

Occasional Liquor Permits Regulation

Regulation 12/2002
Registered January 28, 2002

INTERPRETATION

Definitions

1 In this regulation,

"**Act**" means *The Liquor Control Act*;

"**charitable fundraiser**" means a social occasion designated as a charitable fundraiser by the commission under section 5;

"**community event**" means a social occasion designated as a community event by the commission under section 4;

"**no-sale permit**" means an occasional permit that authorizes liquor to be served at a social occasion at no charge;

"**non-profit organization**" means a society, association, club or other unincorporated body whose board and members are not permitted to personally benefit from the income or property of the organization;

"**sale permit**" means an occasional permit that authorizes liquor to be sold at a social occasion.

All persons making use of this consolidation are reminded that it has no legislative sanction. Amendments have been inserted into the base regulation for convenience of reference only. The original regulation should be consulted for purposes of interpreting and applying the law. Only amending regulations which have come into force are consolidated. This regulation consolidates the following amendments: 84/2005.

ELIGIBLE SOCIAL OCCASIONS

No-sale permits issued to individuals

2(1) A no-sale permit may be issued to an individual for the following social occasions:

- (a) a wedding reception;
- (b) a wedding social;
- (c) a bridal shower;
- (d) a family reunion;
- (e) a gathering following the performance of a religious ceremony;
- (f) a birthday celebration;
- (g) a charitable fundraiser;
- (h) a business meeting;
- (i) the grand opening of a business.

Sale permits issued to individuals

2(2) A sale permit may be issued to an individual for the following social occasions:

- (a) a wedding reception;
- (b) a wedding social;
- (c) a bridal shower;
- (d) a family reunion;
- (e) a charitable fundraiser.

No-sale permits issued to corporations

2(3) A no-sale permit may be issued to a corporation for the following social occasions:

- (a) a business meeting;
- (b) the grand opening of a business.

Occasional permits issued to non-profit organizations

2(4) A sale permit or a no-sale permit may be issued to a non-profit organization for the following social occasions:

- (a) an organization function;
- (b) a convention;
- (c) a graduation party;
- (d) a charitable fundraiser;
- (e) a tournament, festival, cultural event or exhibition.

Discretionary issuance of occasional permit by commission

2(5) The commission may issue a sale permit or a no-sale permit to an individual, corporation or non-profit organization for any type of social occasion if the commission is satisfied that it is appropriate to do so.

RECOGNIZED ORGANIZATIONS

Recognition process

3(1) Subject to subsection (2), a non-profit organization must submit the following documents to the commission in order to be eligible to hold an occasional permit:

- (a) its constitution or by-laws;
- (b) its membership list; and
- (c) the minutes of its last three meetings.

3(2) The commission may reduce or waive the requirements of subsection (1) for a particular non-profit organization.

3(3) If the commission is satisfied, after reviewing the documentation submitted by a non-profit organization and conducting any investigation it deems necessary, that the organization is legitimate, it shall recognize the organization and provide it with written confirmation of its status as a recognized organization.

COMMUNITY EVENTS

Designated community events

4(1) The commission may designate a social occasion that involves a significant portion of a community as a community event.

Revoking community event designation

4(2) The commission may revoke the community event status for a social occasion at any time.

CHARITABLE FUNDRAISERS

Commission to approve charitable fundraisers

5(1) The commission may designate a social occasion that is held to raise funds for the advancement of educational, religious, philanthropic or community objects as a charitable fundraiser.

Financial projections

5(2) The commission may require an applicant seeking to conduct a charitable fundraiser to provide financial projections regarding the proposed fundraiser and any additional information or documentation that the commission considers necessary.

Financial statement provided to commission

5(3) The holder of an occasional permit to conduct a charitable fundraiser shall provide the commission with a financial statement setting out the expenses and revenue from the fundraiser no later than 14 days after the fundraiser has been held.

APPLICATIONS

Application for occasional permit

6(1) An application for an occasional permit must be

(a) submitted to the commission or an authorized agent of the commission on a form approved by the commission; and

(b) accompanied by the fee specified in the *Liquor Control Commission Fees Regulation*, Manitoba Regulation 48/99.

Additional information

6(2) The commission may require an applicant to submit any additional information or documentation that the commission considers necessary.

Decision on application

7(1) The commission may issue an occasional permit to an applicant if

(a) the applicant is not prohibited from holding a permit under the Act;

(b) the applicant is eligible to hold the permit under section 2;

- (c) the applicant has provided the commission with all requested information and documentation;
- (d) the commission considers the proposed social occasion to be a legitimate event;
- (e) the premises in which the proposed social occasion is to be held satisfies the requirements of the Act and this regulation; and
- (f) the commission is satisfied that the applicant will take reasonable measures to ensure that the provisions of the Act and this regulation are complied with during the proposed social occasion.

Owner of premises to ensure compliance

7(2) The commission shall deem premises to be suitable only if it is satisfied that the owner or operator of the premises in which the proposed social occasion will be held will take reasonable measures to ensure that the provisions of the Act and this regulation are complied with during the proposed social occasion.

STANDARDS FOR PREMISES

Minimum floor space

8 Unless otherwise authorized by the commission, premises in which a social occasion is to be held must be large enough to allow 1.1148 square metres (12 square feet) for each individual who attends the social occasion.

Washrooms

9 Unless otherwise authorized by the commission, premises in which a social occasion is to be held must have reasonable access to washrooms containing washing and toilet facilities for each sex that meet the standards set out in the *Manitoba Building Code*, Manitoba Regulation 164/98, for the stated maximum capacity of the premises.

