

RSNL1990 CHAPTER L-18

LIQUOR CONTROL ACT

Amended:

1992 c12; 1992 c18; 1992 c39 s9; 1992 c44 s3; 1992 c48 s26;

1992 c51 s3; 1993 c15; 1993 c52 s14; 1993 c53 s20; 1994 c34;

1995 c29; 1995 cP-31.1 s53; 1996 cR-10.1 s42; 1996 c34;

1997 c13 s37; 2000 c33; 2000 c34; 2001 cN-3.1 s2; 2004 cL-3.1 s46; 2004 c36 s23; 2005 cS-16.2 s13; 2006 c40 s21; 2006 c49; 2007 c18; 2008 c14; 2008 c29; 2009 c24; 2009 cR-15.01 s118; 2010 c31 s12 ; 2012 c12; 2013 c16 s25

CHAPTER L-18

AN ACT TO PROVIDE FOR THE CONTROL OF ALCOHOLIC LIQUOR

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Short title

1. This Act may be cited as the Liquor Control Act.

1973 No103 s1

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Definitions

2. In this Act

(a) "alcohol" means the product of the distillation of a fermented liquid rectified either once or more often, whatever may be the origin of the liquid, and includes synthetic ethyl alcohol;

(b) "alcoholic liquor" or "liquor" means an alcoholic, spirituous, vinous, fermented or malt liquor or combination of liquors, and all drinks or drinkable liquids and consumable solids, patented or not, containing alcohol;

(c) "beer" means beer as defined by section 2 of the Liquor Corporation Act;

(d) "board" means the board of directors appointed under section 5 of the Liquor Corporation Act;

(d.1) "brew restaurant" means a restaurant that offers a full service menu and has a microbrewery on the premises;

(e) [Rep. by 2012 c12 s1]

(f) "club" means a corporation, society or association of persons organized or carried on for purposes of a social, fraternal or athletic nature, but not for monetary gain, and includes the premises occupied or used for that purpose;

(f.1) "contraband" means alcoholic liquor that is not purchased, possessed, acquired, transported, stored or sold in accordance with this Act;

(g) "establishment" means a lounge, restaurant, tavern, club, hotel, motel, tourist home, or military mess;

(h) "hotel" means an establishment in regular operation provided with the number of bedrooms, special accommodations, facilities and equipment as prescribed in the regulations, where, in consideration of payment, food and lodging are regularly provided to the public;

(i) "identification card" means an identification card or a duplicate of an original issued under section 59;

(j) "inspector" means a person authorized or appointed by the board in accordance with this Act to carry out this Act;

(k) "licence" means a licence granted under this Act or the Liquor Corporation Act or the regulations made under either of those Acts to sell wine, beer or spirits;

(l) "licensed premises" means premises in respect of which an existing licence has been granted;

(m) "licensee" means a person holding a valid licence issued under this Act or the Liquor Corporation Act or a regulation made under either of those Acts;

(n) "liquor agency" means an agency established by the liquor corporation under section 33 of the Liquor Corporation Act and authorized to sell liquor from an approved premises;

(o) "liquor corporation" means the Newfoundland and Labrador Liquor Corporation continued by the Liquor Corporation Act;

(p) "liquor store" means a government liquor store established or maintained and operated by the liquor corporation under the Liquor Corporation Act;

(q) "lounge" means

(i) part of a licensed hotel or motel, or

(ii) premises not part of a licensed hotel or motel, provided with special accommodations, facilities or equipment prescribed in the regulations, where in consideration of payment, beer, wine or spirits are served;

(r) "meal" means food as may be prescribed;

(r.1) "microbrewery" means a small capacity brewery that produces less than 5,000 hectolitres of beer per year;

(s) "military mess" includes a canteen and an institute in a building or camp used for the accommodation of the active or reserve units of the naval, military or air forces of Canada;

(t) "minister" means the minister appointed under the Executive Council Act to administer this Act;

(u) "motel" means a roadside building containing 3 or more rental units under 1 roof with easy access to automobiles whether or not other rental units are operated in conjunction with it;

(u.1) "motor vehicle" means a vehicle propelled, driven or controlled otherwise than by muscular power and includes a trailer;

(v) "officer" means a member of the Royal Newfoundland Constabulary or of the Royal Canadian Mounted Police, and includes inspectors acting under this Act;

(w) "peddling" means having on one's person or transporting with one any liquor and selling or intending to sell it contrary to this Act or the regulations;

(x) "permit" means a permit issued under this Act;

(y) "public place" means

(i) a parking area or a building to which the public has or is permitted to have access,

(ii) a highway, road, street, lane or other thoroughfare,

(iii) unoccupied private land or unoccupied building,

(iv) in relation to a person who enters occupied land or an occupied building without the consent of the occupant, the land or building so entered, and

(v) a conveyance while it is at, in or on a public or private road,

but does not include a camp, trailer or vehicle that is being used as a permanent or temporary dwelling on unoccupied private land;

(z) "rental unit" means the cabin, cottage, room or portion of an establishment assigned to the exclusive use of a guest;

(aa) [Rep. by 1994 c34 s1]

(bb) "restaurant" means an establishment which is exclusively engaged in the serving of regular meals to the public in consideration of payment whether or not there are sold cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;

(cc) "sale" or "sell" includes to solicit or receive an order for, to keep or expose for sale, to barter or exchange or otherwise deliver for value, to peddle, to keep with intent to sell, to traffic in, or for a consideration, promised or obtained, directly or indirectly, or under a pretext, or to obtain or allow to be obtained for another person;

(dd) "spirits" means spirits as defined by section 2 of the Liquor Corporation Act;

(ee) "tavern" means premises provided with special accommodation, facilities and equipment as prescribed in the regulations, where in return for payment beer and wine are served;

(ff) "tourist" means a person not ordinarily resident in the province who is visiting for a vacation;

(ff.1) "trailer" means a vehicle which has no motive power of its own and which is attached to a motor vehicle upon a highway and includes a cargo container on or attached to a motor vehicle and a side-car attached to a motor cycle;

(gg) "vehicle" means an instrument of transportation including all ships, boats, vessels, aircraft and articles used in transporting;

(hh) "wine" means wine as defined by section 2 of the Liquor Corporation Act.

1973 No103 s2; 1977 c111 s1; 1979 c53 s1; 1981 c79 s8; 1985 c28 s12; 1986 c33 s10; 1986 c42 Sch A; 1992 c12 s9; 1992 c18 s1; 1993 c15 s1; 1994 c34 s1; 1996 c34 s1; 2001 cN-3.1 s2; 2006 c40 s21; 2012 c12 s1

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Labrador Inuit rights

2.1 This Act and regulations made under this Act shall be read and applied in conjunction with the Labrador Inuit Land Claims Agreement Act and, where a provision of this Act or regulations made under this Act is inconsistent or conflicts with a provision, term or condition of the Labrador Inuit Land Claims Agreement Act, the provision, term or condition of the Labrador Inuit Land Claims Agreement Act shall have precedence over the provision of this Act or a regulation made under this Act.

2004 cL-3.1 s46

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Rep. by 1996 c34 s2

3. [Rep. by 1996 c34 s2]

1996 c34 s2

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Rep. by 1992 c18 s6

16. [Rep. by 1992 c18 s6]

1992 c18 s6

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Powers of board

17. (1) The board may

(a) control the possession, sale and delivery of alcoholic liquor in accordance with this Act and the regulations;

(b) appoint officials to issue and grant permits and licences and appoint or authorize inspectors;

(c) grant, issue, refuse, cancel or suspend licences and permits under and in accordance with this Act; and

(d) do those things that are considered necessary or advisable by the board for the purpose of carrying into effect this Act and the regulations.

(2) Under the direction of the Minister of Justice, the board shall take all necessary steps for the enforcement of this Act and regulations.

(3) An inspector appointed under subsection (1) has, for the purpose of enforcing this Act, the powers of a member of the Royal Newfoundland Constabulary.

1973 No103 s20; 1992 c18 s7; 1994 c34 s2

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Appeal from Nunatsiuvut government decision

17.1 (1) Where a person is aggrieved by a decision of the Nunatsiavut government relating to the denial of an application for an alcoholic beverage licence, the suspension or cancellation of an alcoholic beverage licence or a refusal or failure to renew an alcoholic beverage licence under the Labrador Inuit Land Claims Agreement Act, that person may appeal that decision to the board and the board shall hold a hearing at those times and places that the board considers most convenient and shall hear and consider relevant representations made by that person and the Nunatsiavut government.

(2) In subsection (1), "Nunatsiavut government" means the Nunatsiavut Government as defined in the Labrador Inuit Land Claims Agreement Act.

2004 cL-3.1 s46

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Investigations by board

18. (1) The board may make those investigations that it considers expedient for the administration of this Act into or respecting

(a) the affairs or conduct of a person applying for or holding a licence or of his or her servants, agents or employees;

(b) an existing licence, permit or authority issued, held or applied for under this Act or the regulations or any premises in respect of which an authority or licence was issued or held;

(c) a matter concerning the selling or handling of or transactions in liquor.

(2) Where the board believes on reasonable grounds that a person has contravened this Act or regulations, a person appointed to make the investigation ordered under this section may, with a warrant issued under subsection (3) at a reasonable time enter upon any premises that the board considers may be relevant to the investigation and may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into the books, documents, correspondence and records or other property belonging to or in the possession or under the control of a person that the board considers may be relevant to the investigation.

(3) A Provincial Court judge who is satisfied by information upon oath or affirmation that there are reasonable grounds for believing that there is on any premises anything that there are reasonable grounds to believe will give evidence with respect to an offence under this Act may issue a warrant authorizing a person named in the warrant to enter and search those premises and to make those inquiries and copies of books, documents, correspondence and records or other property belonging to or in the possession or under the control of a person that the board considers may be relevant to the investigation that are considered necessary subject to those conditions that may be specified in the warrant.

(4) The owner or person in charge of the premises referred to in this section and a person found there shall give the person named in the warrant reasonable help to enable that person to carry out his or her duties and functions under this section and shall provide the information that that person may reasonably require.

