his or her own ingredients into the U-Brew or U-Vin, for the manufacturing facilities or services to be provided, and

(b) provides the licensee with an acknowledgment, signed by the customer, that the beer, wine or cider is being made by the customer for his or her own consumption or consumption at no charge by other persons.

(2) When a customer pays for the ingredients, facilities or services referred to in subsection (1) (a), the licensee must ensure that the customer is provided with an invoice that sets out the following information:

(a) the name and telephone number of the customer;

(b) the type and quantity of beer, wine or cider to be made;

(c) the date and the amount of payment received from the customer;

(d) the name, address and telephone number of the licensee.

Role of the customer in the production process

23 (1) Subject to subsections (2) and (3), a licensee must ensure that the customer performs the following tasks in producing or manufacturing beer, wine or cider in the U-Brew or U-Vin:

(a) combining or mixing ingredients with any of the following:

(i) beer wort;

(ii) fruit;

(iii) wine or cider juice;

(iv) concentrate;

(v) fermentable liquids;

(b) if enzymes or yeast are required to begin the fermentation process, adding the enzymes or yeast to the materials referred to in paragraph (a) or to any other raw material of beer, wine or cider;

(c) removing or defacing commercial labels and sterilizing bottles in preparation for bottling;

(d) placing the beer, wine or cider in bottles;

(e) labelling, corking, capping or shrink wrapping the bottles of beer, wine or cider;

(f) removing the bottled beer, wine or cider from the U-Brew or U-Vin.

(2) The customer may be accompanied by one or more persons to assist the customer in performing the tasks described in subsection (1) as long as those persons are not associated with the operation of the U-Brew or U-Vin.

(3) The licensee or his or her employees may also assist the customer in performing the tasks described in subsection (1) but each of those tasks must be primarily performed by the customer unless the customer is physically incapable of performing that task alone.

Licensee or employee production

24 A licensee or any of his or her employees may produce or manufacture beer, wine or cider in the U-Brew or U-Vin for their own off-site consumption or for off-site consumption by others at no charge, but the beer, wine or cider

(a) must be labelled as belonging to the licensee or employee,

(b) must not be stored in the licensed establishment after bottling, and

(c) must not be used for any purpose within the licensed establishment.

[am. B.C. Reg. 15/2009, s. 2.]

Storage requirements

25 (1) A licensee must ensure that each carboy containing a customer's ingredients has a tag setting out the customer's name and the date any enzymes or yeast were added.

(2) A licensee must not remove a customer's beer, wine or cider from the U-Brew or U-Vin for any purpose before bottling.

No consumption other than tasting

26 (1) Subject to subsection (2), a licensee must not allow the consumption of beer, wine or cider at the U-Brew or U-Vin.

(2) A licensee may allow a customer to taste no more than 2 samples of the customer's beer, wine or cider before completion of bottling but a sample must not exceed 100 millilitres.

Customer required to bottle own product

27 A licensee must not allow anyone other than the customer from whose ingredients beer, wine or cider was produced or manufactured or a person assisting that customer under section 23 (2) or (3) to place the finished product in bottles.

Removal of finished product required

28 (1) A licensee must ensure that the customer removes his or her beer, wine or cider from the U-Brew or U-Vin immediately after bottling and must not allow the customer to store, for any purpose, the beer, wine or cider that has already been bottled at the U- Brew or U-Vin.

(2) A licensee must not deliver a customer's beer, wine or cider.

Sales prohibited

29 A licensee must ensure that beer, wine or cider is not kept for sale, offered for sale, produced for sale or sold at the U-Brew or U-Vin.

Minors

30 (1) A licensee must not employ a minor in the operation of the U-Brew or U-Vin unless the minor is under the direct and continual supervision of the licensee or an adult employee of the licensee.

(2) A licensee must ensure that minors are not allowed to produce or manufacture beer, wine or cider at the U-Brew or U-Vin.

(3) Minors accompanied by a parent or guardian are allowed to be present at the U-Brew or U-Vin.

Record keeping and reporting requirements

31 (1) In addition to the requirements under section 34, a person who holds a U-Brew or U-Vin licence must make available for inspection, at the request of the general manager or his or her designate, records of the following information:

(a) purchase records for all of the ingredients used in the manufacture or production of beer, wine or cider in the U-Brew or U-Vin indicating the source and volume of the ingredients;

(b) copies of invoices provided to customers under section 22 (2);

(c) records of the type and quantity of beer, wine or cider produced or manufactured by the licensee or his or her employees under section 24;

(d) records detailing the disposition of any beer, wine or cider that is spoiled, spilled, unclaimed or returned to the licensee.

(2) A licensee must maintain the records in subsection (1) for at least 3 years.

(3) A licensee must submit to the general manager semi-annual reports in the form specified by the general manager outlining the volume of beer, wine and cider manufactured or produced in the U-Brew or U-Vin during the periods specified by the general manager.

Advertisements

32 (1) A licensee may do only the following in any advertisement relating to the U-Brew or U-Vin:

(a) state that the U-Brew or U-Vin is licensed to provide goods, facilities or services for the production or manufacturing of beer, wine or cider by customers;

(b) state the name of the U-Brew or U-Vin and its address and phone number;

(c) provide a list of the goods, facilities and services available at the U-Brew and U-Vin and their prices;

(d) advertise the availability of specific types of ingredients for the production or manufacturing of beer, wine or cider at the U-Brew or U-Vin.

(2) Any advertisement placed by or on behalf of a licensee must clearly state that the prices advertised represent the cost of producing or manufacturing the beer, wine or cider at the U-Brew or U-Vin and do not refer to the price of the finished product.

(3) A licensee must not provide any person with a sample of beer, wine or cider that is, or may be available to be, produced or manufactured at the U-Brew or U-Vin.

Hours of operation

33 Subject to limitation by the general manager in the licence issued under section 12.1 of the Act, the hours of operation for a U-Brew or U-Vin must start no earlier than 9 a.m. and end no later than 11 p.m.

Division 6 — Miscellaneous Terms and Conditions

Production of records

34 (1) For the purposes of section 73 (1) of the Act, the following documents are prescribed in relation to a licensee:

(a) liquor purchase records;

(b) liquor sales records;

(c) liquor disposal records;

(d) food sales records;

(e) sales records respecting other merchandise or services provided by the licensee that are incidental to the business of the licensed establishment, if any, and, in the case of a licensee who is a caterer, that

are incidental to the catering business, including, without limitation, the operation of the caterer's business location;

(f) agreements and contracts between the licensee and a liquor manufacturer or its agent or representative;

(g) invoices and purchase receipts for all equipment and other inventory that is used in the operation of the licensed establishment, if any, and, in the case of a licensee who is a caterer, that is used in the operation of the caterer's catering business, including, without limitation, in the operation of the caterer's business location;

(h) lease and management contracts that are related to the licensed establishment, if any, and, in the case of a licensee who is a caterer, that are related to the caterer's business location;

(i) employee records including names, addresses, salaries, primary job responsibilities, shift schedules and dates of employment;

(j) records of any incidents or events that occurred in or adjacent to the licensed establishment, if any, and, in the case of a licensee who is a caterer, that occurred in or adjacent to an event catered by the caterer or that occurred in or adjacent to the caterer's business location;

(k) records of court orders and judgments against a licensee respecting the sale, service or manufacture of liquor;

(l) records of the quantity and price of liquor servings.

(2) For the purposes of section 73 (1) of the Act, the following documents are prescribed, in addition to the documents referred to in subsection (1) of this section, in relation to a caterer:

(a) catering authorizations issued to the caterer;

(b) any record that, under section 89 (2) (c) of the Act, accompanied any application by the caterer for a catering authorization;

(c) every catering contract entered into by the caterer.

[am. B.C. Reg. 44/2013, s. 9.]

Purchase of liquor

35 (1) A licensee must not purchase liquor for the licensed establishment unless, and a caterer must not purchase liquor for use in the catering business unless, at the time of the purchase, the licensee identifies himself or herself as a licensee and that purchase is made from

(a) a liquor store designated in writing by the general manager, or

(b) another person designated by the Liquor Distribution Branch.

(2) Subsection (1) does not apply to a licensed manufacturer of wine in respect of purchases of wine by that licensee from another licensed manufacturer of wine.

(3) A licensee must maintain a register of all liquor purchased and received by the licensee under a licence.

[am. B.C. Reg. 44/2013, s. 10.]

Sale of liquor purchased under licence

36 A licensee must not, under the authority of one licence, sell or provide liquor purchased under another licence, unless otherwise authorized by the general manager.

Posting floor plan and licence

37 (1) A licensee, other than a caterer, must

(a) post his or her licence in a conspicuous place in the licensed establishment, and

(b) provide access to the approved floor plan of the licensed establishment on request of the general manager.

(2) A licensee whose licence is a catering licence must

(a) post his or her licence in a conspicuous place at the licensee's business location, and

(b) display in a conspicuous place at the site of each event catered by the licensee, during the event, a copy of his or her licence and a copy of the catering authorization applicable to the event.

(3) A licensee whose licence is endorsed with a catering endorsement must

(a) post his or her licence in a conspicuous place in the establishment in respect of which the licence was issued,

(b) on request of the general manager, provide access to the approved floor plan of the establishment in respect of which the licence was issued, and

(c) display in a conspicuous place at the site of each event catered by the licensee, during the event, a copy of his or her licence and a copy of the catering authorization applicable to the event.

[am. B.C. Reg. 44/2013, s. 11.]

Adjoining areas and separation

38 (1) A licensed establishment must be separated from an unlicensed area in a manner that is satisfactory to the general manager.

(2) If one licensed establishment in respect of which one category of licence has been issued adjoins another licensed establishment in respect of which a different category of licence has been issued, the establishments must be separated in a manner that is satisfactory to the general manager.

(3) Without limiting subsection (2), if the site of a catered event adjoins an establishment for which a licence has been issued, the site of the catered event must be separated from the licensed establishment in a manner that is satisfactory to the general manager.

[am. B.C. Reg. 44/2013, s. 12.]

Extension of hours for New Year's Eve

39 Despite any limits placed on the hours of liquor service of an establishment in respect of which a liquor primary licence, liquor primary club licence, winery licence or food primary licence has been issued, the general manager may extend the time stated on the licence for the hours of liquor service on December 31 to a time not later than 4:00 a.m. on January 1.

Dispensing liquor

40 (1) Unless otherwise authorized by the general manager, all liquor served in a licensed establishment must be dispensed from the original container in which the liquor was purchased from the Liquor Distribution Branch.