OCCASIONAL PERMITS

Contents of occasional permits

10(1) The commission shall specify in an occasional permit

- (a) the name of the holder of the permit;
- (b) in the case of a permit issued to a non-profit organization or corporation, the individuals who are responsible for conducting the social occasion on behalf of the organization or corporation;
- (c) the premises where the social occasion is to be held;

- (d) the date of the social occasion and the hours when liquor may be served or sold;
- (e) the amounts and types of liquor to be served or sold at the social occasion;
- (f) the place or places where liquor for the social occasion is to be purchased; and
- (g) in the case of a sale permit, the price at which liquor is to be sold at the social occasion.

Occasional permit subject to conditions

10(2) An occasional permit is subject to any other conditions that the commission imposes at the time that the permit is issued.

Compliance by holder of occasional permit

10(3) The holder of an occasional permit shall comply with the provisions of the Act, this regulation and all conditions imposed on the permit.

ADVERTISING

Advertisement to be approved by commission

11(1) No person shall publish, broadcast or distribute any advertisement respecting a social occasion for which an occasional permit is required unless the holder of the permit has obtained prior approval of the advertisement from the commission.

Individual permit holders may not advertise social occasion

11(2) No advertising is permitted for a social occasion for which the occasional permit holder is an individual.

No approval of certain advertisements

11(3) The commission shall not approve an advertisement which suggests that attendance at a social occasion is not limited to previously invited guests and

- (a) members of the non-profit organization, in the case of an occasional permit issued to a non-profit organization; or
- (b) employees or officers of the corporation, in the case of an occasional permit issued to a corporation.

Exception for community events and charitable fundraisers

11(4) Subsections (2) and (3) do not apply to a community event or charitable fundraiser.

ATTENDANCE AT SOCIAL OCCASIONS

Restricted attendance at social occasions conducted by organizations

12(1) Subject to subsection (4), if the holder of an occasional permit is a non-profit organization, attendance at the social occasion shall be restricted by the holder to persons who are members of the organization and guests who have been invited by a member of the organization prior to the start of the social occasion.

Restricted attendance at social occasions conducted by individuals

12(2) Subject to subsection (4), if the holder of an occasional permit is an individual, attendance at the social occasion shall be restricted by the holder to guests who, prior to the start of the social occasion, have received an invitation to the social occasion from

(a) the holder of the permit; or

(b) an individual who has been personally selected by the holder to invite guests to the social occasion.

Restricted attendance at social occasions conducted by corporations

12(3) If the holder of an occasional permit is a corporation, attendance at the social occasion shall be restricted to employees and officers of the corporation and guests who, prior to the start of the social occasion, received an invitation to the social occasion from an employee or officer of the corporation.

No restricted attendance at community events

12(4) Attendance at a community event or charitable fundraiser is open to the general public and no prior invitation is required.

CONDUCT OF THE SOCIAL OCCASION

Liquor on premises

13(1) While an occasional permit is in force, the holder of the permit shall not allow any liquor other than that specified in the permit to be kept or consumed on the premises for which the permit was issued.

No removal of liquor

13(2) While an occasional permit is in force, the holder of the permit shall not allow any liquor to be removed from the premises for which the permit was issued, except as authorized by the commission.

Price of liquor

14(1) The holder of a sale permit shall not allow any liquor at the social occasion to be sold for a price other than the price specified in the permit.

No-sale permit prohibits sale of liquor

14(2) The holder of a no-sale permit shall not allow any liquor to be sold at the social occasion.

Consumption after closing time

15(1) Liquor may be consumed at a social occasion for

- (a) 60 minutes; or
- (b) a shorter period specified by the permit holder;

immediately after the end of the period when liquor is permitted to be sold or served under the occasional permit.

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Removal of liquor at conclusion of social occasion

15(2) The holder of an occasional permit shall ensure that liquor that is sold or served at the social occasion is either consumed by guests or removed and disposed of by the holder at the conclusion of the 60-minute period referred to in clause (1)(a) or the shorter period specified by the permit holder under clause (1)(b).

M.R. 84/2005

Unconsumed liquor

16 Liquor that is not sold or served before an occasional permit expires shall be removed from the premises by the holder or placed in a locked storage area on the premises.

Obligations of holder of occasional permit

17 The holder of an occasional permit shall not, while the permit is in force,

- (a) allow intoxicated or disorderly persons to be in or about the premises for which the permit was issued;
- (b) permit the sale or service of liquor, or knowingly sell or serve liquor, to any person who is, or appears to be, intoxicated;
- (c) allow any person engaged in serving or selling liquor or providing security at a social occasion to consume liquor at the social occasion; and
- (d) allow any other unlawful conduct to occur at the social occasion.

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Adult entertainment prohibited

18 The holder of an occasional permit shall not allow "adult entertainment", as that term is defined in section 15.1 of the *Liquor Licensing Regulation*, Manitoba Regulation 177/94, to take place during the social occasion.

ENFORCEMENT

Cancellation of occasional permit

19 The commission or a constable may cancel an occasional permit if

(a) the holder of the permit contravenes the Act, this regulation or a condition of the permit;

(b) the premises for which the permit is issued no longer satisfies the requirements of the Act or this regulation; or

(c) cancellation of the permit is in the public interest.

Seizure of liquor and permit

20(1) If an occasional permit is cancelled a constable may seize the permit and any liquor remaining in the premises.

Return of liquor

20(2) Where a seizure under subsection (1) occurs, any liquor that is not removed from the premises by the constable shall be returned to the commission or otherwise disposed of as directed by the commission.

Repeal

21 The *Occasional Liquor Permits Regulation*, Manitoba Regulation 115/89, is repealed.

January 25, 2002

THE LIQUOR CONTROL COMMISSION:

Carmen Neufeld
Chair