1973 No103 s21; 1985 c11 s50; 2004 c36 s23

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Transfer of property

19. All property, whether real or personal, including records, books and accounts, held by the Newfoundland and Labrador Liquor Licensing Board immediately before the coming into force of this section is vested in the liquor corporation.

1992 c18 s9 & 10; 1994 c34 s3; 2001 cN-3.1 s2

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Non-application

20. (1) Notwithstanding another provision of this Act, this Act shall not apply to beer and wine that is made or brewed by a person for personal or family consumption.

(2) Subsection (1) shall not apply to beer or wine made or brewed on premises, in containers and using facilities, equipment, machinery or utensils that are rented or for which a fee is paid for the purpose of making or brewing that wine or beer.

1994 c34 s3

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Rep. by 1996 cR-10.1 s42

21. [Rep. by 1996 cR-10.1 s42]

1996 cR-10.1 s42

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22. [Rep. by 1996 cR-10.1 s42]

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Rep. by 1996 cR-10.1 s42

26. [Rep. by 1996 cR-10.1 s42]

1996 cR-10.1 s42

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Licences

27. (1) The board may grant a licence to the owner, operator or manager of

(a) a hotel or motel

(i) to sell beer, wine or spirits to registered guests,

(ii) to operate a lounge in a part of the hotel or motel to be designated in the licence where beer, wine or spirits may be sold to the public;

(b) a lounge not being part of a hotel or motel where beer, wine or spirits may be sold to the public;

(c) a club or military mess to sell beer, wine or spirits to members and their guests;

(d) an airport establishment to sell beer, wine or spirits to a person in a place to be designated in the licence;

(e) a railway or steamship company or airline to sell beer, wine or spirits to passengers only;

(f) a restaurant to sell beer, wine or spirits with meals; and

(g) a tavern to sell beer and wine.

(2) A person to whom a licence is granted under subsection (1) to sell beer may sell the beer only by the glass or by the open bottle.

(3) Alcoholic liquors sold or served under a licence granted under this section may be consumed only on the licensed premises relating to that licence.

(4) A licensee or person employed by him or her who allows a person to remove liquor from the licensed premises to which that licensee's licence relates or sells liquor to a person for that purpose is guilty of an offence.

(5) A person who removes liquor from licensed premises or purchases liquor there for the purpose of removing it from there is guilty of an offence.

(6) A person who contravenes subsection (5) is liable on the 1st conviction to a fine of \$100 or in default of payment of the fine to imprisonment for 2 days and on each subsequent conviction to a fine of \$150 or in default of payment to imprisonment for 3 days.

1973 No103 s33; 1992 c51 s2

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Beer vendor's licence

28. (1) The board may grant a licence to

(a) a brewer who is licensed under the Liquor Corporation Act or an association of 2 or more brewers;

(b) a person who has been approved by the board as an agent of a brewer, or of an association of 2 or more brewers, licensed under the Liquor Corporation Act ; or

(c) a person who has been recommended as a distributor by one or more brewers who are licensed under the Liquor Corporation Act,

to sell beer to a person who is not disqualified to purchase it under this Act or the regulations, for consumption off the premises where beer is sold.

(2) A licence that is granted under subsection (1) is valid only in respect of the premises described in the licence.

(3) A brewer or an association of brewers, a brewer's agent, a distributor or the agent or employee of either of them shall not sell or deliver beer except under a licence issued under and in accordance with subsection (1).

(4) A brewer, an association of brewers, a brewer's agent, a distributor or the agent or employee of either of them shall not

(a) sell;

(b) deliver;

(c) advertise for sale; or

(d) store

beer except in the container and package sizes approved by the corporation.

(5) Notwithstanding subsection (4), a brewer who owns and operates a brew restaurant is permitted to sell beer by the glass or open bottle to guests at meals for consumption at the brew restaurant.

(6) A person who contravenes this section is guilty of an offence.

2012 c12 s2

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Conditions affecting licences

29. A licence shall be subject to the conditions imposed by this Act and the regulations.

1973 No103 s35

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Effective date of licence

30. (1) A licence becomes effective on the date stated in it as the effective date or, where no effective date is stated, on the date of the issue of the licence.

(2) A licence continues in effect until

(a) cancelled at the request of the licensee; or

(b) suspended or cancelled by the board.

2006 c49 s1

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Fees

31. (1) A person to whom a licence is issued shall, before receiving the licence, pay those fees that may be prescribed by the minister.

(2) The fees referred to in subsection (1) may be varied as between the different types of licences or in another manner prescribed by the minister.

1973 No103 s37; 1997 c13 s37

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Qualifications of licensees

32. A licence may be issued only to

- (a) a person who is at least 19 years of age;
- (b) a partnership, each of the members of which is qualified as mentioned in paragraph (a); or
- (c) a corporation authorized to carry on its business in the province whose officer, agent or manager in charge of the premises for which the licence is required is personally qualified as mentioned in paragraph (a).

1973 No103 s38; 1992 c18 s11; 1992 c39 s9

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Qualification for licence

33. (1) A licence shall not be granted to a person unless the applicant qualifies under the regulations in respect of his or her eligibility and conduct, and the management, equipment, accommodation and facilities of the applicant's premises

- (a) are so located as not to cause inconvenience to a church, school or hospital;
- (b) are provided with suitable lavatories and toilets so located and attended to that they are clean and ventilated;
- (c) conform with the laws and regulations of the province relating to health and the regulation of establishments where food is sold;
- (d) are constructed and equipped with the storage room, furniture and facilities for the adequate cleansing of the glasses used there as shall be approved by the board and are conducted and maintained to the satisfaction of the board or of an inspector; and
- (e) are suitable for carrying on the business of selling alcoholic liquor in a reputable way, and are constructed and equipped so as not to facilitate a breach of this Act, or the regulations and have been approved in writing by an inspector as appropriate to become licensed premises.

(2) A licence shall not be granted to a person unless he or she is an appropriate person to keep and operate the kind of premises in respect of which the licence is sought and he or she has not been convicted within 3 years before his or her application for the licence for an offence under the Criminal Code punishable by imprisonment of 1 year or more.

(3) The board may refuse an application for a licence or refuse to approve the transfer of a licence where

- (a) past conduct establishes reasonable grounds for the belief that the applicant will not carry on business in accordance with the law and with integrity and honesty;
- (b) the applicant is carrying on activities that are, or will be, where the applicant is licensed, in contravention of this Act or regulations; and

(c) in the case of an application for a licence, the issuing of the licence would not be in the public interest having regard to the needs and wishes of the public in the community in which the premises will be located.

(4) A licence may be suspended or cancelled by the board where there is a failure by the licensee to comply with the conditions set out in subsection (1) or (2).

(5) The board shall cancel a licence where the licensee operates an electronic or mechanical amusement device in contravention of the Lotteries Act or is guilty of an offence under subsection 32(9) of the Revenue Administration Act .

(6) The board shall refuse to issue a licence to a person or shall cancel the licence of a licensee who has been convicted of an offence under section 124.1.

(6.1) The board may cancel a licence where the licensee has been convicted of an offence under the Smoke-free Environment Act, 2005 .

(7) [Rep. by 1994 c34 s4]

1973 No103 s39; 1977 c111 s6; 1992 c44 s3; 1993 c15 s2; 1993 c52 s14; 1994 c34 s4; 2005 cS-16.2; 2009 cR-15.01 s118

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Advertisement

34. An applicant for a licence for an establishment shall, before filing his or her application with the board, give notice of his or her intention to apply for the licence, by advertisement in the form prescribed by the board, once a week for 3 consecutive weeks preceding his or her application in a newspaper circulating in the electoral district in which the premises to which the application relates are situated, and by posting copies of the notice in conspicuous places in the electoral district.

1973 No103 s40; 1977 c111 s7

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Application

35. An applicant shall make an application for a licence in the form prescribed by the minister and shall file it with the board, and the application shall contain a description of the premises in respect of which the applicant wishes a licence, and the applicant shall provide the other matter and information and description or plan of that part of the premises in which it is proposed to keep, sell and consume liquor under the licence applied for that may be prescribed by the minister.

1973 No103 s41; 1997 c13 s37

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New or repaired premises

36. (1) In case it is proposed to construct new premises or to repair or reconstruct existing premises in respect of which a licence is being sought, the applicant may file an application for the licence before undertaking the work of construction, repair or reconstruction, and where he or she does so, the applicant shall give the information required in the application in relation to the proposed premises as they will be when completely constructed, repaired or reconstructed, and he or she shall file with the board plans and specifications satisfactory to the board, showing the location, lay-out and construction of the proposed premises.

(2) Where it is decided that a licence should be granted in respect of a premises referred to in subsection (1), the licence shall not be issued to the applicant until the work of construction, repair or reconstruction is completed in accordance with the plans and specifications and modifications directed by the board and until the premises are inspected and approved in writing by an inspector.

1973 No103 s42

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Investigations

37. Where an application has been received, the board shall order the investigation to be made by an inspector and by other means that the board may consider necessary for ascertaining whether the applicant has complied with this Act and the regulations and whether a licence should be issued in respect of the premises to which the application relates.

1973 No103 s43

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Personal application

38. A licence shall not be issued by the board unless the applicant appears in person, but an incorporated company may be represented by a director, official or manager certified as such to the satisfaction of the board, and the board may dispense with the appearance of an applicant in a case where it is of the opinion that the appearance is not necessary to enable the board to decide on the application.

1973 No103 s44

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Objections

39. A person may object to an application for a licence and the written grounds of objection shall be filed with the secretary of the board at least 10 days before the meeting of the board at which the application is to be heard.

1977 c111 s6; 1992 c48 s26

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Public hearings

40. (1) Where an objection is filed against the granting of an application and the board considers it desirable that a hearing should be held, the board shall hold a hearing at those times and places that the board considers most convenient and shall hear and consider relevant representations made by the applicant and by a person who has filed with the board a written notice of objection to the granting of the application.

(2) A hearing held under this section shall be open to the public.