(2) A licensee must ensure that any automatic liquor-dispensing devices authorized by the general manager and used in the licensed establishment are used in accordance with the Act, this regulation and the terms and conditions of the licence.

(3) The dispensing of beverages containing liquor at a service bar must be done in full view of the patrons.

[am. B.C. Reg. 26/2011, Sch. s. 2.]

Liquor prices

41 (1) A licensee, other than a caterer, must, at the beginning of each day, set the price at which liquor is to be sold during that day.

(1.1) A licensee whose licence is endorsed with a catering endorsement must,

(a) at the beginning of each day, set the price at which liquor is to be sold during that day at the establishment in respect of which the licence was issued, and

(b) before each event the licensee is to cater, set the price at which liquor is to be sold during that event.

(1.2) A licensee who holds a catering licence must, before each event the licensee is to cater, set the price at which liquor is to be sold during that event.

(1.3) The prices set by a licensee under subsection (1.1) (a) need not be the same as the prices set by the licensee under subsection (1.1) (b) and the prices set by a licensee under subsection (1.1) (b) or (1.2) in relation to one event need not be the same as the prices set by the licensee under subsection (1.1) (b) or (1.2) in relation to a different event.

(2) A licensee must not

(a) provide unlimited or unspecified quantities of liquor for a single price,

(b) use a sales strategy that is likely to promote or encourage intoxication, or

(c) except in the case of a licensee retail store, alter the price of liquor during a day after it has been set for that day under subsection (1) or, in the case of a price set in relation to an event under subsection (1.1) (b) or (1.2), alter that price after the event has begun.

(2.1) A caterer does not contravene subsection (2) (b) merely because he or she serves liquor at no charge to the patrons of an event catered by the caterer.

(3) A licensee must make available to patrons a list that shows, for all types of liquor sold in the licensed establishment, the quantities in which and prices at which the liquor is sold.

[am. B.C. Regs. 205/2005, s. 6; 44/2013, s. 13.]

Consumption of liquor in licensed establishments

42 (1) A person must not consume liquor in a licensed establishment unless

(a) the liquor has been purchased from or served by the licensee of that licensed establishment, or

(b) if the licensed establishment is the site of a catered event, the liquor has been purchased from or served by the caterer catering the event.

(2) A licensee must not allow consumption in the licensed establishment of liquor that was not purchased from or served by the licensee.

(3) A licensee, and the employees of the licensee, must not consume liquor while working in the licensed establishment or while working at the site of a residential event catered by the licensee.

(4) All liquor sold or served in a licensed establishment, other than liquor sold by charitable auction, must be consumed in the licensed establishment, and the licensee must not allow liquor, other than the following, to be taken from the licensed establishment:

(a) a bottle of wine that is unfinished by a patron and sealed by the licensee before being taken by that patron from the licensed establishment;

(b) liquor that is sold for consumption off premises in accordance with the Act, this regulation and the terms and conditions of the licence;

(c) liquor that is brought for sale, or sold, by charitable auction.

(5) A licensee who seals an unfinished bottle of wine in accordance with subsection (4) (a) must inform the patron of the requirements of section 44 of the Act.

(6) This section does not apply to a U-Brew or U-Vin.

(6.1) All liquor sold to the host of a residential event by the caterer catering the residential event must be consumed there, and the caterer must not allow a patron to take from the residence a bottle of wine sold by the caterer that is unfinished unless

(a) that bottle is sealed by the caterer before being taken by that patron from the residence, and

(b) the caterer informs the patron of the requirements of section 44 of the Act.

(7) The holder of a food primary licence that has been issued in respect of a licensed establishment other than a banquet hall may allow a person to bring into the licensed establishment an unopened bottle of commercially-made wine for consumption in that licensed establishment, and, in that event, the holder of the food primary licence may serve that wine in accordance with the Act, this regulation and the terms and conditions of the licence.

(8) For the purposes of subsection (7), "banquet hall" means premises that

(a) are available for rent or use in relation to events, and

(b) are not open for service to the public on a regular basis.

[am. B.C. Regs. 222/2012; 44/2013, s. 14; 231/2013, Sch. s. 2.]

Beverage service training

43 (1) For the purposes of this regulation and section 13 of the Act, "training program" means the training program entitled "Serving It Right: The Responsible Beverage Service Program", delivered under the auspices of a person or organization approved by the general manager.

(2) For the purposes of section 13 (1) of the Act, the following licence categories are prescribed:

(a) manufacturer licences containing an endorsement referred to in section 18 or 18.1 of this regulation;

(b) manufacturer licences issued to establishments that provide samples in a sampling room designated by the general manager under section 53 (1) of the Act;

(c) liquor primary licences, liquor primary club licences, food primary licences, catering licences, licensee retail store licences and special occasion licences;

(d) manufacturer licences containing an endorsement referred to in section 18.2 of this regulation.

(3) For the purposes of section 13 of the Act, the training program is prescribed.

(4) Repealed. [B.C. Reg. 133/2007, s. (a).]

(5) Successful completion of the training program by each person must be evidenced by a certificate of completion issued in the name of that person by an authority approved by the general manager.

(6) Repealed. [B.C. Reg. 133/2007, s. (a).]

(7) The following persons in the following situations are exempt from the requirement to complete the training program:

(a) an unpaid manager or unpaid server in a club that is operated under a liquor primary club licence;

(b) subject to any terms and conditions imposed under section 12 (2) and (3) of the Act, a server in a food primary establishment;

(c) an unpaid server in an establishment licensed under a private special occasion licence or a public special occasion licence;

(d) a person in whose name a private special occasion licence is issued, unless that person is acting on behalf of an organization, association or other organized group of persons;

(e) a server who

(i) has successfully completed a liquor server training program required by another province and approved by the general manager, and

(ii) is able to provide documentary proof of his or her successful completion of the program when requested to do so by the general manager, an officer of the Liquor Control and Licensing Branch or a peace officer.

(8) Subject to subsection (7) of this section, before allowing a person to manage or serve liquor in a licensed establishment or at a residential event catered by the licensee, the licensee must verify that the person has successfully completed the training program.

(9) A person who claims to have successfully completed the training program must produce his or her certificate of completion when requested to do so by the general manager, an officer of the Liquor Control and Licensing Branch or a peace officer.

[am. B.C. Regs. 448/2004, s. (a); 133/2007, ss. (a) and (b); 109/2009; 44/2013, s. 15; 48/2013, Sch. 2, s. 6.]

Time

44 (1) Unless otherwise authorized by the general manager,

(a) liquor primary licensees and liquor primary club licensees must ensure that patrons are cleared from the licensed establishment within 1/2 hour after the time stated on the licence for the hours of liquor service, and

(b) food primary licensees must ensure that liquor is taken from patrons within 1/2 hour after the time stated on the licence for the hours of liquor service, unless the liquor is a bottle of wine that is sealed in accordance with section 42 (4) (a).

(2) Unless otherwise authorized by the general manager, if a licensee has been issued a licence, other than a food primary licence, in respect of an establishment, the licensee must not allow patrons to enter the licensed establishment during the hours when liquor service is not allowed by the licence.

(2.1) Subsections (1) and (2) do not apply to a licensee in relation to an event catered by the licensee.

(2.2) Unless otherwise authorized by the general manager,

(a) at a catered event, the caterer must ensure that liquor is taken from patrons within 1/2 hour after the time stated on the catering authorization for the hours of liquor service, or

(b) at a residential event, all unused liquor, purchased under the caterer's licence, must be returned to the caterer's business location at the conclusion of the residential event,

unless the liquor is a bottle of wine that is sealed in accordance with section 42 (4) (a) or (6.1) (a), as the case may be.

(3) Unless otherwise authorized by the general manager, a licensee must not allow a person to consume liquor in the licensed establishment beyond 1/2 hour after the time stated on the licence for the hours of liquor service.

(3.1) Subsection (3) does not apply to a licensee in relation to the site of a catered event catered by the licensee.

(4) A person must not consume liquor in a licensed establishment beyond the time allowed for consumption under subsection (3) in that licensed establishment.

(5) A reference to time in this regulation or in a licence is a reference to the local time observed at the place of the licensed establishment.

[am. B.C. Reg. 44/2013, s. 16.]

Minors

45 (1) For the purposes of section 33 (5) of the Act, identification means both of the following:

(a) one of the following:

(i) a passport;

(ii) a driver's licence that displays a photograph and the date of birth of the holder;

(iii) an identification card, issued by a government agency, that displays a photograph and the date of birth of the holder;

(b) one other piece of identification that displays

(i) the person's name, and

(ii) one or both of the person's signature and picture.

(2) and (3) Repealed. [B.C. Reg. 19/2007, s. 1.]

(4) A licensee must not allow a minor to have liquor in his or her possession in the licensed establishment unless

(a) a charitable auction is being held in that establishment and the minor is assisting at the auction in a manner specified in section 54.07, or

(b) the licence issued for that establishment is a food primary licence or a liquor primary licence for a stadium and the minor is working as a server in the establishment.

[am. B.C. Regs. 19/2007, s. 1; 231/2013, Sch. s. 3.]

Entertainment and games

46 (1) A licensee may provide entertainment and games that are authorized by the general manager.

(2) Entertainment and games provided in an establishment in respect of which a food primary licence has been issued must not result in the operation of the establishment in a manner that is contrary to the primary purpose of the business being the service of food during all hours of the establishment's operation.

(3) Despite subsections (1) and (2), a local government may by bylaw, a first nation may by any lawful means provided under the Indian Act (Canada) or authorized by a treaty with the governments of Canada and British Columbia, and a treaty first nation may by law if authorized under its final agreement, restrict or prohibit the type of entertainment or games allowed in a licensed establishment.

(4) A licensee must not offer or condone entertainment or games activities that may jeopardize patron or public safety.

[am. B.C. Reg. 43/2009, s. (b).]

Off premises sales

47 (1) The general manager may endorse a liquor primary licence and a liquor primary club licence for off premises sales if

(a) the licence results from a renewal, amendment or transfer of a licence already so endorsed,

(b) a written application for the endorsement was received by the general manager before June 5, 2000,

(c) the establishment in respect of which the endorsement is sought is at least 30 kilometres from each of the following:

(i) a liquor store;

(ii) a licensee retail store;

(iii) an establishment the licence for which has been endorsed for off premises sales, or

(d) the licence in respect of which the endorsement is sought is issued to a brew pub and an establishment operated in conjunction with and at the same site as the brew pub, and the endorsement relates to the sale of the brew pub's products that are manufactured on the premises.

(2) If a licence is endorsed for off premises sales,

(a) subject to paragraph (b), off premises sales are allowed only during hours of liquor service allowed on the licensee's licence,

(b) no off premises sales may be made after 11 p.m.,

(c) no liquor, other than coolers, beer, cider and wine, may be sold for off premises consumption, and

(d) off premises sales must be made from the primary service bar area of the licensed establishment.

(3) Despite subsection (2) (d), a licensee may offer off premises sales from an area of the licensed establishment other than the primary service bar area if the first mentioned area was approved for off premises sales by the general manager before June 5, 2000.

(4) Subsection (2) (c) does not apply to off premises sales referred to in subsection (1) (d).

(5) If the general manager has endorsed a liquor primary licence referred to in subsection (1) with a catering endorsement, the licensee must not offer off premises sales during an event catered by the licensee.

[am. B.C. Regs. 15/2009, s. 3; 44/2013, s. 17.]

Room service

48 (1) A licensed establishment offering overnight accommodation to registered guests may sell and serve liquor to registered guests in their rooms if

(a) that sale and service is done only during the hours of liquor service allowed on the licensee's licence,

(b) the types of liquor sold and served in this way are allowed for sale and service by the terms and conditions of the licence, and

(c) the establishment offers room service meals to registered guests.

(2) A licensed establishment referred to in subsection (1) may, unless restricted from doing so by the terms and conditions of its licence, provide a minibar service through which liquor may be purchased at any time in guest rooms.

Stadiums

49 If a liquor primary licence is issued in respect of a stadium, the following terms and conditions apply:

(a) beverages must be served in plastic, paper or other disposable containers, unless otherwise authorized by the general manager;

(b) liquor must not be sold at an activity or event without the written consent of the organizer or promoter sponsoring the activity or event;

(c) the licensee must designate areas of the stadium's tiered seating area as areas where the possession and consumption of liquor is not allowed and must, unless otherwise authorized by the general manager, ensure that those areas

(i) consist of a reasonable choice of seats within the range of ticket prices offered at the stadium, and

(ii) are each of a size appropriate to the level of demand for seats in those areas of the stadium.

Exemptions for arrangements between licensees and manufacturers

50 (1) In this section:

"arrangement" includes

(a) an agreement, arrangement, concession, obligation, undertaking or interest referred to in section 18 of the Act, and

(b) an act or agreement referred to in section 45 of the Act;

"designated category of liquor" means any of the following:

(a) draught beer;

(b) bottled beer;

(c) cider and coolers;

(d) wine;

(e) spirits;

"take-away bar" means a liquor dispensing site or concession, including a site or concession where both liquor and products other than liquor are sold.

(2) The following classes of persons are eligible for exemptions under sections 18 (4) and 45 (4) of the Act:

(a) those licensees who individually hold a liquor primary licence, if the liquor primary licence is held for a stadium or concert hall that

(i) is of sufficient size and has adequate facilities to host provincial, national or international events involving adult or professional performers,

(ii) is used primarily for the purposes referred to in subparagraph (i), and

(iii) has

(A) in the case of a stadium, at least 5 000 tiered seats or such lesser number as may be approved by the general manager, and

(B) in the case of a concert hall, at least 1 500 permanent seats;

(b) those licensees who individually hold a food primary licence, if

(i) the establishment in respect of which the licence is held is located within a stadium or concert hall, and

(ii) the licensee holding the licence has been granted an exemption in respect of the establishment under paragraph (a);

(c) those persons who individually enter or propose to enter into an arrangement with a licensee who is being granted an exemption under paragraph (a) or (b);

(d) those licensees who hold a wine store licence and a winery licence with respect to the wine store owned by the licensee;

(e) those licensees who individually hold a licence issued under section 57 or 58 of the Act if the annual production volume of liquor manufactured by the licensee for the year immediately before a licence under section 12 is issued does not exceed

(i) 100 00 litres of spirits,

(ii) 750 000 litres aggregate of wine and cider, or

(iii) 300 000 hectolitres of beer,

but only with respect to not more than 3 related offsite establishments;

(f) those licensees who individually hold a licence issued under section 57 or 58 of the Act, but only with respect to liquor manufactured by the licensee and sold at the manufacturing site;

(g) those licensees who hold a licence issued under section 12 of the Act who enter or propose to enter into an arrangement with a licensee who is being granted an exemption under paragraph (e) or (f).

(2.1) For the purposes of subsection (2) (e), "related off-site establishment", in relation to a licensee who individually holds a licence issued under section 57 or 58 of the Act, means an establishment licensed under section 12 or the business location of a caterer if

(a) the business carried on at that establishment or location is

(i) owned or partially owned by

(A) the licensee, or

(B) a person who is so associated with, connected with or financially interested in the licensee that the person is likely to promote the sale of the licensee's liquor, or

(ii) carried on by the licensee or a person referred to in subparagraph (i) (B) of this paragraph under an approval granted under section 17 of the Act, and

(b) the establishment or location is located on a site other than the site at which the licensee manufactures the liquor in relation to which the licence under section 57 or 58 of the Act was issued.

(3) When granting an exemption under section 18 (4) or 45 (4) of the Act, the general manager must impose the following terms and conditions:

(a) if a designated category of liquor is sold by a licensee in the stadium or concert hall under an arrangement made between the licensee and a person referred to in subsection (2) (c) of this section who is granted an exemption under section 18 (4) or 45 (4) of the Act,

(i) the licensee must make available to patrons at least one other product that

(A) belongs to that category,

(B) is reasonably priced,

(C) is not connected with the person granted an exemption under subsection (2) (c) of this section,

(D) is made known to patrons in the manner, at the locations within the stadium or concert hall, in the form and with the content satisfactory to the general manager,

(E) is available from a reasonable number of take-away bars throughout the stadium or concert hall, and

(F) is not manufactured by a person to whom an exemption in respect of that category has been given under subsection (2) in relation to the stadium or concert hall, and

(ii) the licensee must ensure that at least 10% of the sales of the designated category of liquor are of the other product described in subparagraph (i);

(b) the licensee must, at locations satisfactory to the general manager within the stadium or concert hall, display messaging, in form and content satisfactory to the general manager, intended to promote the responsible consumption of liquor.

(4) When granting an exemption under section 18 (4) or 45 (4) of the Act, the general manager may impose any additional terms and conditions the general manager considers advisable.

[am. B.C. Regs. 48/2013, Sch. 1, s. 8; 49/2013, s. 1.]

Promotional activity

50.1 (1) In this section:

"agent" means a person licensed to act as an agent under section 52 of the Act;

"promotional activity" means any activity that is prohibited or restricted under section 45 (1) or (2) of the Act and includes the provision of goods and services related to the operation of a licensed establishment, if any, and, in the case of a caterer, to the operation of the caterer's catering business, but does not include the provision of cash, credit or any other form of financial assistance;

"promotional item" means any item provided to a licensee as part of a promotional activity;

"trade practices terms and conditions" means the terms and conditions established by the general manager under subsection (2) (b).

(2) Subject to subsection (3), the general manager may

(a) exempt any liquor manufacturer, agent or licensee from one or more prohibitions and restrictions under section 45 (1) and (2) of the Act, and

(b) establish a set of terms and conditions respecting promotional activities that are to apply to the licence of any liquor manufacturer, agent or licensee for whom an exemption is granted under paragraph (a).

(3) If an exemption is granted under subsection (2) (a) in respect of promotional activities,

(a) the trade practices terms and conditions are added to and form part of the terms and conditions of the licence of the liquor manufacturer, agent or licensee to whom the exemption is granted,

(b) any promotional activity undertaken in reliance on the exemption must be consistent with

(i) the trade practices terms and conditions, and

(ii) all other terms and conditions imposed on the licence by the general manager under section 45 (4) of the Act, and

(c) unless the terms and conditions to which the licence is subject under paragraph (b) of this subsection provide otherwise,

(i) any promotional item provided to a licensee must be provided to, or be for the principal benefit of, patrons of the licensee's licensed establishments or, in the case of an event catered by the licensee, patrons of the event, and

(ii) liquor must not be provided as a promotional item

(d) to (i) Repealed. [B.C. Reg. 49/2013, s. 2 (b).]

(4) A reference to a licensed establishment in subsection (3) (h) (i) does not include a reference to the site of a catered event.

[en. B.C. Reg. 437/2003, s. 1; am. B.C. Regs. 44/2013, s. 18; 49/2013, s. 2.]

List of officers of club

51 (1) A club must file with the general manager a complete list of its officers showing the name, address and occupation of each officer.

(2) Immediately after a change occurs in the officers of a club, the club must file a revised list of officers with the general manager.

Register of visitors to club

52 (1) A club that holds a liquor primary club licence must keep a visitors' register and must enter in that register the following information:

- (a) the name of each guest;
- (b) the name of the member accompanying each guest;
- (c) the date the guest is in attendance.

(2) A person who is not a member, an employee or a registered guest of the club must not be or remain in a part of the club where liquor is being sold, served or consumed.

Division 7 — Amendment to Certain Licences

Notice of amendment

53 (1) For the purposes of section 11.3 (1) of the Act, the following categories of licences are prescribed:

- (a) liquor primary licences;
- (b) liquor primary club licences;
- (c) winery licences;
- (d) food primary licences;
- (e) brewery licences;

(f) distillery licences.

(1.1) In subsections (2) and (3), "permanently", in relation to an amendment to a licence, means an amendment that is intended to apply to the licence generally rather than for a specified period or in relation to a specified event.

(2) For the purposes of section 11.3 (1) of the Act, an application to amend a licence referred to in subsection (1) (a), (b), (c), (e) or (f) of this section that includes an application to permanently amend the licence in respect of any of the following is a prescribed circumstance:

(a) an extension of hours of liquor service at the establishment in respect of which the licence was issued;

(b) an increase in the person capacity of that establishment or, in the case of a special event endorsement for a winery, a brewery or a distillery, an increase in the size of the special event area;

(c) the addition of a patio to that establishment,

and the general manager must not approve the amendment unless the general manager has given the local government or first nation for the area in which the establishment is located notice of the proposed amendment under this section.