(3) A member of the board holding a hearing under subsection (1) has the powers conferred on a commissioner by section 3 of the Public Inquiries Act, and for the purposes of this section, the board is considered to be an "investigating body" under the Public Investigations Evidence Act.

1973 No103 s46

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Notice of hearing

41. (1) Where a hearing is to be held under section 40, the board shall,

(a) in the same newspaper in which notice was given of the application to which the hearing relates, give notice of the time and place of the hearing at which the application will be considered, and the notice shall be published in 1 issue of that newspaper, not more than 4 weeks and not less than 2 weeks before the sittings;

(b) give the applicant for a licence to which the hearing relates written notice of the time and place at which the application will be considered by sending the notice by registered mail as long before the day of the hearing as the circumstances reasonably permit; and

(c) give to a person who filed a written objection under section 39 to the granting of the licence to which the hearing relates notice, in the manner that the board considers reasonable in the circumstances, of the time and place at which the application will be considered.

(2) Hearings held under section 40 may be adjourned from place to place in the province.

1973 No103 s47; 1977 c111 s8

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Adjudication of hearings

41.1 (1) The board may delegate its authority to adjudicate a hearing under this Act to a tribunal of 3 members of the board.

(2) The board may delegate its authority under subsection (1) without reference to a particular dispute.

(3) A decision made by a tribunal under subsection (1) shall be considered to be a decision of the board.

(4) The procedure on a hearing before the board, or before a tribunal under subsection (1) shall be determined by the board.

1996 c34 s3

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Grant or refusal of licence

42. The board may in its discretion grant or refuse an application for a licence, but where it refuses an application, it shall at the request of the applicant or other interested party, provide to the person so requesting it a written statement of its reasons for the refusal.

1973 No103 s48

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Application of certain sections

43. (1) Sections 35 to 37 and sections 39 to 41 shall, with the necessary changes, apply with respect to an application for the renewal of a licence.

(2) Sections 34 and 38 do not apply with respect to an application for the renewal of a licence unless the board in its discretion otherwise directs.

1973 No103 s49

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Transfers of licences

44. (1) A licence shall not be issued in the name of the applicant and a licence shall not be transferred except with the written consent of the board.

(2) Where the transfer of a licence is approved by the board, the transferor shall surrender his or her licence to the board, and the board shall on payment of the prescribed fee issue a new licence to the transferee for the balance of the unexpired term of the surrendered licence.

(3) The transfer of a licence shall be considered not to be completed until a new licence has been issued under subsection (2) and the prescribed fee has been paid.

(4) The directors of a company which is a licensee shall present to the board for approval a proposed issue or transfer of shares of its capital stock, and where in the opinion of the board a substantial interest is proposed to be issued or transferred, this section and section 45 shall, with the necessary changes, apply to the company as if the company were proposing to transfer its licence.

1973 No103 s50

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Application of sections

45. Sections 34 to 41 shall, with the necessary changes, apply in respect of the transfer of a licence, but the board may dispense with the application of as many provisions of those sections as it considers desirable.

1973 No103 s51

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Suspension of licence

46. (1) Where the board is of the opinion that a licensed premises is not being operated in accordance with this Act or the regulations or the conditions prescribed in or in respect of the licence relating to it, the board may suspend the licence for a period not exceeding 30 days.

(2) An inspector generally or specially authorized by the board to do so may exercise the powers conferred on the board by subsection (1).

(3) Where an inspector suspends a licence under this section, the suspension shall be subject to ratification by the board, within 48 hours from the time that it was imposed, and if the suspension is not so ratified within that period, it shall stop having effect on the expiration of the period.

(4) Sections 49 to 52 do not apply in respect of a suspension made under this section.

1973 No103 s52

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Criminal Code re indecency, etc.

47. Where a licensee or officer, manager or agent of a licensee is convicted of an offence under section 167, 173 or 174 or paragraph 175(1)(b) of the Criminal Code, the board may cancel or suspend the licence of that licensee.

1983 c53 s1

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Licence cancelled

48. (1) The board may cancel a licence where

(a) the licensee persistently fails to comply with this Act, the regulations, the Liquor Corporation Act, and regulations made under that Act, a valid order made under that Act or regulations or a valid condition prescribed in or in respect of his or her licence;

(b) the licensee persistently fails to carry out the appropriate orders of the board or the Fire Commissioner of the province;

(c) the licensee fails to keep the licensed premises in a clean and sanitary condition;

(d) the licensee fails to maintain the licensed premises in accordance with the standards, specifications and conditions prescribed by the board;

(e) the licensee fails to operate the licensed premises in an orderly manner;

(f) any of the circumstances exist that under section 33 or another provision of this Act would prevent the issue of a licence; or

(g) the licensee is bankrupt or a mortgagee enters into possession of the licensed premises.

(2) Notwithstanding subsection (1) or another provision of this Act, the board may issue a temporary licence to a trustee in bankruptcy or a mortgagee in possession for not more than 6 months in order that he or she may dispose of the licensed premises.

(3) Where, after a period of time that the board may establish, there has been no purchase or sale of wine, beer or spirits under a licence, that licence shall be considered to have lapsed and may be cancelled by the board.

1973 No103 s53; 2006 c49 s2

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Proceedings for cancellation

49. (1) Where an objection is made to the board against renewal or transfer of a licence or where the board proposes to cancel or suspend or not to renew or transfer a licence, the board shall, by written notice, require the licensee to show cause to the board why the licence should not be cancelled or suspended or should be renewed or transferred, and the notice shall state the time and place when and where the licensee or proposed transferee will be heard by the board.

(2) The notice required by subsection (1) shall be sent by registered mail by the board to the licensee or proposed transferee at his or her last known address at least 7 clear days before the date of the hearing.

(3) A hearing held under this section shall be open to the public.

(4) A member of the board holding a hearing under this section has the power conferred on a commissioner by section 3 of the Public Inquiries Act and for the purposes of this section, the board is considered to be an "investigating body" under the Public Investigations Evidence Act.

(5) Where a licensee fails to appear at a hearing proposed to be held under this section and the question to be decided at the hearing is whether a licence should be cancelled or suspended,

(a) where it has not been established by evidence given before the board that the licensee has received actual notice of the hearing, the board shall adjourn the hearing and serve the licensee with a copy of the notice in the manner prescribed in section 14 of the Provincial Offences Act for the service of summonses; or

(b) where it has been proved by evidence given before the board that the licensee has received actual notice of the hearing or has been served with a copy of the notice in the manner prescribed in section 14 of the Provincial Offences Act for the service of summonses, the board may proceed with the hearing and dispose of the matter, in the absence of the licensee.

1973 No103 s54; 1979 c35 Sch A; 1997 c13 s37

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Disposition

50. (1) Upon the hearing of a licensee or proposed transferee under section 49 and all evidence offered by the licensee or the transferee or another person, the board may make the order that it considers appropriate and, in particular, may in an order

(a) cancel the licence;

(b) disqualify a person from holding a licence;

(c) disqualify the premises as being eligible as licensed premises; and

(d) impose those conditions upon the licensee or proposed transferee that the circumstances require.

(2) Hearings held under section 49 may be adjourned from place to place in the province.

1973 No103 s55

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Appeal

51. (1) A person who is aggrieved by a decision of the board relating to the suspension or cancellation of or failure to renew a licence may appeal to a judge of the Trial Division.

(2) Where a person proposes to appeal under subsection (1) he or she shall, within 30 days after receiving the decision of the board, serve on the secretary of the board a written notice of his or her intention to appeal to a judge of the Trial Division.

(3) The notice of appeal to be served under subsection (2) shall be signed by the person appealing or by his or her solicitor or agent, and in the notice, the grounds of appeal shall be set out, and the appellant shall file a copy of the notice with the Trial Division.

1973 No103 s56; 1974 No57 Sch C; 1986 c42 Schs A&B; 2013 c16 s25

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Appointment of day for hearing

52. (1) The person appealing shall, within 14 days after service of the notice of appeal under subsection 51(2), apply to the judge for appointment of a day for the hearing of the appeal, and shall, not less than 14 days before the hearing, serve upon the secretary of the board a written notice of the day appointed for the hearing.

(2) The judge shall hear the appeal and the evidence brought forward by the appellant and by the board in a summary manner and shall decide the matter of the appeal.

(3) The board shall produce before the judge on the hearing of the appeal all papers and documents in its possession affecting the matter of the appeal.

(4) The costs of the appeal are in the discretion of the judge and he or she may make an order respecting them in favour of or against the board and may fix the amount.

(5) An appeal may be taken from the order or decision of the judge to the Court of Appeal upon a point of law raised upon the hearing of the appeal, and the rules governing appeals to that court from an order or decision of a judge of the Trial Division, apply to appeals under this subsection.

1973 No103 s57; 1974 No57 Sch D; 1986 c42 Sch B

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Posting of licence

53. A licensee shall post his or her licence and as long as it is in force, keep it posted in a prominent position on the premises described in it.

1973 No103 s58

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How to keep liquor

54. (1) All bottled spirits, wine or beer kept by a licensee for sale shall, while in his or her possession, be kept in the bottle in which it was when purchased by the licensee.

(2) A licensee shall not put other alcoholic liquor in a bottle in which a bottled spirit, wine or beer was purchased by him or her nor shall he or she dilute, alter or treat deceptively the contents of a bottle of spirits, wine or beer, while the bottled spirits, wine or beer is in his or her possession.

(3) A licensee or a person employed by him or her shall not sell beer or wine by the glass except from the barrel, keg or other container in which the beer or wine was contained when the beer or wine was delivered to the licensee in accordance with this Act and the regulations.

1973 No103 s59; 1977 c111 s9; 1978 c58 s4

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Unlicensed liquor not to be consumed

55. (1) A person shall not consume upon licensed premises a liquor of a kind which is not permitted to be sold under the licence issued in respect of that licensed premises.

(2) A licensee or a person employed by him or her shall not permit a person to consume upon the licensed premises to which the licence of the licensee relates a liquor of a kind which is not permitted to be sold under the licence.