(3) For the purposes of section 11.3 (1) of the Act, an application to amend a licence referred to in subsection (1) (d) of this section that includes an application to permanently amend the licence in respect of either or both of the following is a prescribed circumstance:

(a) hours of liquor service at the establishment in respect of which the licence was issued ending after 12:00 a.m.;

(b) patron participation entertainment at that establishment,

and the general manager must not approve the amendment unless the general manager has given the local government or first nation for the area in which the establishment is located notice of the proposed amendment under this section.

(4) If notice of an application for an amendment to a licence has been given to a local government or first nation under this section and section 11.3 (1) of the Act, the local government or first nation must, in considering the application and providing comments, take into account the following criteria:

(a) the potential for noise if the application is approved;

(b) the impact on the community if the application is approved;

(c) if the application is one referred to in subsection (3) of this section, whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

(5) If the amendment to a liquor primary licence, liquor club primary licence, food primary licence, winery licence, brewery licence or distillery licence may affect nearby residents, the local government or first nation must gather the views of residents in accordance with section 11.3 (2) (c) of the Act.

(6) If the local government or first nation wishes to provide comments to the general manager, it must provide the following in writing:

(a) its comments addressing the criteria in subsection (4) of this section;

(b) if it has gathered the views of residents under subsection (5),

(i) the views of the residents,

(ii) the method used to gather the views of the residents, and

(iii) its comments and recommendations respecting the views of the residents;

(c) its recommendation with respect to whether the amendment should be approved;

(d) the reasons for its recommendation.

(7) The written comments referred to in subsection (6) must be provided to the general manager within 90 days after the local government or first nation receives notice under subsection (2) or (3), or any further period authorized by the general manager.

[am. B.C. Regs. 437/2003, s. 2; 205/2005, s. 7; 48/2013, Sch. 2, s. 7.]

Repealed

54 Repealed. [B.C. Reg. 47/2013, Sch. s. 3.]

Part 3.1 — Charitable Auctions

Division 1 — Interpretation

Definition of "charitable fundraiser"

54.01 For the purposes of the definition of "charitable fundraiser" in the Act, the following classes of non-profit organizations are prescribed:

(a) an organization that

(i) is incorporated under the Society Act, the Canada Not-for-profit Corporations Act or Part II of the Canada Corporations Act, and

(ii) has no director who is remunerated, other than in reimbursement of actual expenses that are directly related to his or her duties as a director;

(b) an unincorporated organization that

(i) has a name, organizational structure and membership that meets regularly or occasionally,

(ii) is established in the community as an organization that provides programs of community benefit, and

(iii) has no member who is remunerated, other than in reimbursement of actual expenses that are directly related to his or her duties as a member.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Definition of "charitable representative"

54.02 For the purposes of the definition of "charitable representative" in the Act, a person is a charitable representative of an unincorporated charitable fundraiser if the person

(a) is a member of the unincorporated charitable fundraiser, and

(b) is acting on behalf of the members of the unincorporated charitable fundraiser.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Division 2 — Auction Requirements

Maximum quantity without permit

54.03 The prescribed quantity of liquor for the purposes of section 7.3 (1) (c) of the Act is

(a) 6 litres of spirits,

(b) 18 litres of wine, and

(c) 51.2 litres of one or more of the following:

- (i) beer;
- (ii) cider;
- (iii) coolers.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Maximum duration

54.04 A charitable auction must not extend over more than 30 days.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Liquor must have been produced commercially

54.05 (1) Liquor that is offered for sale by charitable auction must have been produced or manufactured commercially.

(2) For the purposes of this section, liquor produced or manufactured in a U-Brew or U-Vin is not produced or manufactured commercially.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Consumption and removal of auction liquor

54.06 (1) In this section, "auction liquor", in relation to a charitable auction, means liquor that is brought to the site of the auction for sale by auction, whether or not the liquor is offered for sale or sold.

(2) A person must not consume auction liquor at the site of a charitable auction.

(3) A person who holds a charitable auction must not allow consumption of auction liquor at the site of the auction.

(4) A person who holds a charitable auction must ensure that all auction liquor is removed from the site of the auction by the end of the auction.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Minors

54.07 A person who holds a charitable auction must not allow a minor to attend the auction unless the minor

(a) does not possess liquor, or participate in the auction, other than to assist in the auction by carrying liquor

(i) to a winning bidder, or

(ii) for a winning bidder from the site of the auction to the winning bidder's means of transportation, and

(b) is otherwise lawfully allowed to enter on or to be on the premises where the auction is being held.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Notification of charitable purpose

54.08 A person holding a charitable auction must, before bidding commences, bring the charitable purpose of the auction to the attention of the auction participants.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Receipts

54.09 A person who holds an auction under a permit issued under section 7.2 of the Act must

(a) issue to each winning bidder a receipt that indicates

(i) the item of liquor purchased,

(ii) the name of the winning bidder,

(iii) the amount of the winning bid, and

(iv) the amount of sales tax collected on the sale, and

(b) collect receipts that evidence

(i) the price, if any, paid by the person for each item of liquor offered for sale at the auction, and

(ii) if applicable, the expenses, other than expenses referred to in subparagraph (i), incurred by the person to conduct the auction.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Records

54.10 (1) A person who holds an auction under a permit issued under section 7.2 of the Act must prepare and maintain records respecting the following:

(a) the items of liquor offered for sale by auction, indicating for each item

(i) the source of that item,

(ii) the date the person acquired that item,

(iii) the price, if any, paid by the person for that item, and

(iv) whether or not the item was sold by auction and, if sold,

(A) the name of the winning bidder,

(B) the amount of the winning bid, and

(C) the amount of sales tax collected on the sale;

(b) the expenses, other than expenses referred to in paragraph (a) (iii), incurred by the person to conduct the auction;

(c) the charitable purposes for which the funds raised by the auction have been used and the amount used for each charitable purpose.

(2) The person must prepare and maintain

(a) an account of the funds raised by the auction, indicating

(i) each expense referred to in subsection (1) (a) (iii) and (b) and the total of those expenses, and

(ii) the amount received or receivable by the person for each item of liquor sold by auction and the total of those amounts, and

(b) copies of the receipts referred to in section 54.09.

(3) The person must retain the records required by this section for a period of at least 24 months after the date on which the auction ends.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Reporting

54.11 A person who holds an auction under a permit issued under section 7.2 of the Act must, within 60 days after the date on which the auction ends, submit to the general manager a report on the auction in the form and manner specified by the general manager.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Funds raised to be used within 12 months

54.12 The prescribed period of time for the purposes of section 7.2 (8) (d) (ii) of the Act is 12 months after the date on which the auction ends.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Frequent auctions prohibited

54.13 (1) The general manager may not issue a permit under section 7.2 (1) of the Act that authorizes a person to sell liquor by auction on a date that is 30 days or less after the latest date on which

(a) the person, or

(b) if the person is a charitable representative of a charitable fundraiser, another charitable representative of the charitable fundraiser

last sold liquor by auction.

(2) The prescribed period of time for the purposes of section 7.3 (2) of the Act is 30 days.

[en. B.C. Reg. 231/2013, Sch. s. 4.]

Part 4 — Fees

Fees

55 The fees payable under the Act and this regulation are set out in Schedule 1.

Part 5 — Advertisements and Sponsorships

Advertisements

56 Liquor or the availability of liquor must not be advertised other than by or on behalf of the following:

- (a) a person holding a licence issued under the Act;
- (b) a person appointed to operate an agency store under the Liquor Distribution Act;
- (c) the Liquor Distribution Branch carrying out its powers and duties under the Liquor Distribution Act;
- (d) a person who is authorized to sell liquor by auction under section 7.2 or 7.3 of the Act, in relation to an auction.

[am. B.C. Reg. 231/2013, Sch. s. 5.]

Advertisements

57 (1) In this section:

"advertisement" means an agency store advertisement, a licensed establishment advertisement, a manufacturer's advertisement or a charitable auction advertisement;

"agency store advertisement" means an advertisement respecting liquor or the availability of liquor that is placed by or on behalf of an LDB agent;

"charitable auction advertisement" means an advertisement respecting liquor or the availability of liquor placed by or on behalf of a person who is authorized to sell liquor by auction under section 7.2 or 7.3 of the Act;

"LDB agent" means a person who has been appointed as an agent under, or who has contracted to act as an agent under a contract referred to in, section 18 (5) of the Liquor Distribution Act;

"licensed establishment advertisement" means an advertisement respecting liquor or the availability of liquor placed by or on behalf of a person, other than a liquor manufacturer, who holds a licence under section 12 of the Act in respect of an establishment;

"manufacturer's advertisement" means an advertisement respecting liquor or the availability of liquor placed by or on behalf of a brewery, winery or distillery, or by or on behalf of an agent licensed under section 52 of the Act, but does not include an advertisement intended to promote the responsible consumption of liquor.

(2) Subject to subsections (3) to (5) of this section,

(a) an agency store advertisement may be placed by or on behalf of an LDB agent,

(b) a licensed establishment advertisement may be placed by or on behalf of a person who holds a licence under section 12 of the Act in respect of an establishment,

(c) a manufacturer's advertisement may be placed by or on behalf of a brewery, winery or distillery, or by or on behalf of an agent licensed under section 52 of the Act, and

(d) a charitable auction advertisement may be placed by or on behalf of a person who is authorized to sell liquor by auction under section 7.2 or 7.3 of the Act.

(3) Except to the extent that a person who is authorized under this section to place an advertisement is restricted from doing so by a term or condition of the person's licence or, if the person is an LDB agent, by the terms of the appointment or contract by which the person became an agent, the person may include in that advertisement information respecting

(a) the liquor that may be sold under the licence, appointment or contract, as the case may be,

(b) manufacturers,

(c) licensed establishments,

(d) liquor stores, and

(e) prices.

(3.1) Except to the extent that a caterer is restricted from doing so by a term or condition of the person's licence, the caterer may include, in an advertisement, information respecting

(a) the ability of the caterer to offer catering services that include the sale and service of liquor,

(b) the type of liquor that may be offered for sale or service at events catered by the caterer, without reference to the name of the manufacturer of any liquor that the caterer may offer or the name of any product that may be provided, and

(c) the fact that the caterer has provided catering services for previous events,

but must not otherwise advertise the availability, sale or service of liquor in relation to an ongoing or upcoming event catered by the caterer or in relation to the catering business.

(3.2) Except to the extent that a person who is authorized under this section to place a charitable auction advertisement is restricted from doing so, if applicable, by a term or condition of the permit that authorizes the auction, the person may include in that advertisement

(a) information respecting

(i) the auction, including the types, amounts, manufacturers and brand names of liquor that will be offered for sale by auction,

(ii) the charitable fundraiser by whom, or by whose charitable representative, the auction will be held and the charitable purpose of the auction, and

(iii) the event, if any, at which the charitable auction will be held, and

(b) a reference to liquor that is part of the name of the charitable fundraiser or event referred to in paragraph (a).