1973 No103 s60

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Restrictions on licensees

56. (1) The holder of a licence granted in respect of a lounge, hotel, motel, restaurant, club, military mess, railway or tavern shall not

(a) sell on the licensed premises to which his or her licence relates a liquor outside of the hours prescribed by this Act or the regulations for the sale of liquor on the licensed premises;

(b) allow to be consumed on the licensed premises to which his or her licence relates a liquor outside of the hours prescribed by the regulations for the consumption of liquor on the licensed premises; or

(c) sell or allow to be consumed on the licensed premises to which the licence relates an alcoholic liquor on Christmas Day, or Good Friday, except as prescribed in the regulations or on a day on which the premises are required to be closed, by the regulations, or, in the case of a club, by an order made under subsection (3).

(2) The board may grant to a licensee referred to in subsection (1) an extension of hours for the sale of liquor at a banquet or for another occasion or event that the board considers warrants the extension.

(3) The board may by order prescribe that any premises licensed to sell alcoholic liquor under this Act shall not remain open for the sale of liquor at those times that are set out in the order.

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Tax

56.1 (1) For the purpose of this section,

(a) "licensee" means a licensee as defined by this Act at any time after January 31, 2001 and before March 31, 2006 ;

(b) "permittee" means a person issued a permit under this Act at any time after January 31, 2001 and before March 31, 2006 ; and

(c) "purchaser" means a person who, in the province, at any time after January 31, 2001 and before March 31, 2006

(i) purchased liquor for his or her own use or consumption or for the use or consumption by other persons at his or her expense, or

(ii) purchased liquor on behalf of or as an agent for a principal who was acquiring that liquor for use or consumption by the principal or by other persons at the expense of the principal.

(2) A purchaser shall pay to the Crown for the purpose of raising revenue for Crown purposes a tax respecting the use or consumption of all liquor purchased by him or her in the licensed premises of a licensee or permittee at any time after January 31, 2001 and before March 31, 2006 , computed at the rate of

(a) 12% of the purchase price of liquor and wine and \$0.60 per dozen beer for the period of January 31, 2001 to March 31, 2005 inclusive; and

(b) 9% of the purchase price of liquor and wine and \$0.45 per dozen beer for the period of April 1, 2005 to March 31, 2006 inclusive.

(3) The tax shall be in addition to every other tax paid by the purchaser in respect of the purchase of the liquor.

(4) A purchaser shall be considered to have paid the tax at the time he or she purchased the liquor.

(5) At any time after January 31, 2001 and before March 31, 2006 , a licensee or permittee shall be considered to have been an agent of the Crown for the purpose of collecting the tax and shall be considered to have collected the tax from the purchaser at the time the purchaser purchased the liquor and to have remitted the tax to the Crown.

(6) An allowance or commission is not payable to the licensees or permittees for their services in collecting and remitting the tax.

(7) Where, at any time after January 31, 2001 and before March 31, 2006 , money was collected or purported to have been collected as a licensee levy, the money shall by this section be

conclusively considered to have been collected and retained by the Crown, without compensation, as payment for the tax.

(8) An action or proceeding does not lie or shall not be instituted or continued against the Crown or a minister, employee or agent of the Crown based on a cause of action arising from, resulting from or incidental to money collected or purported to have been collected as a licensee levy.

(9) A cause of action against the Crown or a minister, employee or agent of the Crown based on a cause of action arising from, resulting from or incidental to money collected or purported to have been collected as a licensee levy is extinguished.

2008 c14 s1

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Offence

57. A holder of a licence or permit who fails to comply with or otherwise contravenes a term or condition attached to or prescribed in his or her licence or permit is guilty of an offence.

1973 No103 s62

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Minors

58. A licensee shall not allow a person who has not reached the age of 19 years to enter or work in a licensed premises except as permitted by the regulations.

1973 No103 s63; 1977 c111 s11

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Identification card

59. (1) The board may issue an identification card to a person who is of or above the age of 19 years and is not disqualified to purchase liquor.

(2) The board may issue a duplicate identification card to replace an original that has been lost, damaged or destroyed or for another purpose authorized by the regulations.

(3) A person who applies for an identification card shall provide to the board proof of identification and of age and other information that may be required by the regulations and shall pay the fee prescribed by the minister.

(4) An identification card is the only proof of age that may be accepted by a licensee.

(5) A person who has been issued an identification card shall produce it upon the demand of an officer.

1973 No103 s64; 1977 c111 s12; 1997 c13 s37

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Issue of permits, licences and identification cards

60. (1) A person authorized to issue permits, licences or identification cards under this Act and the regulations shall not knowingly issue a permit, licence or identification card to a person who is

- (a) disqualified to apply for it by this Act or the regulations; or
- (b) provides false particulars in his or her application.

(2) No person shall have in his or her possession a permit, licence or identification card not his or her own without the authority or consent of the lawful owner of it.

1973 No103 s65

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Regulations

61. (1) The board, with the approval of the Lieutenant-Governor in Council, may by regulation,

- (a) prescribe the days on which licensed premises are to be closed;
- (b) prescribe

(i) a time by which licensed premises shall be vacated after the close of sale of alcoholic liquor, and

(ii) the days and hours during which alcoholic liquor may be sold and consumed on licensed premises;

(b.1) prescribe, with respect to alcoholic liquor sold and consumed on licensed premises, the minimum prices at which alcoholic liquor shall be sold to a patron;

(c) prescribe the procedure for making an application for a licence and the terms and conditions to be attached to or to apply in respect of permits and licences issued and granted under this Act or the regulations;

(d) prescribe the nature of the proof to be provided, and the conditions to be observed in the issuing of duplicate permits and licences instead of those lost or destroyed;

(e) prescribe the days and hours during which a licensee who holds a licence issued under section 28 may sell or deliver beer, prescribe the days and hours in respect of the whole or part of the

year, or a specified time or occasion and prescribe different days and hours for different areas in the province;

(e.1) prescribe the quantity and conditions under which liquor in a licensed establishment can be open for serving as opposed to liquor stored as inventory;

(f) classify licences granted under section 28 and prescribe the persons to whom the holder of a classified licence may sell or deliver beer;

(g) with the approval of the liquor corporation, designating employees of the corporation to act on behalf of the board under this Act;

(h) prescribe the proof of identification and of age and other information to be provided to the board by an applicant for an identification card;

(i) prescribe the kind and quantity of food served at a meal that may be provided by a licensed premises and to a consumer exclusive of the cost of liquor;

(j) prescribe with respect to liquor to be sold by the glass in a licensed premises

(i) the type or kind of container that shall be used in the delivery of the alcoholic liquor to the appropriate licensee,

(ii) the type or kind of container from which liquor is to be dispensed in glasses,

(iii) the type or kind of glass that shall be used to contain liquor,

(iv) the capacity of and the markings that shall appear on the glass in which liquor is to be sold, or

(v) the quality and quantity of liquor to be sold in a glass,

or make provision with respect to all or any of the matters referred to in subparagraphs (i) to (v) of this paragraph;

(k) prescribe, where beer is sold by the glass, the quantity of beer to be contained in each glass when so sold;

(l) prescribe reports to be made to the board by holders of permits and licences;

(m) provide for inspection of records of purchases of liquor by the holders of permits and licences;

(n) prescribe the manner of giving and serving notice required by this Act or the regulations;

(o) [Rep. by 1997 c13 s37]

(p) prescribe the qualifications and requirements for the holder of a licence, the standards, conditions and specifications for licensed premises, the number of licensed premises in a locality, and provide for the inspection of the licensed premises;

(q) specify and describe the place and the manner in which alcoholic liquor may be lawfully kept or stored;

(r) regulate the conduct, management, equipment, maintenance, facilities and accommodation of premises licensed under this Act;

(s) provide that designated classes of licenses may be permitted to operate on different designated premises at different times but not on more than 1 premises at a time and prescribe the terms and conditions under which the permission may be given;

(t) provide for the licensing of waiters and other persons employed on licensed premises;

(u) [Rep. by 1996 cR-10.1 s42]

(v) regulate the licensing, conduct, management and equipment of warehouses where alcoholic liquor is kept for sale or distribution within the province or for the purpose of being matured; and

(w) prescribe a class of licences for the sale of liquor to the public differing from the classes of licences prescribed in sections 27 and 28, either instead of the classes of licences prescribed in those sections or additional to those classes of licences.

(2) Where it is provided in this Act that an act, matter or thing may be done, if permitted or authorized by the regulations, or may be done in accordance with the regulations, or as provided by the regulations or as may be prescribed in the regulations, then, subject to the approval of the Lieutenant-Governor in Council, the board has the power to make regulations respecting the act, matter or thing.

(3) For the purpose of paragraph 61(1)(b),

(a) different times may be prescribed by which licensed premises shall be vacated after the close of sale of alcoholic liquor; and

(b) different days and hours may be prescribed

in respect of different kinds of liquor, different licensed premises or different kinds of them, or different areas of the province, or in respect of any of those matters.

1973 No103 s67; 1979 c53 s3; 1992 c18 s12; 1993 c15 s3; 1996 cR-10.1 s42; 1997 c13 s37; 2000 c34 s1; 2008 c29 s1

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Fees and forms

61.1 The minister may set fees and prescribe forms for the purpose and administration of this Act.

1997 c13 s37

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Actions of board are final

62. Except where it is otherwise expressly provided in this Act, an action, order or decision of the board as to a matter in respect of which a power, authority or discretion is conferred on the board under this Act is final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus or other process or proceeding in a court or be removed by certiorari or otherwise into a court.

1973 No103 s68

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Rep. by 1992 c18 s13

63. [Rep. by 1992 c18 s13]

1992 c18 s13

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Rep. by 1992 c18 s13

64. [Rep. by 1992 c18 s13]

1992 c18 s13

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Use and disposition of liquor obtained under permit

65. (1) A druggist, physician, dentist, veterinarian or a person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health or of a home used exclusively for the care of aged people may use or administer alcoholic liquor in accordance with the terms and conditions prescribed in or in respect of a permit issued under and in accordance with this Act and may charge for the alcoholic liquor so administered or used.

(2) Nothing in this Act shall prevent

(a) a druggist or physician from using alcoholic liquor solely for compounding medicines or as a solvent or preservative, or a public health nurse authorized by a physician from having or selling the medicine or other preparations in which alcoholic liquor is used;

(b) a physician or dentist from prescribing, for the use of a patient, the medicines or other preparations referred to in paragraph (a);

(c) a person from purchasing those medicines or other preparations on the prescription of a physician or dentist; or

(d) other persons who purchase alcoholic liquor under a permit from possessing, using or disposing of the alcoholic liquor for the purpose for which the permit was issued in accordance with this Act and the regulations.

1973 No103 s71

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Brewers licensed by federal statute

66. (1) Nothing in this Act shall prevent a brewer, distiller or other person licensed under a statute of the Parliament of Canada to manufacture alcoholic liquor from having or keeping liquor in a place and in the manner authorized under that statute.

(2) Nothing in this Act shall prevent

(a) the sale of alcoholic liquor by a person to the liquor corporation; or

(b) the purchase, importation and sale of alcoholic liquor by the liquor corporation for the purposes of and in accordance with the Liquor Corporation Act.

1973 No103 s72

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Act does not apply to essences

67. (1) Nothing in this Act shall prevent the manufacture, sale, purchase or consumption by reason only of the fact that they contain alcohol

(a) of an extract, essence or tincture or other preparation containing alcohol which is prepared according to a formula of the British Pharmacopoeia or the United States Pharmacopoeia or according to a formula approved of by the liquor corporation; or

(b) of a proprietary or patent medicine prepared according to a formula approved by the liquor corporation and in respect of which a licence has been granted to sell it under a statute of Canada .

(2) Where in a prosecution for selling the products mentioned in this section, the Provincial Court judge hearing the complaint is of opinion that an unreasonable quantity of the product, having regard to the purpose for which the product was legitimately manufactured, was sold or otherwise disposed of to a person either at 1 time or at intervals and proof is also given that the product was used for beverage purposes, the person selling or otherwise disposing of it may be convicted of an offence under subsection 70(1), and a person so convicted who, during the 2 years occurring immediately afterward, has in his or her possession or under his or her control any of the products is liable to the penalty set out in section 82.

(3) A person who obtains or consumes for beverage purposes the products mentioned in this section or a preparation containing alcohol which has been denatured in accordance with the law of Canada may be convicted of an offence under section 74.

1973 No103 s73; 1979 c38 s7

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Limitation on amount of liquor to be brought into province

68. A person may have or consume, in the manner provided by this Act with respect to liquor lawfully obtained from a liquor store, liquor that he or she has on any 1 occasion brought into the province from a place outside the province and that

(a) is brought into the province from a place outside of Canada and is of a kind that and not greater in quantity than is permitted under an Act of the Parliament of Canada, to be imported into Canada without the payment of duty or tax; or

(b) he or she has legally purchased or acquired in a part of Canada other than the province not exceeding those amounts that may be prescribed by the liquor corporation.

1973 No103 s74; 1978 c58 s5

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Export liquor warehouses

69. Nothing in this Act shall prevent a person from having alcoholic liquor for export sale or for distribution or for the purpose of being matured in his or her liquor warehouse, provided the liquor warehouse and the business carried on is in accordance with those provisions that may be prescribed in the regulations, or from selling alcoholic liquor from the liquor warehouse to persons in other provinces or in foreign countries or to the liquor corporation, but a warehouse shall not be considered to be a liquor warehouse within the meaning of this section where the person having liquor there has failed to comply with the regulations.

1973 No103 s75

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Sale

70. (1) Except as provided by this Act or the regulations, the Liquor Corporation Act or another Act or other regulations or authority, a person shall not, within the province, directly or indirectly, upon a pretence or upon a device, keep or expose for sale, offer to sell, sell or barter alcoholic liquor to a person, or, in consideration of the purchase or transfer of property or for other consideration or at the time of the transfer of property, give alcoholic liquor to a person.

(2) A person in the province shall not directly or indirectly keep alcoholic liquor, unless it is obtained by him or her in accordance with this Act and the regulations.

1973 No103 s76

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Sale to be in accordance with regulations

71. A licensee or another person authorized to sell alcoholic liquor in accordance with this Act or the regulations or the Liquor Corporation Act or regulations made under that Act, or a clerk, employee or agent of the licensee or person shall not directly or indirectly sell, keep or provide liquor in another place or at another time or otherwise than as authorized by that Act or regulations and a relevant licence, permit or other authority issued under that Act.

1973 No103 s77

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Offences by minors

72. A person under the age of 19 years shall not

- (a) enter a liquor store unless accompanied by a parent or guardian;
- (b) buy alcoholic liquor for himself or herself or another;
- (c) apply for or obtain a permit or licence; or

(d) enter, be, remain or work in premises in respect of which a licence has been granted, except where and in the circumstances under which the licensee is permitted or authorized by this Act or as prescribed in the regulations to allow him or her to enter, be, remain in or work in the premises.

1973 No103 s78; 1993 c53 s20

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Purchase

73. Except as provided in this Act and the regulations and the Liquor Corporation Act and regulations made under that Act, a person shall not, within the province, directly or indirectly, attempt to purchase, or upon a pretence or upon a device, purchase alcoholic liquor from a person, or, in consideration of the sale or transfer of property or for other consideration or at the time of the transfer of property, take or accept alcoholic liquor from a person.

1973 No103 s79

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Movement of liquor within the province

73.1 A person shall not, either personally or through the intervention or with the assistance of another person, order for delivery, send, bring, or carry liquor or a package containing liquor from a person or place in the province to

(a) a person who may not lawfully purchase and consume liquor; or

(b) a prohibited area as defined in section 128 or an area of the province where purchasing, possessing or consuming alcohol is prohibited by an order, regulation or by-law made under the Indian Act .

2009 c24 s1

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Adulteration

74. (1) A person shall not have, keep or sell liquor to which has been added a deleterious or noxious substance.

(2) A person who contravenes subsection (1) is liable for a 1st offence to a penalty of not less than \$200 and not more than \$500 or in default of payment to imprisonment for not less than 1 month and not more than 6 months, for the 2nd offence to imprisonment for not more than 12 months without the option of a fine.

1973 No103 s80

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Sale prohibited

75. (1) A person shall not sell, give or otherwise supply liquor to

(a) a person who is disqualified to purchase alcoholic liquor under this Act or the regulations;

(b) an interdicted person;

(c) a person who has been convicted of keeping a disorderly house;

(d) an officer on duty except by authority of his or her superior officer;

(e) an inmate other than an employee of a hospital, infirmary, prison or place of detention;

(f) a person who has been convicted of selling liquor in his or her possession or of obstructing a search by a constable or authorized person, for a period of 12 months after conviction;
or

(g) a person to whom the sale of intoxicants is prohibited under a statute of the Parliament of Canada.

(2) The delivery of alcoholic liquor to any of the persons mentioned in the preceding subsection, whether gratuitously or for reward, constitutes a sale.

(3) A sale made to any of the preceding persons or to persons in respect of whom a notice has been given under this Act by a person permitted by the board to make sales shall not constitute an offence, unless the person making the sale has knowledge that the person to whom the sale is made is one to whom a sale is prohibited.

1973 No103 s81; 1977 c111 s13

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Supplying liquor to minors

76. (1) A person shall not sell or give liquor to a person who has not reached the age of 19 years.

(2) A licensee shall require an identification card from a person whom he or she has reasonable grounds to suspect has not reached the age of 19 years before permitting that person to enter or remain upon a licensed premises.

1977 c111 s14

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Consumption of liquor in a public place

77. (1) A person shall not consume liquor in a public place, except under and in accordance with a valid licence or permit issued under this Act and the regulations.

(2) A person shall not be in an intoxicated condition in a public place.

(3) A person shall not give or sell alcoholic liquor to a person apparently under the influence of liquor.

(4) A person who contravenes subsection (1) is guilty of an offence and is liable on the 1st conviction to a fine of \$100 or in default of payment of the fine to imprisonment for 2 days and on each subsequent conviction to a fine of \$150 or in default of payment to imprisonment for 3 days.

1973 No103 s82; 1992 c51 s2

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Possession of still prohibited

78. A person shall not possess a still or part of a still or other contrivance commonly used for the manufacture of alcoholic liquor, except when expressly authorized to do so, and the possession of a still or part of a still or other contrivance shall be, in the absence of evidence to the contrary, proof of a violation of this section.

1973 No103 s83

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Peddling

79. A person shall not peddle alcoholic liquor.

1973 No103 s84

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Alcoholic liquor in motor vehicle

80. (1) A person shall not drive or have the care or control of a motor vehicle as defined in the Highway Traffic Act, whether it is in motion or not, while there is contained in it, alcoholic liquor, except

(a) alcoholic liquor in a bottle or package that is unopened and the seal unbroken; or

(b) alcoholic liquor in a bottle or package that is packed with personal effects in baggage that is fastened closed or that is not otherwise readily available to a person in the vehicle.

(2) Where a person is convicted of an offence under subsection (1), the court may order that person to pay a minimum fine of \$250 and a maximum fine of \$500 or, in default, to imprisonment for a minimum term of 2 days and a maximum term of 7 days.

1983 c53 s2; 1992 c51 s2; 1995 c29 s1

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Order of interdiction

81. (1) Where a Provincial Court judge is satisfied that a person, resident or sojourning in the province, by excessive drinking of alcoholic liquor, misspends, wastes or lessens his or her estate, injures his or her health, endangers or interrupts the peace and happiness of his or her family or endangers the welfare, life or health of a person to whom the person owes a duty, the Provincial Court judge may make an order of interdiction prohibiting the sale of alcoholic liquor to him or her until further order, and the Provincial Court judge shall file a copy of the order immediately with the board.

(2) Where a person has been convicted of a 3rd or subsequent offence against this Act within a period of 2 years, the Provincial Court judge so convicting may make an order of interdiction directing that he or she is to receive no alcoholic liquor from the liquor corporation or a licensee or a

person licensed under the Liquor Corporation Act until further order, and the Provincial Court judge shall file a copy of the order immediately with the board.