(4) Advertisements must

(a) comply with the Code for Broadcast Advertising of Alcoholic Beverages published by the Canadian Radio-television and Telecommunications Commission under the Broadcasting Act (Canada), as that Code is amended from time to time,

(b) not refer to liquor products that are not listed or otherwise approved for sale by the Liquor Distribution Branch, and

(c) not depict packaging or labelling unless that packaging or labelling has been approved under the Liquor Distribution Act.

(4.1) Subsection (4) applies to advertising that a caterer may place under subsection (3.1).

(5) Nothing in this section prevents the Liquor Distribution Branch from requiring that branch's approval before a manufacturer's advertisement is placed in a liquor store, including an agency store.

[en. B.C. Reg. 406/2003, s. 3; am. B.C. Regs. 44/2013, s. 19; 231/2013, Sch. s. 6.]

Repealed

58–59 Repealed. [B.C. Reg. 406/2003, s. 3.]

Sponsorships

60 (1) No sponsorship may take place under section 54 of the Act for an event, activity or organization in which the participants or audience consist primarily of minors, unless authorized by the general manager.

(2) Except as allowed by the general manager, a liquor manufacturer or agent under section 52 of the Act must not sponsor an event or activity at or with a licensed establishment.

(3) A liquor manufacturer or agent under section 52 of the Act must give prior notice to the general manager of any plan to sponsor an event, activity or organization under section 54 of the Act if

(a) Repealed. [B.C. Reg. 49/2013, s. 3 (b).]

(b) the event, activity or organization involves a licensed establishment.

(4) If signs are displayed by a liquor manufacturer or agent under section 52 of the Act in the sponsorship of an event, activity or organization under section 54 of the Act that offers the sale or service of liquor, a reasonable number of signs intended to promote the responsible consumption of liquor must also be displayed.

[am. B.C. Reg. 49/2013, s. 3.]

Part 6 — General

Delivery of liquor

61 (1) Liquor delivered within British Columbia under section 38 (2) of the Act must be accompanied by a delivery receipt that is available for inspection and includes the

(a) name and address of the purchaser,

(b) date of the purchase,

(c) price of the liquor,

(d) time of delivery, and

(e) delivery service charge.

(2) A consignee receiving a delivery of liquor and a delivery receipt must keep the delivery receipt for a period of one year and keep it available for inspection.

(3) A delivery service must adhere to the following in relation to a delivery of liquor:

(a) a delivery must be made by and to a person lawfully able to consume liquor;

(b) proof of age must be validated at the time of delivery in accordance with the requirements and standards of section 45;

(c) delivery must not be made to an intoxicated person or to a person under the influence of drugs;

(d) delivery may be made only to a place where liquor may be legally possessed or consumed;

(e) a delivery must not take place between 11:30 p.m. and 9:00 a.m., unless authorized by the general manager;

(f) any further rules imposed by the general manager or the general manager of the Liquor Distribution Branch.

Sale and distribution of cooking alcohol

62 (1) In this section, "cooking alcohol" means a culinary preparation, referred to in section 62 (3.1) of the Act, that

(a) is a distilled spirit made from fermented rice, and

(b) contains at least 10% alcohol by volume,

but does not include a flavouring concentrate or extract.

(2) The general manager may direct that cooking alcohol be sold and distributed through government liquor stores only.

(3) Despite subsection (2), the general manager may, on application, authorize the applicant to sell or distribute cooking alcohol if the applicant satisfies the general manager that the cooking alcohol

(a) is to be sold or distributed

(i) for manufacturing purposes, or

(ii) for commercial purposes other than the sale or distribution of the cooking alcohol, and

(b) is to be sold or distributed in containers of not less than 10 litres.

Part 7 — Enforcement

Repealed

63 Repealed. [B.C. Reg. 205/2005, s. 8.]

Notices of contravention

64 (1) If an inspector forms the opinion that a licensee has committed a contravention, the inspector must, unless otherwise authorized by the general manager, provide written notice to the licensee that the inspector is of the opinion that the licensee has committed a specified contravention.

(2) If, after considering the alleged contravention, the inspector proposes that enforcement actions should be taken against the licensee in response to that alleged contravention, the inspector must, after forming that opinion, provide written notice to the licensee

(a) specifying which enforcement actions the general manager proposes to take against the licensee should the licensee agree under subsection (3) that the licensee has committed the contravention, and

(b) notifying the licensee that, unless the licensee provides a notice of waiver in accordance with subsection (3),

(i) the general manager will determine whether the alleged contravention occurred and the enforcement actions, if any, that are to be taken in relation to that alleged contravention, and

(ii) an enforcement hearing may be scheduled for that purpose.

(3) The general manager may hold an enforcement hearing to determine whether the licensee committed the alleged contravention and, if so, to determine what enforcement actions are to be taken against the licensee as a result, unless, within 14 days after the date of the notice referred to in subsection (2), or within such longer period as the general manager considers appropriate, the licensee provides to the general manager a notice of waiver, in form and content satisfactory to the general manager, by which the licensee expressly and irrevocably

(a) agrees that the licensee has committed the contravention,

(b) accepts the specified enforcement actions,

(c) waives the opportunity to have an enforcement hearing on the matter, and

(d) agrees that the finding of contravention and the specified enforcement actions will form part of the compliance history of the licensee.

[am. B.C. Reg. 289/2009, s. 2.]

Imposition of enforcement actions

65 (1) If, under section 20 of the Act, the general manager determines that a licensee has committed a contravention as a result of which one or more enforcement actions may be taken against the licensee, and if the licensee has not, in respect of that contravention, provided to the general manager a notice of waiver in accordance with section 64 (3) of this regulation, the general manager may, under section 20 of the Act, take the enforcement actions, if any, against the licensee that the general manager considers appropriate as a result of the contravention and, in so doing, may but need not take the enforcement actions specified under section 64 (2) (a) of this regulation.

(2) Nothing in this section requires the general manager to hold an enforcement hearing, or any hearing, before making either or both of the determinations referred to in subsection (1).

(3) The general manager may, in respect of a second contravention or a subsequent contravention, take the enforcement action applicable to that type of contravention even though that contravention was considered at a time or at a hearing at which one or more other contraventions of the same type were considered.

(4) A reference in subsection (3) to a "second contravention", a "subsequent contravention" and a "type" of contravention must be read within the meaning of Schedule 4.

[am. B.C. Reg. 205/2005, s. 9.]

Suspensions

66 (1) If, in relation to a contravention, the enforcement actions specified under section 64 (2) (a) or referred to in section 65 (1) include a suspension, the period of the suspension must, subject to subsection (2) of this section, fall within the range established for the contravention under Schedule 4.

(2) If, in the circumstances of a contravention and the compliance history of the licensee, the general manager considers that a longer period of suspension is warranted than that established for the contravention under Schedule 4, the suspension period may extend as far beyond the range established under Schedule 4 as the general manager considers appropriate.

(3) If the general manager determines that a licensee has committed more than one contravention for which suspensions should be assessed, the period of the suspension determined in relation to those contraventions must be the sum of the suspension periods determined for each of the contraventions.

When a suspension is to be served

67 (1) In this section, "business day" means, in respect of a licensee, a day specified by the general manager as a business day.

(2) If a licensee accepts a suspension under section 64 (3) (b) or if the enforcement actions referred to in section 65 (1) include a suspension, the suspension must

(a) unless the general manager considers that a different day of the week is more appropriate, take effect on the same day of the week as the day on which the contravention for which the suspension was imposed was committed, and

(b) continue in effect on each business day until the number of days on which the suspension has been in effect equals the number of days in the accepted or determined period of suspension.

(3) The general manager may, subject to subsection (2), determine the date on which the suspension begins.

[am. B.C. Reg. 26/2011, Sch. s. 3.]

Monetary penalties

68 (1) The enforcement actions specified under section 64 (2) (a) or referred to in section 65 (1) that apply to a contravention that is a first contravention within the meaning of section 1 (1) (b) (i) of Schedule 4 include, but for any other contraventions do not include, a monetary penalty, and the amount of the monetary penalty that may be imposed in relation to a first contravention must, subject to subsection (2) of this section, fall within the range, if any, established for the contravention under Schedule 4.

(2) If, in the circumstances of a contravention and the compliance history of the licensee, the general manager considers that a monetary penalty in an amount that exceeds the amount established for the contravention under Schedule 4 is warranted, the monetary penalty may, subject to section 20 (2.3) of the Act, extend beyond the range established under Schedule 4.

(3) If the general manager determines that a licensee has committed more than one contravention for which monetary penalties should be assessed, the amount of the monetary penalty determined in relation to those contraventions must be the sum of the monetary penalties determined for each of the contraventions.

[am. B.C. Reg. 205/2005, s. 10.]

Cancellation of licences

69 (1) Subject to subsection (2), the general manager must cancel the licence of a licensee if

(a) the licensee allows the sale, service or consumption of liquor in the licensee's establishment while the licensee's licence is under suspension,

(a.1) the licensee holds a catering licence and sells liquor at an event catered by the licensee while

(i) the catering licence is under suspension, or

(ii) the caterer's catering authorization is under suspension or cancelled,

(b) contrary to section 67 (3) of the Act, the licensee

(i) obstructs or attempts to obstruct an entry or search by a peace officer under section 67 of the Act, or

(ii) refuses or fails to immediately admit a peace officer demanding entry under section 67 of the Act, or

(c) contrary to section 73 (2) (b) of the Act, the licensee neglects or refuses to allow premises to be inspected when and as required under section 73 (2) (b) of the Act.

(1.1) Subject to subsection (2), if the licensee holds a licence endorsed with a catering endorsement and sells liquor at an event catered by the licensee while

(a) the catering endorsement is under suspension, or

(b) the caterer's catering authorization is under suspension or cancelled,

the general manager must cancel the catering endorsement.

(2) The general manager need not cancel a licence in a circumstance referred to in subsection (1) of this section or cancel a catering endorsement in a circumstance referred to in subsection (1.1) if

(a) the licence is transferred in accordance with subsection (3), or

(b) subsection (4) applies.