1973 No103 s85; 1979 c38 s7; 1992 c18 s14

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Possession by persons an offence

82. (1) An interdicted person keeping or having in his or her possession or under his or her control alcoholic liquor is guilty of an offence under this Act and on conviction is liable to a fine of not less than \$50 and not more than \$500 and in default of payment to imprisonment for not less than 1 month and not more than 6 months, and the Provincial Court judge making the conviction may in and by the conviction declare the alcoholic liquor and all packages in which it is contained to be forfeited to the Crown.

(2) On the making of an order of interdiction, the interdicted person may immediately deliver to the liquor corporation all alcoholic liquor then in his or her possession or under his or her control to be kept for the person by the liquor corporation until the order of interdiction is revoked or set aside, or to be purchased by the liquor corporation at a price to be fixed by it.

(3) An order of interdiction shall, unless sooner revoked, stop having effect upon the expiration of the period of 5 years from the day of the making of the order.

1973 No103 s86; 1979 c38 s7

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Interdiction of premises

83. (1) Where there is committed on premises by a person to whom this section applies an offence under this Act in the nature of

- (a) unlawfully selling alcoholic liquor;
- (b) unlawfully being in possession of alcoholic liquor;
- (c) permitting drunkenness and disorderly conduct;
- (d) concealing alcoholic liquor;
- (e) failing to declare and produce for inspection alcoholic liquor upon lawful request;
- (f) obstructing a lawful search;
- (g) distilling liquor or being in possession of a still; or
- (h) an offence under this Act in or in relation to a disorderly house,

and the offender is convicted of the offence, the Provincial Court judge making the conviction may upon the application of an officer declare the premises to be interdicted premises for a stated period.

(2) This section applies to the occupier of the premises, the spouse of the occupier, a member, including adopted member, of the family of the occupier, a person in the employment of the occupier, an inmate and a person considered by the Provincial Court judge to be associated with the occupier for the purpose of unlawful dealing with alcoholic liquor.

(3) From the declaration of interdiction and during the period of interdiction,

(a) an alcoholic liquor found in the interdicted premises shall be considered to be unlawfully possessed by the occupier and the occupier shall be considered to have committed an offence against this Act, and the alcoholic liquor shall be subject to confiscation;

(b) an offence under this Act committed by a person on the interdicted premises shall be subject to the maximum penalty for the offence, unless the offender proves to the satisfaction of the court or Provincial Court judge that he or she was not aware that the premises were interdicted premises.

(4) The period of interdiction shall not be less than 6 months nor more than 2 years.

(5) A purchaser or new occupier of the premises may apply to the Provincial Court judge during the period of interdiction for a removal of the interdiction and may have the interdiction removed on proof to the satisfaction of the Provincial Court judge that he or she is entirely unconnected in interest with the interdicted occupier and upon the application the police shall be heard by the Provincial Court judge.

(6) "Premises" for the purpose of this section means the whole building or part of a building of which the occupier has possession and control, including rooms, space or accommodation let to lodgers or subtenants.

1973 No103 s87; 1979 c38 s7; 1985 c11 s15

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Placarding of interdicted premises

84. Where premises are interdicted, an officer may affix to the outside of the premises facing the street or road, or on the inside of a clear glass window or glass door facing on the street or road, a label or placard stating the fact and the period of interdiction, and the occupier of the premises is responsible for maintaining the placard or label in its position and undefaced throughout the whole period of interdiction and shall, every time the label or placard is removed or defaced, be considered to be guilty of an offence against this Act without proof of his or her complicity in the removal or defacement.

1973 No103 s88

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Transfer of interdiction

85. Where the occupier of an interdicted premises during the period of interdiction removes to other premises, the Provincial Court judge shall, on the application of an officer, transfer the interdiction to the other premises for the remainder of the term of interdiction and the placard or label previously referred to may be affixed to the other premises and removed from his or her former premises.

1973 No103 s89; 1979 c38 s7

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Persons found on premises where offences committed

86. Where the occupier of premises has been convicted of an offence which is 1 of the classes of offences referred to in section 83 and the premises have been placarded or labelled in accordance with section 84 and the premises are visited by an officer and a further conviction of the occupier as a result of the visit is obtained, a person who is found on the premises when so visited is guilty of a breach of this Act, unless the person satisfies the Provincial Court judge that he or she was a resident, employee or lodger in the premises or that his or her presence there was not for the purpose of committing an offence under this Act.

1973 No103 s90; 1979 c38 s7

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Certificate of appointment

87. A certificate of appointment signed by the chairperson or 2 members of the board is, in the absence of evidence to the contrary, proof of the appointment of an inspector.

1973 No103 s91

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Powers of officers

88. (1) Where it is reasonably necessary for the purpose of ensuring that premises are administered and alcoholic liquor is kept and controlled in compliance with this Act, an officer may, at reasonable times, enter a ship, boat, building or place of business of a licensee or upon the premises where that licensee's alcoholic liquor or records are kept and may

(a) ascertain the quantities of alcoholic liquor purchased, on hand, sold or used by that licensee; or

(b) inspect, audit or examine bank statements, books of account, records, financial statements, including balance sheets and profit and loss statements, or other documents

and the person occupying or in charge of the ship, boat, building, place of business or premises shall answer questions pertaining to those matters and shall produce for inspection that alcoholic liquor and those bank statements, books of account, records, financial statements, including balance sheets and profit and loss statements, or other documents that the officer may request.

(2) An officer acting under subsection (1) may on any occasion and for the purpose of analysis, take from a ship, boat, building, place of business or premises samples of liquor not exceeding a total volume of 1 litre.

(3) A certificate of an analyst appointed under section 115 stating that the analyst has made an analysis of a sample of alcoholic liquor taken under subsection (2) or seized under section 89 or 90 stating the result of that analysis is evidence of the facts alleged in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

(4) All samples taken under this section may be disposed of as the liquor corporation directs.

1994 c34 s5

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Search for alcoholic liquor or records

89. (1) Where an officer believes on reasonable grounds that a person is contravening or has contravened this Act, the officer may, with a warrant issued under subsection (2), enter a motor vehicle, all-terrain vehicle, aircraft, ship or boat or a commercial, public or private premises in the province, and

(a) search for contraband or alcohol alleged to have been obtained contrary to section 73.1;

(b) examine the contents of the motor vehicle, all-terrain vehicle, aircraft, ship or boat or a commercial, public or private premises and make those inquiries that the officer considers are necessary;

(c) seize, take away and hold anything which on reasonable grounds is or appears to be contraband or alcohol alleged to have been obtained contrary to section 73.1;

(d) seize and take away manifests, bank statements, books, accounts or records and shall, upon the request of the owner of them make copies of those manifests, bank statements, books, accounts or records and those copies shall be returned to that owner as soon as is practicable; and

(e) seize, take away and hold a motor vehicle, all-terrain vehicle, aircraft, ship, boat or other thing in which contraband or alcohol alleged to have been obtained contrary to section 73.1 is located in or on commercial, public or private premises.

(2) A Provincial Court judge who is satisfied upon oath or affirmation that there are reasonable grounds for believing that there is in a motor vehicle, all-terrain vehicle, aircraft, ship or boat or a commercial, public or private premises anything that will provide evidence with respect to a contravention of this Act may issue a warrant authorizing the officer named in the warrant to enter the motor vehicle, all-terrain vehicle, aircraft, ship or boat or a commercial, public or private premises,

search for and seize anything that will provide evidence with respect to a contravention of this Act, subject to the conditions that may be specified in the warrant.

(3) The owner or person in charge of the motor vehicle, all-terrain vehicle, aircraft, ship or boat or a premises referred to in this section and a person found there shall give an officer reasonable help to enable the officer to carry out his or her duties and functions under this section and shall provide the information that the officer may reasonably require.

(4) Notwithstanding subsection (1), an officer may exercise the power of search referred to in that subsection without a warrant issued under subsection (2) where the conditions for obtaining the warrant exist but by reason of exigent circumstances it would not be practical to obtain the warrant.

(5) For the purpose of subsection (4), exigent circumstances include circumstances in which the delay necessary to obtain the warrant would result in danger to human life or safety or the loss or destruction of evidence.

(6) For the purpose of this section, the word "premises" includes a receptacle or container that is not a motor vehicle or trailer.

2009 c24 s2

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Seizure of contraband

90. Where an officer believes on reasonable grounds that a person is in possession of contraband, he or she may, without a warrant, stop and detain in the province a motor vehicle, aircraft, ship or boat, in which he or she has reasonable grounds to believe that contraband is located and may examine the contents of that motor vehicle, aircraft, ship or boat, including cargo, manifests, records, accounts, vouchers, papers or other things that may provide evidence that the motor vehicle, aircraft, ship or boat is carrying contraband and may

(a) seize, take away and hold contraband;

(b) seize, take away and detain a motor vehicle, aircraft, ship, boat, receptacle or container in which contraband is located; and

(c) seize and take away manifests, records, accounts, vouchers and other things and retain them until they are produced in a court proceeding.

1994 c34 s5

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Disposal

91. (1) Thirty days following its seizure, alcoholic liquor seized as contraband under section 89 or 90 shall be forfeited to the liquor corporation and may be disposed of as the liquor corporation directs.

(2) The proceeds of sale from alcoholic liquor directed to be sold by the liquor corporation under subsection (1) shall, after payment of costs incurred by the liquor corporation in seizing, impounding, holding and disposing of the alcoholic liquor, be paid to the liquor corporation.

(3) Where a person from whom contraband or a motor vehicle, aircraft, ship, boat or other thing has been seized under section 89 or 90 is convicted of an offence under section 124.1 in relation to that seizure, that contraband, if not forfeited under subsection (1), and that motor vehicle, aircraft, ship, boat or other thing shall be forfeited to the liquor corporation to be disposed of as the liquor corporation directs.

(4) The proceeds of sale from the sale of contraband, a motor vehicle, aircraft, ship, boat or other thing directed to be sold under subsection (3) shall, after payment of costs incurred by the liquor corporation in seizing, impounding, holding and disposing of them, be paid to the liquor corporation.