(3) The general manager may refrain from cancelling a licence or cancelling a catering endorsement if

(a) the general manager notifies the licensee that the general manager is prepared to consider a transfer of the licence during a specified period,

(b) the general manager suspends the licence or catering endorsement, as the case may be, until the earlier of

(i) the end of the specified period, and

(ii) the date on which the licence is transferred by way of a transfer approved by the general manager, and

(c) the licence is transferred within the specified period by way of a transfer approved by the general manager.

(4) The general manager may refrain from cancelling a licence or cancelling a catering endorsement if the general manager is satisfied that it is in the public interest to refrain from cancelling the licence or catering endorsement, as the case may be, and the general manager

(a) suspends the licensee's licence or licensee's catering endorsement, as the case may be, in accordance with Schedule 4, and

(b) imposes any other enforcement actions referred to in section 20 (2) of the Act that the general manager considers appropriate.

[am. B.C. Regs. 213/2007, s. 1; 44/2013, s. 20.]

Warrant to search

70 (1) The information to obtain a search warrant under section 68 of the Act is set out in Schedule 2.

(2) The form of a search warrant that may be issued under section 68 of the Act is set out in Schedule 3.

Part 8 — Transitional Provisions

Licence categories, terms and conditions and endorsements

71 (1) A category of licence referred to in Column A of the following table and held by a licensee immediately before December 2, 2002

(a) is converted on December 2, 2002 to the category of licence set out opposite that licence in Column B, and

(b) subject to subsection (2), is on December 2, 2002 subject to the terms and conditions of the category of licence set out opposite in Column B:

Column A	Column B
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A licence, other than for a club Liquor primary licence

C, D, E, F or I licence Liquor primary licence

A licence for a club Liquor primary club licence

B licence Food primary licence

B licence with a designated food optional area Food primary licence with a lounge endorsement

Winery licence Winery licence

Winery licence with an endorsement for a consumption area Winery licence with a winery lounge endorsement

Winery licence with a picnicking endorsement Winery licence with a picnicking endorsement

G or H licence Licensee retail store licence

Agent's licence Agent's licence

Distiller's licence Distiller's licence

Brewer's licence Brewer's licence

U-Brew licence U-Brew licence

U-Vin licence U-Vin licence

Private special occasion licence Private special occasion licence

Family private special occasion licence Private special occasion licence

Public special occasion licence Public special occasion licence

(2) The following apply to a licence converted under subsection (1) unless and until rescinded or amended by the general manager:

(a) the terms and conditions imposed on the licence by the general manager under section 12 and 12.1 of the Act in effect immediately before December 2, 2002;

(b) the hours of liquor service and the patron or person capacity of the licensed establishment in effect immediately before December 2, 2002;

(c) endorsements on the licence in effect immediately before December 2, 2002, except an endorsement on a winery licence for a consumption area.

Applications under previous regulation

72 (1) Subject to subsections (2), (3), (4) and (5), the regulations made under the Act as they read immediately before December 2, 2002 apply to each application for a licence, amendment or endorsement received by the general manager before December 2, 2002 and outstanding on December 2, 2002 and the following apply:

(a) an application may not be altered by the applicant to apply for an increase to the proposed person capacity of the establishment or for longer hours of liquor service beyond those requested in the initial application, unless the applicant follows the procedures in section 53 of this regulation;

(b) if the application is for a licence referred to in Column A of the following table and the application is approved, the general manager must issue the category of licence set out opposite that licence in Column B and the terms and conditions of the category of licence set out opposite in Column B apply:

Column A	Column B
----------	----------

A licence, other than for a club	Liquor primary licence
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C, D, E, F or I licence	Liquor primary licence
-------------------------	------------------------

A licence for a club	Liquor primary club licence
----------------------	-----------------------------

B licence	Food primary licence
-----------	----------------------

Winery licence	Winery licence
----------------	----------------

G and H licence	Licensee retail store licence
-----------------	-------------------------------

Agent's licence	Agent's licence
-----------------	-----------------

Distiller's licence	Distiller's licence
---------------------	---------------------

Brewer's licence	Brewer's licence
------------------	------------------

U-Brew licence	U-Brew licence
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U-Vin licence	U-Vin licence
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Private special occasion licence	Private special occasion licence
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Family special occasion licence	Private special occasion licence
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Public special occasion licence	Public special occasion licence
---------------------------------	---------------------------------

(c) if the application is for an endorsement referred to in Column A of the following table and the application is approved, the general manager must issue the category of endorsement set out opposite that endorsement in Column B and the terms and conditions of the category of endorsement set out opposite in Column B apply:

Column A	Column B
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a designated food optional area endorsement	a lounge endorsement
---	----------------------

a consumption area endorsement	a winery lounge endorsement
--------------------------------	-----------------------------

a picnicking endorsement	a picnicking endorsement
--------------------------	--------------------------

(2) An application received by the general manager before December 2, 2002 and outstanding on December 2, 2002, to amend a licence or an application for a licence under section 5.4, or 5.5 of the regulations made under the Act as they read immediately before December 2, 2002, must be considered by the general manager as if it were an application under section 54 of this regulation.

(3) An application concerning patron capacity that is received by the general manager before December 2, 2002 and is outstanding on December 2, 2002 must be considered by the general manager as an application concerning person capacity under this regulation.

(4) An application received by the general manager before December 2, 2002 and outstanding on December 2, 2002, to amend a licence or an application for a licence under section 5.6 of the regulations made under the Act as they read immediately before December 2, 2002, must be approved by the general manager as a lounge provided that

(a) the application complies with section 12 other than section 12 (1), and

(b) the general manager is of opinion that approving the application is not contrary to the public interest.

(5) Sections 17 (7) (e) and 17.5 (1) (b) of the regulations made under the Act as they read immediately before December 2, 2002 do not apply to an application for a licensee retail store licence.

[am. B.C. Reg. 379/2004, s. 2.]

Picnicking endorsement transition

73 The regulations made under the Act as they read immediately before the coming into force of this section apply to an application for a picnicking endorsement if that application

(a) was received by the general manager before the coming into force of this section, and

(b) is outstanding on the coming into force of this section.

[en. B.C. Reg. 205/2005, s. 11.]

Conversion of appointment to endorsement

74 (1) The appointment of a person who

(a) is appointed as agent under section 18 (5) of the Liquor Distribution Act to operate a manufacturer on-site store, and

(b) holds a winery licence, a brewery licence or a distillery licence immediately before February 1, 2013

is converted on February 1, 2013 to a manufacturer on-site store endorsement.

(2) An application for an appointment as agent to operate a manufacturer on-site store under section 18 (5) of the Liquor Distribution Act is converted on February 1, 2013 to an application for a manufacturer on-site store endorsement.

(3) Section 18.2 of this regulation applies to a manufacturer on-site store endorsement that was converted from an appointment to operate a manufacturer on-site store under subsection (1).

[en. B.C. Reg. 48/2013, Sch. 1, s. 9.]

Conversion of appointment to licence

75 (1) The appointment of a person who is appointed under section 18 (5) of the Liquor Distribution Act to operate an agency store that sells only wine that is in effect immediately before February 1, 2013 is converted on February 1, 2013 to a wine store licence.

(2) Section 14.1 of this regulation applies to a wine store licence that was converted from an appointment to operate an agency store that sells only wine under subsection (1).

[en. B.C. Reg. 48/2013, Sch. 1, s. 9.]

Schedule 1

[am. B.C. Regs. 448/2004, s. (b); 205/2005, ss. 3 and 12; 253/2006; 15/2009, s. 4; 1/2010; 126/2012, s. (b); 44/2013, s. 21; 48/2013, Sch. 1, s. 10 and Sch. 2, s. 8; 231/2013, Sch. s. 7.]

Fees

Item	Fee (\$)
------	----------

Special Occasion Licences

- | | |
|---|-----|
| 1 Private special occasion | 25 |
| 2 Public special occasion | 100 |
| 3 Special occasion licence additional fee where general | |

manager determines liquor inspector attendance at

the event is required 330 per inspector per day plus

reasonable travel expenses

4 Request for amendment to special occasion licence 100

Licence Application Fees

5 Liquor primary 2 200

6 Liquor primary club 2 200

7 Food primary 475

7.1 Catering 475

8 Distiller with no endorsement 550

8.1 Distiller with manufacturer on-site store endorsement fee in item 8 plus 110

8.2 Distiller with special event endorsement fee in item 8 plus 110

8.3 Distiller with distillery lounge endorsement fee in item 8 plus 330

8.4 Distiller with both distillery lounge and special event endorsements fee in item 8 plus 440

9 Brewer with no endorsement 550

9.1 Brewer with manufacturer on-site store endorsement fee in item 9 plus 110

9.2 Brewer with special event endorsement fee in item 9 plus 110

9.3 Brewer with brewery lounge endorsement fee in item 9 plus 330

9.4 Brewer with both brewery lounge and special event endorsements fee in item 9 plus 440

10 Winery with no endorsement 550

10.1 Winery with manufacturer on-site store endorsement fee in item 10 plus 110

10.2 Winery with special event endorsement fee in item 10 plus 110

10.3 Winery with winery lounge endorsement fee in item 10 plus 330

10.4 Winery with both winery lounge and special event endorsements fee in item 10 plus 440

11 U-Brew and U-Vin 550

12 Agents 220

Annual Licence Fees

- 13 Liquor primary for first year of licensing 2 200
- 14 Liquor primary club for first year of licensing 2 200
- 15 Food primary for first year of licensing 475
- 15.1 Catering for first year of licensing 475
- 16 Licensee retail store for first year of licensing 1 200
- 16.1 Wine store licence for first year of licensing 250

Renewal Fees

17 Liquor primary, liquor primary club, catering, licensee retail store, wine store and food primary, for second and subsequent years of licensing, if the amount spent by the licensee on liquor purchases in the prior calendar year is

- (a) \$12 500 or less 250
- (b) over \$12 500 and up to \$20 000 500
- (c) over \$20 000 and up to \$45 000 825
- (d) over \$45 000 and up to \$100 000 1 100
- (e) over \$100 000 and up to \$500 000 1 400
- (f) over \$500 000 and up to \$1 000 000 1 700
- (g) over \$1 000 000 and up to \$2 000 000 2 000
- (h) over \$2 000 000 2 200

17.1 Renew catering endorsement (for one year renewal term) 100

18 Distiller with no endorsement 1 100

18.1 Distiller with manufacturer on-site store endorsement fee in item 18 plus 110

18.2 Distiller with special event endorsement fee in item 18 plus 110

18.3 Distiller with distillery lounge endorsement fee in item 18 plus 330

18.4 Distiller with both distillery lounge and special event endorsements fee in item 18 plus 440

19 Brewer with no endorsement

\$0.12 a hectolitre multiplied by the total number of hectolitres of malt liquor shipped by a brewer in British Columbia, from any brewery owned, occupied or used by that brewer in the previous year ending on December 31, with a minimum fee of 1 100

19.1 Brewer with manufacturer on-site store endorsement fee in item 19 plus 110

19.2 Brewer with special event endorsement fee in item 19 plus 110

19.3 Brewer with brewery lounge endorsement fee in item 19 plus 330

19.4 Brewer with both brewery and special event endorsements fee in item 19 plus 440

20 Winery, if producing more than 135 000 litres of wine a year, with no endorsement 1 100

20.1 Winery, if producing more than 135 000 litres of wine a year, with manufacturer on-site store endorsement fee in item 20 plus 110

20.2 Winery, if producing more than 135 000 litres of wine a year, with special event endorsement fee in item 20 plus 110

20.3 Winery, if producing more than 135 000 litres of wine a year, with winery lounge endorsement fee in item 20 plus 330

20.4 Winery, if producing more than 135 000 litres of wine a year, with both winery lounge and special event endorsements fee in item 20 plus 440

21 Winery, if producing 135 000 litres of wine or less a year, with no endorsement 550

21.1 Winery, if producing 135 000 litres of wine or less a year, with manufacturer on-site store endorsement fee in item 21 plus 110

21.2 Winery, if producing 135 000 litres of wine or less a year, with special event endorsement fee in item 21 plus 110

21.3 Winery, if producing 135 000 litres of wine or less a year, with winery lounge endorsement fee in item 21 plus 330

21.4 Winery, if producing 135 000 litres of wine or less a year, with both winery lounge and special event endorsements fee in item 21 plus 440

22 U-Brew and U-Vin 750

23 Agent's licence, if the person does not already hold a winery, brewery

or distillery licence 200

Late Renewals

24 Late renewal if application for licence renewal is made after expiry of licence

but within 31 days of expiry, except for agent's licence 200

24.1 Late renewal if application for licence renewal is made more than 30 days

but not more than one year after expiry of licence, except for agent's licence 550

25 Late renewal for an agent's licence if application for licence renewal is made

after expiry of licence 50

Applications for Amendments to Licences

26 Temporary amendment of a licence if that amendment does not require local

government or first nation involvement 110

27 Temporary amendment of a licence if that amendment does require local

government or first nation involvement 330

28 Amendment of a licence if that amendment does not require local government or

first nation involvement 220

29 Amendment of a licence if that amendment does require local government or first

nation involvement 330

29.1 Add catering endorsement 330

30 Winery endorsements

- (a) add special event (if another endorsement exists) 110
- (b) add winery lounge 330
- (c) add both special event and winery lounge 440
- (d) add special event (when winery lounge does not exist) 330

30.1 Distiller endorsements

- (a) add special event (if another endorsement exists) 110
- (b) add distillery lounge 330
- (c) add both special event and distillery lounge 440
- (d) add special event (when distillery lounge does not exist) 330

30.2 Brewer endorsements

- (a) add special event (if another endorsement exists) 110
- (b) add brewery lounge 330
- (c) add both special event and brewery lounge 440
- (d) add special event (when brewery lounge does not exist) 330

31 Change of location

- (a) liquor primary change of location 2 000
- (b) change of location of U-Brew/U-Vin 220
- (b.1) change of location of business location of caterer 220
- (c) change in location of a food primary, licensee retail store, or manufacturer 330
- (d) approval under section 14 (6) 440

32 Structural changes 440

33 Ownership

- (a) adding and/or changing director, officer, receiver or executor 220
- (b) change name of person, establishment, licence or licensee 220
- (c) add or change resident manager 220
- (d) transfer of ownership or adding a third party operator or manager 330

- (e) internal transfer of shares 110
 - (f) external transfer of shares 330
 - 34 Sale or service from a golf kiosk or takeout window or golf cart 440
-

Miscellaneous

- 35 Training program Maximum of 65 per

person per program

- 36 Off premises sales annual endorsement 100
- 37 Application for a copy of a validated floor plan or other similar matters 30
- 38 Application for grain alcohol permit 30
- 39 Request for ad hoc report requiring programming 30 per hour
- 40 Rescheduled final inspection 200
- 41 Reproductions of pictures or blueprints Actual time and materials
- 42 Auction permit 50

Fees not refundable

- 1 Application and licence fees are not refundable.

Time for payment of fees

- 2 (1) The fee payable for issuance or renewal of a licence must be paid

(a) for the issue of a new licence, at the time, before the issue of the licence, that the general manager requires, or

(b) for the renewal of a licence, at the time that the application for renewal is made.

(2) If the term of a new licence is greater or less than one year, the licence fee payable must be prorated to accord with the term of the licence as if the licence had been issued for a term beginning on the first day of the month in which the licence is issued and ending on the last day of the month in which the licence expires.

Calculation of calendar year when records not available

3 (1) For the purposes of determining annual licence fees based on the amount spent by the licensee on liquor purchases in a calendar year, the general manager may base the calculation on that portion of the calendar year for which liquor purchase records are available for the licensee.

(2) If the period on which the general manager bases the calculation under subsection (1) is a period of less than 12 months, the general manager must prorate the calculation to determine the annual licence fee.

When fees for change of name not payable

4 No fees are payable in respect of a change to a name of the licensee or the establishment if the application is made at the same time as an application for a transfer or reclassification of a licence.

Fees payable for referendum

5 (1) If the general manager has required a referendum, the applicant must, before the referendum, pay a non-refundable \$500 fee plus an amount equal to the expenses that the general manager reasonably anticipates will be incurred by the branch in relation to the referendum.

(2) After the referendum has been completed and the actual branch expenses have been determined, any excess amount paid by the applicant must be refunded to the applicant, or, if the expenses are greater than those already paid by the applicant, the general manager must not consider the result of the referendum until the balance of the expenses is paid.

Schedule 2

Liquor Control and Licensing Act

Information to Obtain a Search Warrant

Canada:

Province of British Columbia

County of

This is the information of [Name], of[Address] in [Territorial division], [Occupation], hereinafter called the "informant", taken before me.

The informant says that there is in a residence liquor, in respect of which an offence under section 33 (1) of the Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267, has been or is being committed, and that he or she has reasonable grounds for believing that the aforementioned liquor is in the residence of [Name], [Address], in[Territorial division].

The informant's ground(s) of belief is (are):

(1)

(2)

(3)

The informant requests that a search warrant be granted to enter and search the residence for the liquor, and to seize and remove liquor found and the packages in which it is kept.

Sworn before me, [date].

.....

[Signature of informant]

.....

[A Justice of the Peace in and for

the Province of British Columbia]

Schedule 3

Liquor Control and Licensing Act

Warrant to Enter and Search

Canada:

Province of British Columbia

County of

In the matter of the Liquor Control and Licensing Act, R.S.B.C. 1996, Chapter 267

To the Peace Officer in [Territorial division]:

It appears on the oath of [Name], of [Address], that there are reasonable grounds for believing that there is in a residence liquor in respect of which an offence under section 33 (1) of the Liquor Control and Licensing Act has been or is being committed, at [Address] hereinafter called the "premises".

This is to authorize and require you to enter and search those premises for the liquor and to seize and remove liquor found and the packages in which it is kept.

Dated [date], at

.....

[A Justice of the Peace in and for

the Province of British Columbia]

Schedule 4

[am. B.C. Regs. 437/2003, s. 3; 205/2005, s. 13; 19/2007, s. 2; 133/2007, s. (c); 213/2007, ss. 2 and 3; 125/2012, App. 1; 44/2013, s. 22; 49/2013, s. 4.]

Enforcement Actions

Interpretation

1 (1) For the purposes of this Schedule,

(a) a contravention is of the same type as another contravention if each contravention is described by the same Item of this Schedule,

(b) subject to paragraph (c), a contravention by a licensee is

(i) a first contravention if the contravention was committed at or in respect of an establishment, or, if the licensee is a caterer whose licence is endorsed with a catering endorsement, at or in respect of an establishment or at or in respect of an event catered by the caterer, and the licensee has not committed a contravention of the same type at or in respect of that establishment or at or in respect of an event catered by the licensee within the 12 month period preceding the commission of the contravention,

(ii) a second contravention if the contravention was committed at or in respect of an establishment, or, if the licensee is a caterer whose licence is endorsed with a catering endorsement, at or in respect of an establishment or at or in respect of an event catered by the caterer, and the licensee has committed one contravention of the same type at or in respect of that establishment or at or in respect of an event catered by the licensee within the 12 month period preceding the commission of the contravention, and

(iii) a subsequent contravention if the contravention was committed at or in respect of an establishment, or, if the licensee is a caterer whose licence is endorsed with a catering endorsement, at or in respect of an establishment or at or in respect of an event catered by the caterer, and the licensee has committed a second contravention of the same type at or in respect of that establishment or at or in respect of an event catered by the licensee within the 12 month period preceding the commission of the contravention, and

(c) a contravention by a caterer with a catering licence is

(i) a first contravention if the contravention was committed at or in respect of an event catered by the caterer and the licensee has not committed a contravention of the same type at or in respect of an event catered by the caterer within the 12 month period preceding the commission of the contravention,

(ii) a second contravention if the contravention was committed at or in respect of an event catered by the caterer and the licensee has committed one contravention of the same type at or in respect of an event catered by the caterer within the 12 month period preceding the commission of the contravention, and

(iii) a subsequent contravention if the contravention was committed at or in respect of an event catered by the caterer and the licensee has committed a second contravention of the same type at or in respect of an event catered by the caterer within the 12 month period preceding the commission of the contravention.

(2) In section 20 (1) (c.1) of the Act and in Item 13 of this Schedule, "reasonable measures" means, in respect of a licensee, measures that are

(a) reasonable in the circumstances, and

(b) reasonably within the capacity of the licensee to effect.

Monetary penalties — failure by manufacturer to comply with agreement

2 (1) Despite section 68 (1) of this regulation, the enforcement actions under section 64 (2) (a) or referred to in section 65 (1) of this regulation that apply to the contravention set out in subsection (2) of this section include a monetary penalty for each contravention, and the amount of the monetary penalty that may be imposed for each contravention may be up to \$25 000.

(2) The failure by the manufacturer to comply with the terms and conditions of the manufacturer's licence to comply with an agreement under section 5 [agreements] of the Liquor Distribution Act is a contravention.