(5) A person from whom a motor vehicle, aircraft, ship, boat or other thing has been seized under section 89 or 90 who is not convicted of an offence under section 124.1 in relation to that seizure shall have that item returned to him or her within 3 months from the date of the court proceedings at which the finding of not guilty was made unless further proceedings by way of appeal have been commenced.

(6) A person from whom alcoholic liquor seized as contraband has been seized under section 89 or 90 or sold under subsection (1) who is not convicted of an offence under section 124.1 in relation to that seizure or sale and who establishes to the satisfaction of the liquor corporation that the alcoholic liquor is not contraband and is his or her property may apply to the liquor corporation to have the property returned to him or her or for reimbursement of the value of that alcoholic liquor and the liquor corporation shall return that property to him or her or shall pay out to that person an amount equal to the value of the alcoholic liquor that was his or her alcoholic liquor at the time of its seizure plus interest.

1994 c34 s5

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Third party claims

92. (1) A person, other than a person accused of an offence relating to a seizure under section 89 or 90 who claims an interest in a motor vehicle, aircraft, ship, boat or other thing seized under those sections, as an owner, lienholder or holder of a like interest may, within 30 days after that seizure, apply to a Provincial Court judge for an order under subsection (2).

(2) If, on the hearing of an application under subsection (1) a Provincial Court judge is satisfied that the applicant has not been involved in the offence resulting in the seizure and has not colluded with an accused in relation to the offence, the judge may order that a seized motor vehicle, aircraft, ship, boat or other thing be returned to the applicant at a time and subject to conditions to be specified by the judge.

(3) Where a Provincial Court judge orders that a motor vehicle, aircraft, ship, boat or other thing be returned to an applicant under subsection (2), he or she shall order that applicant to post a

bond or other form of security in an amount satisfactory to the judge, but not less than the market value of the seized item, pending a final resolution of proceedings commenced under this Act.

(4) Where a person from whom a motor vehicle, aircraft, ship or boat has been seized under section 89 or 90 is convicted of an offence under section 124.1, a bond or other security posted under subsection (3) shall be forfeited to the liquor corporation.

1994 c34 s5

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Rep. by 1994 c34 s5

93. [Rep. by 1994 c34 s5]

1994 c34 s5

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94. [Rep. by 1994 c34 s5]

1994 c34 s5

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95. [Rep. by 1994 c34 s5]

1994 c34 s5

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96. [Rep. by 1994 c34 s5]

1994 c34 s5

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Rep. by 1994 c34 s5

97. [Rep. by 1994 c34 s5]

1994 c34 s5

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Arrest on view

98. An officer may arrest on view without warrant for a breach of this Act or the regulations.

1973 No103 s104

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Obstruction of officers

99. A person shall not interrupt, obstruct or assault an officer in the discharge of his or her duties, or refuse or fail to admit an officer to enter a place, or, having admitted the officer, refuse or fail to allow him or her to take an account of liquor found or to provide the help that he or she may require.

1973 No103 s105

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Rep. by 1994 c34 s6

100. [Rep. by 1994 c34 s6]

1994 c34 s6

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Protection of officers

101. Where a tribunal before which a proceeding against an officer has taken place for anything done by him or her under this Act has certified that there was a probable cause for the action of the officer and that it was not malicious, a verdict or judgment shall not be given against the officer for more than \$0.05 damages or for costs of suit.

1973 No103 s107

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Hindering searches

102. Whoever interferes with or hinders a person authorized under this Act or by search warrant to investigate an infringement of this Act or to make a search or examination or seizure in the

performance of his or her duties to that end is guilty of an offence against this Act and on conviction is liable to a fine of not less than \$100 and not more than \$500 or in default of payment to imprisonment for not less than 1 month and not more than 6 months.

1973 No103 s108

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Protection of employees

103. A person employed by the board for the enforcement of this Act, or an officer when acting in his or her official capacity, or a person acting under the instructions given in his or her official capacity by the employee or officer shall not incur the penalties provided by this Act for the punishment of those who obtain alcoholic liquor.

1973 No103 s109

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Search warrants

104. The provisions of the Criminal Code adopted by section 6 of the Provincial Offences Act relating to the issue of search warrants may be invoked for the purposes of a search made under this Act in respect of which a search warrant is required or is desirable.

1973 No103 s110; 1979 c35 Sch A; 1995 cP-31.1 s53; 2010 c31 s12

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Prosecutions

105. All penalties and forfeitures under this Act may be sued for, imposed and recovered in a summary manner before a Provincial Court judge.

1973 No103 s111; 1979 c38 s7

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Complaint

106. A complaint may be made and proceedings may be taken on the complaint in respect of an offence under this Act or the regulations without limitation of time.

1994 c34 s7

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Rep. by 1994 c34 s7

107. [Rep. by 1994 c34 s7]

1994 c34 s7

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Deposit from persons taking action

108. A person may call upon the board to take action, and the board may, in its discretion, either before or during the proceeding, exact from the person the deposit of a sum of money sufficient to cover the costs in case the proceeding is dismissed, and may refuse to take or to continue the proceeding where the person fails to deposit the sum.

1973 No103 s114

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Evidence of sale

109. In proving a sale for the purpose of a proceeding under this Act, it is not necessary to show that money actually passed, where the Provincial Court judge hearing the case is satisfied that a transaction in the nature of a sale took place.

1973 No103 s115; 1979 c38 s7

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Delivery a sale

110. A delivery of alcoholic liquor made otherwise than purely gratuitously shall be considered a sale.

1973 No103 s116

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Burden of proof

111. In a proceeding under this Act, the burden of proving that a delivery was made purely gratuitously shall be upon the defendant.

1973 No103 s117

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Places of concealment

112. Where it is proved that upon search under this Act or under a search warrant an alcoholic liquor has been found on premises in a place which in the opinion of the court or Provincial Court judge is constructed or designed for purposes of concealment, that proof is, in the absence of evidence to the contrary, evidence of keeping with intent to sell on the part of the occupier of the premises.

1973 No103 s118; 1979 c38 s7

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Form of summons

113. (1) In a proceeding under this Act, it is not necessary to specify the particular sort of liquor sold, or to whom, or the time when sold, but it is sufficient in the summons to charge the party accused with a breach of some section of this Act, and a judgment shall not be withheld on account of variance between proof and summons where it appears to the satisfaction of the Provincial Court judge that the defendant was aware of the real cause of complaint.

(2) The Provincial Court judge may grant time to make a full defence on the merits.

(3) A conviction shall not be set aside for a variance or for a formal objection.

1973 No103 s119; 1979 c38 s7

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Sale of liquor on premises

114. A sale of alcoholic liquor made on the premises of a person by the spouse, child or employee of the person shall be considered presumptively as the act of the other spouse, the parent or employer, and the spouse, the parent or employer is liable for an offence against this Act as though he or she had personally made the sale, and the spouse, child or employee is also liable.

1985 c11 s15

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Government analyst

115. (1) For the purpose of a prosecution under this Act, the certificate of

(a) the government analyst;

- (b) the assistant government analyst; or
- (c) an analyst appointed or designated under subsection (2)

that a liquid or substance contains alcohol is, in the absence of evidence to the contrary, proof that the liquid or substance is alcoholic liquor.

(2) The Lieutenant-Governor in council may, by order, appoint or designate qualified persons, whether they live within or outside the province, as analysts for the purposes of this Act.

(3) An order made under subsection (2) shall be published in the Gazette and has effect from the date of publication or from a later date that may be prescribed in the order.

(4) The Provincial Court judge trying a case may, in the absence of evidence to the contrary, infer that a liquid is alcoholic liquor from the fact that a witness describes it as alcoholic liquor, or as rum, whisky, gin, wine, ale, beer or by another name which is commonly applied to alcoholic liquor.

1973 No103 s121; 1979 c38 s7; 1992 c18 s15

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Appeals

116. A complainant, including the board, or defendant who feels aggrieved by a conviction, decision, order or sentence of a Provincial Court judge may appeal to the Trial Division and

(a) the board or an officer shall, within 10 days, give written notice to the Provincial Court judge and to the defendant of his or her intention to so appeal; or

(b) an appellant other than the board or an officer shall, within 10 days, give written notice to the Provincial Court judge and to the board of his or her intention to so appeal,

by personal service or by posting the notice by registered mail, and an appellant referred to in paragraph (b) shall within the 10 days referred to give sufficient sureties to the Provincial Court judge to prosecute the appeal at the next sitting of the Trial Division or at the time that the Trial Division may order and to abide by the order or decision of the Trial Division and to pay a penalty and costs or perform another act or comply with the conditions that may be ordered or imposed by the court.

1986 c42 Sch B

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Procedure on appeals

117. Where an appeal has been perfected,

(a) the order shall be stayed until the event of the appeal is certified to the Provincial Court judge by the Trial Division;

(b) the Provincial Court judge shall immediately send a full and accurate record to the Trial Division consisting of

(i) the depositions,

(ii) the warrant or summons,

(iii) the conviction, order, decision or sentence,

(iv) a copy of all the evidence taken in the case, and

(v) a statement of the nature of evidence rejected as inadmissible and the grounds of objection; and

(c) on the filing of the record, the Trial Division, upon application of either party, shall proceed to hear and determine the appeal, and the court may affirm, amend, reform, correct, reverse, vary or dismiss the conviction, order, decision or sentence as may appear just, and to that end may receive further evidence, where considered necessary.

1986 c42 Sch B; 2013 c16 s25

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Conviction not void for want of form

118. A conviction or order shall not be quashed for want of form, and a warrant or commitment shall not be held void because of a defect, where there is a valid conviction to maintain the warrant and it is alleged in the warrant that the party has been convicted.

1973 No103 s124

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Rep. by 1995 cP-31.1 s53

119. [Rep. by 1995 cP-31.1 s53]

1995 cP-31.1 s53

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Rep. by 1995 cP-31.1 s53

120. [Rep. by 1995 cP-31.1 s53]

1995 cP-31.1 s53

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Conviction under previous Act

121. In a question relating to the number of convictions or previous convictions, convictions under the Alcoholic Liquors Act or regulations made under that Act shall be taken into account.