Item	Contravention	Period of Suspension (Days)	Monetary Penalty
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	First		
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	Contravention	Second	
--	---------------	--------	--

	Contravention	Subsequent	
--	---------------	------------	--

Contraventions

Operating Outside of Licence Purpose

1 Operation of a licensed establishment, other than the site of a catered event, in a manner that is contrary to the primary purpose of the licence 10-15 20-30 30-60 \$7 500 - \$10 000

1.1 Operation of a catering business if

(a) the preparation and service of food is not the primary purpose of the business, or

(b) the caterer does not have the personnel or infrastructure necessary to prepare and serve food at events hosted by others. 10-15 20-30 30-60 \$7 500 - \$10 000

Minors

2 A breach of section 33 of the Act [Selling liquor to minors] 10-15 20-30 30-60 \$7 500 - \$10 000

3 A breach of section 35 of the Act [Minors on licensed premises] 4-7 10-14 18-20 \$5 000 - \$7 500

4 Repealed. [B.C. Reg. 19/2007, s. 2.]

Gambling

5 Repealed. [B.C. Reg. 125/2012, App. 1, s. 2.]

6 Repealed. [B.C. Reg. 125/2012, App. 1, s. 2.]

Disorderly or Riotous Conduct

7 A breach of section 36 (2) (a) of the Act by authorizing or permitting, in the licensed establishment, drunkenness or violent, quarrelsome, riotous or disorderly conduct 10-15 20-30 30-60 \$7 500 - \$10 000

8 A breach of section 36 (2) (b) of the Act by authorizing or permitting, in the licensed establishment, any unlawful activities or conduct 10-15 20-30 30-60 \$7 500 - \$10 000

Intoxicated Patrons

9 A breach of section 43 (1) of the Act by selling or giving liquor to an intoxicated person or a person apparently under the influence of liquor 4-7 10-14 18-20 \$5 000 - \$7 000

10 A breach of section 43 (2) (a) of the Act by permitting a person to become intoxicated 4-7 10-14 18-20 \$5 000 - \$7 000

11 A breach of section 43 (2) (b) of the Act by permitting an intoxicated person to remain in that part of the licensed establishment where liquor is sold or served 4-7 10-14 18-20 \$5 000 - \$7 000

Weapons

12 A breach of section 47 of the Act [Licensee's duty — dangerous weapons] 4-7 10-14 18-20 \$5 000 - \$7 000

Licensee Responsible for Disturbance of Persons in the Vicinity

13 A failure to take reasonable measures to ensure that the operation of the licensed establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment 10-15 20-30 30-60 \$7 500 - \$10 000

Overcrowding

14 Permitting more persons in the licensed establishment, other than the site of a catered event, than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is less than or equal to the occupant load 1-3 3-6 6-9 \$1 000 - \$3 000

15 Permitting more persons in the licensed establishment, other than the site of a catered event, than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is more than the occupant load 4-7 10-14 18-20 \$5 000 - \$7 000

15.1 Permitting more persons at the site of a catered event than the lesser of

(a) the maximum number of people that, under the catering authorization, may be in attendance at the event, and

(b) the occupant load for the site of the event. 4-7 10-14 18-20 \$5 000 - \$7 000

Illicit Liquor

16 A breach of section 38 of the Act [Unlawful sale of liquor] 10-15 20-30 30-60 \$7 500 - \$10 000

17 A breach of section 38.1 of the Act [Unlawful to dilute or adulterate liquor] 4-7 10-14 18-20 \$5 000 - \$7 000

18 A breach of section 39 of the Act [Unlawful purchase of liquor] 10-15 20-30 30-60 \$7 500 - \$10 000

19 A breach of section 35 (3) of this regulation by failing to keep and maintain a register of all liquor purchased and received 1-3 3-6 6-9 \$1 000 - \$3 000

20 A breach of section 35 (1) of this regulation by purchasing liquor other than from a liquor store designated in writing by the general manager or designated by the Liquor Distribution Branch, or without identifying the licensee as a licensee 1-3 3-6 6-9 \$1 000 - \$3 000

21 A breach of section 36 of this regulation by selling or providing under one licence liquor that is purchased under another licence without authorization of the general manager 10-15 20-30 30-60 \$7 500 - \$10 000

Liquor Service

22 A breach of section 43 of this regulation by the licensee failing to complete the training program 4-7 10-14 18-20 \$5 000 - \$7 000

23 A breach of section 43 of this regulation by a manager or server failing to complete the training program 1-3 3-6 6-9 \$1 000 - \$3 000

24 A breach of section 44 (1) (a) of this regulation by a licensee with a liquor primary licence or liquor primary club licence failing to clear the licensed establishment of patrons within 1/2 hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager 1-3 3-6 6-9 \$1 000 - \$3 000

25 A breach of

(a) section 44 (1) (b) of this regulation by a licensee with a food primary licence failing to ensure that liquor is taken from patrons within 1/2 hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager,

(b) section 44 (2.2) (a) of this regulation by a caterer failing to ensure that liquor is taken from patrons within 1/2 hour after the time stated on the catering authorization for the hours of liquor service, or other time authorized by the general manager, or

(c) section 44 (2.2) (b) of this regulation by a caterer failing to ensure that all unused liquor, purchased under the caterer's licence, is returned to the caterer's business location at the conclusion of a residential event catered by the caterer, or other time authorized by the general manager. 4-7 10-14 18-20 \$5 000 - \$7 000

26 A breach of section 44 (3) of this regulation by allowing a person to consume liquor in the licensed establishment beyond 1/2 hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager 4-7 10-14 18-20 \$5 000 - \$7 000

27 A breach of section 42 (3) of this regulation as a result of an employee or the licensee consuming liquor while working on the licensed premises 1-3 3-6 6-9 \$1 000 - \$3 000

28 A breach of section 42 (2) of this regulation by permitting liquor not purchased from the licensee to be consumed in the licensed establishment 4-7 10-14 18-20 \$5 000 - \$7 000

29 A breach of section 42 (4) of this regulation by permitting liquor sold in the licensed establishment to be taken from the establishment 1-3 3-6 6-9 \$1 000 - \$3 000

30 A breach of section 41 (2) of this regulation by providing unlimited or unspecified quantities of liquor for a single price, using a sales strategy that is likely to promote or encourage intoxication, or altering the price of liquor during a day after it has been set for that day or during an event after it has been set for that event 4-7 10-14 18-20 \$5 000 - \$7 000

Production of Records

31 A breach of section 73 (2) (a) of the Act [Failure to produce a document or record or thing] 10-15 20-30 30-60 \$7 500 - \$10 000

Advertising

32 A breach of section 49 of the Act [Display of signs] 1-3 3-6 6-9 \$1 000 - \$3 000

33 A breach of section 51.1 of the Act [Advertising liquor] or section 57 of this regulation 1-3 3-6 6-9 \$1 000 - \$3 000

Entertainment

34 Permitting in the licensed establishment entertainment by one or more exotic dancers or strippers that is prohibited or restricted under section 50 of the Act 4-7 10-14 18-20 \$5 000 - \$7 000

35 Permitting in the licensed establishment any other entertainment that is prohibited or restricted under section 50 of the Act 1-3 3-6 6-9 \$1 000 - \$3 000

Licensing Contraventions

36 A breach of section 13.06 (3) of this regulation or section 15 (2) of the Act 10-15 20-30 30-60 \$7 500 - \$10 000

36.1 Selling or serving liquor at a catered event without holding a catering authorization for that event. 4-7 10-14 18-20 \$5 000 - \$7 000

37 A breach of section 18 of the Act [Tied houses] by failing to disclose to the general manager the information that must be disclosed under that section 10-15 20-30 30-60 \$7 500 - \$10 000

38 Repealed. [B.C. Reg. 125/2012, App. 1, s. 2.]

39 A breach of section 7 of this regulation by making structural alteration of or change to the size of any area of the licensed establishment without first receiving the written permission of the general manager 1-3 3-6 6-9 \$1 000 - \$3 000

Inducements

40 A breach by the licensee or an employee of the licensee of section 45 of the Act [Licensee not to give or accept gifts for promoting liquor] 10-15 20-30 30-60 \$7 500 - \$10 000

Promotional Activity

40.1 Repealed. [B.C. Reg. 49/2013, s. 4.]

U-Brew/U-Vin

41 A breach of section 23 of this regulation by failing to ensure that the customer performs the listed tasks 4-7 10-14 18-20 \$5 000 - \$7 000

42 A breach of section 22 [Payment, acknowledgment and invoice required], 24 [Licensee or employee production], 25 [Storage requirements], 26 [No consumption other than tasting], 27 [Customer required to bottle own product], 28 [Removal of finished product required], 30 [Minors], 31 [Record keeping and reporting requirements], 32 [Advertisements] or 33 [Hours of operation] of this regulation 1-3 3-6 6-9 \$1 000 - \$3 000

43 A breach of section 29 of this regulation by failing to ensure that beer, wine or cider is not kept, offered or produced for sale at a U-Brew or U-Vin 10-15 20-30 30-60 \$7 500 - \$10 000

Default in Monetary Penalties

44 A breach of section 20 (2.6) of the Act [Failure to pay monetary penalty within 30 days or period specified by the general manager] 10-15 20-30 30-60

Other

45 A breach of section 20 of the Act by permitting the sale, service or consumption of liquor while the licensee's licence is under suspension,

or

A breach of section 67 (3) of the Act, by

(a) obstruction or attempting to obstruct an entry or search by a peace officer under section 67 (3) of the Act, or

(b) refusing or failing to admit immediately a peace officer demanding entry anywhere under section 67 (3) of the Act,

or

A breach of section 73 (2) (b) of the Act by neglecting or refusing to immediately allow premises to be inspected. If the licence is not cancelled or transferred in accordance with section 69 of this regulation, at least 15 days

45.1 A breach of the Act by selling liquor at an event catered by the licensee while the licensee's licence is under suspension, the licensee's catering endorsement is under suspension or the licensee's catering authorization is under suspension or cancelled. If the licence is not cancelled or transferred in accordance with section 69 of this regulation, at least 15 days.

General

46 Any breach of any provision of the Act, the regulations or the terms and conditions of the licence not specifically referred to in Items 1 to 45 1-3 3-6 6-9 \$1 000 - \$3 000

Note: this regulation replaces B.C. Reg. 608/76.

[Provisions relevant to the enactment of this regulation: Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267, section 84]

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