1973 No103 s127

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Violation of Act an offence

122. A person who violates this Act or the regulations is guilty of an offence whether so declared or not, and a violation relating to a separate transaction constitutes a separate offence.

1973 No103 s128

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Rep. by 1994 c34 s8

123. [Rep. by 1994 c34 s8]

1994 c34 s8

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Penalty

124. (1) Except where otherwise provided in this Act or the regulations, where a person is convicted of an offence under this Act or the regulations, the court may impose

(a) where the offence was committed for profit or reward, a fine in an amount up to \$1,000 or imprisonment for up to 12 months, or both a fine and imprisonment; and

(b) where the offence is considered not to have been committed for profit or reward, a fine up to \$500 or imprisonment for up to 3 months, or both a fine and imprisonment,

and in default of payment of the fine imprisonment for up to 3 months.

(2) Where a person is convicted of an offence under subsection 70(2), the court may order the person to pay a fine of up to \$10,000 or imprisonment for up to 2 years, or both a fine and imprisonment, and may in default of payment of the fine order imprisonment for up to 3 months.

(3) Where a person is convicted of an offence under subsection 70(1), section 71 or 79, the court may order that person to pay a fine of up to \$50,000 or imprisonment for up to 2 years, or both a fine and imprisonment, and may in default of payment of the fine order imprisonment for up to 1 year.

(4) Where a person is convicted of an offence under subsection 77(3), the court may order that person to pay a minimum fine of \$500 and a maximum fine of \$1,000, or, in default, to imprisonment for a minimum term of 3 months and a maximum term of 12 months.

(5) In addition to a penalty imposed under subsection (1), for a violation of section 73.1 the court may order the liquor involved in the violation be forfeited to the Crown.

1993 c15 s4; 1995 c29 s2; 2009 c24 s3

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Offence: contraband

124.1 (1) A person who purchases, possesses, acquires, transports, stores or sells contraband is guilty of an offence and is liable on summary conviction

(a) for a 1st offence, to

- (i) a fine of not less than \$200 nor more than \$10,000, or
- (ii) imprisonment for a period of not more than 2 years, or
- (iii) both a fine and imprisonment;

(b) for a 2nd offence, to

- (i) a fine of not less than \$500 nor more than \$50,000, or
- (ii) imprisonment for a period of not more than 2 years, or
- (iii) both a fine and imprisonment; and

(c) for a 3rd or subsequent offence, to

- (i) a fine of not less than \$1,000 and not more than \$100,000, or
- (ii) imprisonment for a period of not more than 2 years, or
- (iii) both a fine and imprisonment.

(2) In addition to the penalties which are imposed under subsection (1), a court shall order the person found guilty of an offence under this section to pay an additional fine equal to the sum of \$150 per litre or part of a litre of alcoholic liquor seized as contraband in relation to that offence.

(3) In addition to the fines imposed under subsections (1) and (2), a court shall order that person who defaults in the payment of those fines be imprisoned for a period of not less than 1 month and not more than 6 months and that period of imprisonment shall be in addition to any other period of imprisonment imposed under this section.

1994 c34 s9

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Default

125. (1) Where default is made in the payment of a fine or a part of it that is due on behalf of the Crown under this Act, the minister may issue a certificate stating the amount due and remaining unpaid, and the name of the person by whom it is payable, and may file the certificate with the Trial Division.

(2) Where a certificate is filed with the Trial Division, it is of the same effect and proceedings may be taken on it as if it were a judgment of the Trial Division for the recovery of a debt of the amount stated in the certificate against the person named in it.

(3) This section does not apply where a default period has been imposed and has been satisfied.

1993 c15 s4; 2013 c16 s25

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Offence

126. Where a corporation commits an offence under this Act, whether or not the corporation has been prosecuted and convicted, an officer, director, agent or employee of the corporation who authorized, participated or acquiesced in the commission of the offence may be prosecuted and is subject to the same penalties that may be imposed under this Act.

1993 c15 s4

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Application of sections

127. (1) Sections 128 to 134 apply only to the part of the province located within the electoral district of Torngat Mountains as that district is described in the House of Assembly Act .

(2) Notwithstanding subsection (1), the Lieutenant-Governor in Council may, by order, exclude a community, settlement or an area described in the order from the application of sections 128 to 134.

(3) Where there is a conflict between sections 128 to 134 and sections 1 to 126, with the exception of sections 65 and 67, sections 128 to 134 shall take precedence.

2000 c33 s1; 2007 c18 s1

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Definitions

128. In sections 129 to 134

(a) "community" means an Inuit Community as defined in chapter 1 of the Labrador Inuit Land Claims Agreement set out in the Schedule to and defined in the Labrador Inuit Land Claims Agreement Act ;

(b) "council" means an Inuit Community Council as defined in chapter 17 of the Labrador Inuit Land Claims Agreement set out in the Schedule to and defined in the Labrador Inuit Land Claims Agreement Act ;

(c) "prohibited area" means an area within which the possession, purchase, sale, consumption, making or transportation of liquor is prohibited;

(d) "restricted area" means an area within which, in addition to the provisions of sections 2 to 126, restrictions have been placed on the possession, purchase, sale, consumption, making or transportation of liquor; and

(e) "unrestricted area" means an area that is subject only to the provisions of sections 2 to 126.

2000 c33 s1; 2007 c18 s2

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Local option for access to alcohol

129. (1) The board may not issue or renew a licence to sell liquor in a community unless it has first obtained the approval of the council of the community.

(2) The board shall cancel all licences to sell liquor in a community where the council passes a resolution in favour of cancelling the licences or where the Lieutenant-Governor in Council declares the community a prohibited area.

(3) The Lieutenant-Governor in Council shall, by order, declare a community a restricted area where the council passes a resolution approving restrictions on the possession, purchase, sale, consumption, making or transportation of liquor within the community.

(4) The Lieutenant-Governor in Council shall, by order, declare a community a prohibited area where the council passes a resolution approving the prohibition of possession, purchase, sale, consumption, making and transportation of liquor within the community.

(5) The Lieutenant-Governor in Council shall, by order, declare

(a) a prohibited area to be a restricted area or an unrestricted area; or

(b) a restricted area to be a prohibited area or an unrestricted area

where the council of a community to which a previously issued order applies pass a resolution approving these changes to the prohibition or restrictions imposed under the previously issued order.

(6) In an order made under subsection (3) or (4), the Lieutenant-Governor in Council, where requested to do so by the community, may declare an area contiguous to the community to form part of the community and, where the order contains such a declaration, the area shall, for the purpose of giving effect to the order, be considered to form part of the community.

2000 c33 s2; 2007 c18 s3

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Implementation of council decision

130. Where the council of a community votes in favour of the board issuing a licence, the board may issue the licence in accordance with this Act on receipt of an application made under this Act.

2000 c33 s1; 2007 c18 s3

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Local alcohol committees

131. (1) A community may establish an alcohol committee consisting of not less than 5 and not more than 9 members elected by residents of the community in accordance with the regulations under section 133 which may, where authorized by the regulations under section 133, prohibit a person from possessing, purchasing, consuming, making or transporting liquor within a restricted area for a period of up to 3 years where, in the opinion of the committee, that person

(a) by excessive drinking of liquor misspends, wastes or unduly lessens his or her estate, injures his or her health or interrupts the peace and happiness of his or her family or other members of the community; or

(b) has sold, given or transferred liquor to a person who has been made subject to a prohibition.

(2) An alcohol committee shall before making a decision under subsection (1), hold a hearing and give the person who is the subject of the hearing a full opportunity to be heard and to make submissions.

(3) A person whose eligibility has been withdrawn under subsection (1) may apply to a Provincial Court judge who shall hold a hearing and may confirm, vary or set aside the decision of the alcohol committee.

(4) Where an alcohol committee is established under this section, the alcohol committee may, either alone or in conjunction with others

(a) organize programs to educate people in the use of liquor for the prevention of the abuse of liquor;

(b) establish a counselling service for persons who abuse liquor;

- (c) promote programs for the prevention of the abuse of liquor; and
- (d) decide, under the provisions of the Act
 - (i) who may possess, purchase, consume or transport liquor in the community,
 - (ii) who may bring liquor into the community,
 - (iii) the amount of liquor that a person may possess, purchase, transport or bring into the community, and
 - (iv) who may brew beer or make wine for personal or family consumption in the community and the amount of beer or wine that a person may brew or make.

2000 c33 s1; 2007 c18 s3

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Restrictions on the frequency of voting

132. (1) Where, at a meeting of the council called for the purpose, a majority of the members of the council do not vote in favour of the board issuing a licence, no further vote shall be held by the council on the same or a similar subject within 3 years of that vote.

(2) Where a vote is held by a council for the purpose of subsection 129(2), (3) or (4) and a majority of the members of the council do not vote in favour of cancelling licences to sell liquor in the community or the establishment of restrictions or a prohibition on the possession, sale, consumption, making or transportation of liquor within the community, no further vote shall be held by the council of the community on the same or a similar subject within 18 months of that vote.

(3) Where a vote is held by a council for the purpose of subsection 129(2), (3) or (4) and a majority of the members of the council vote in favour of the cancellation of a licence to sell liquor in the community or the establishment of restrictions or a prohibition on the possession, sale, consumption, making or transportation of liquor within the community, at least 4 years shall elapse before another vote is held by the council that, if approved, would have the effect of reversing or varying the results of the previous vote.

2000 c33 s1; 2007 c18 s3

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Regulations

133. The Lieutenant-Governor in Council may make regulations

(a) to give effect to the results of a decision of a council of a community, including regulations imposing penalties for a contravention of the regulations;

(b) respecting the establishment, operation and proceedings of an alcohol committee established under section 131, including regulations respecting the election, term of office and removal of members of a committee; and

(c) generally to give effect to sections 129 to 132.

2000 c33 s1; 2007 c18 s3

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No liability

134. An action for damages or a suit for compensation does not lie against a council, the board or the minister, and no compensation or damages are payable by either as a result of a cancellation of a licence or the failure to renew a licence by the board under subsection 129(2).

2000 c33 s1

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