

**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No.

, Approved and Ordered

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*Lieutenant Governor*

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective December 2, 2002,

- 1** The following provisions of the *Liquor Statutes Amendment Act, 1999*, S.B.C. 1999, c. 36, are brought into force by this regulation:
  - (a) sections 1 (c), 2 (b) and 5 (a);
  - (b) section 4, except the portion that enacts section 11.5 of the *Liquor Control and Licensing Act*;
  - (c) section 9, except the portion that enacts section 16 (1.1) of the *Liquor Control and Licensing Act*;
  - (d) the portion of section 17 that repeals section 26 of the *Liquor Control and Licensing Act*.
- 2** Section 22 of the *Miscellaneous Statutes Amendment Act (No. 2), 2000*, S.B.C. 2000, c. 26, is brought into force by this regulation.
- 3** The Liquor Control and Licensing Regulations, B.C. Reg. 608/76, is repealed.
- 4** The attached Liquor Control and Licensing Regulation is made.

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*Minister of Public Safety and Solicitor General*

\_\_\_\_\_  
*Presiding Member of the Executive Council*

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section:- *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267, s. 84; oic 3492/76

Other (specify):- *Liquor Statutes Amendment Act, 1999*, s. 50; *Misc. Statutes Amendment Act (No. 2), 2000*, s. 72

August 9, 2002

/2002/33

# LIQUOR CONTROL AND LICENSING REGULATION

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**PART 1 – DEFINITIONS AND DELEGATION BY GENERAL MANAGER**

**Definitions**

**1** (1) In this regulation:

“**Act**” means the *Liquor Control and Licensing Act*;

“**brewery**” means the establishment

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

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

“**contravention**” means a matter referred to in the “Contravention” column of Schedule 4;

“**distillery**” means the establishment

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

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

“**endorsement**” in relation to a winery licence means a provision of that licence that authorizes the sale of wine for consumption in an area of the winery specified by the general manager;

“**endorsement area**” in relation to a winery licence means the area of the winery to which an endorsement applies;

“**Liquor Distribution Branch**” means the Liquor Distribution Branch continued under the *Liquor Distribution Act*;

“**lounge**” in relation to a food primary licence means the area to which a lounge endorsement applies;

“**lounge endorsement**” in relation to a food primary licence means a provision of a food primary licence that authorizes a specified area of the licensed establishment to be operated as a lounge.

“**manufacture**” includes, in relation to liquor,

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

(b) the blending of the liquor,

(c) the flavouring of the liquor, and

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

“**occupant load**” means the least number of persons allowed in an establishment under

(a) the Provincial building regulations,

- (b) the *Fire Services Act* and British Columbia Fire Code Regulation, and
- (c) any other safety requirements enacted, made or established by the local government or first nation for the area in which the establishment is located;

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

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

**“picnicking area”** in relation to a winery licence means the area in a winery to which a picnicking endorsement applies;

**“picnicking endorsement”** in relation to a winery licence means a provision of a winery licence that authorizes the provision of wine for consumption at the winery in a specified outdoor area of the winery;

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

- (a) an event for the conduct of tastings to acquaint the public with the products of a winery, brewery or distillery, if
  - (i) the licensee is the holder of an agent’s licence under section 52 of the Act or a licence for the winery, brewery or distillery,
  - (ii) the event is organized and hosted by a person who holds an agent’s licence under section 52 of the Act or a licence for the winery, brewery or distillery, and
  - (iii) attendance is limited to the licensee’s members or staff, to invited guests or to persons to whom tickets have been sold or provided before the event;
- (b) an event of a social, cultural, recreational, religious, sporting or community nature, if
  - (i) the licensee is an individual who is a member of and a representative for a genuine organization,
  - (ii) the event is organized and hosted by the organization, and
  - (iii) attendance is limited to the organization’s members or staff, to invited guests or to persons to whom tickets have been sold or provided before the event;
- (c) a celebration of a family occasion including, without limiting this, a wedding, a christening, a bar mitzvah or other religious occasion, a birthday or a wedding anniversary, if
  - (i) a member of the family or a close friend of the family is the licensee and host for the event,
  - (ii) attendance at the event is by prior invitation only, and
  - (iii) invitations are extended only to family members, friends of the family and those officiating at the event,

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

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

- (a) in the case of an event held on a reserve as defined in the *Indian Act* (Canada), support for the event has been expressed by
  - (i) the council of the band that is entitled under that Act to the use of the reserve, or
  - (ii) the police having jurisdiction in the reserve,
- (b) in the case of an event held in an area under the jurisdiction of an aboriginal governing body, support for the event has been expressed by the aboriginal governing body or by police having jurisdiction in that area, or
- (c) for any other event, support for the event has been expressed by the local government or police having jurisdiction in the area;

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

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

**“wine product”** means a product made

- (a) from wine, and
- (b) by using a method that does not involve the fermentation of that product;

**“winery”** means the establishment in respect of which a winery licence is issued;

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

**“winery lounge”** means the area in a winery to which a winery lounge endorsement applies;

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

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

- (a) the findings of contravention, within the meaning of section 63 of this regulation respecting the licensee,
- (b) the offences under the Act, and the offences prescribed under section 20 (3) of the Act, of which the licensee has been convicted,
- (c) any other matter referred to in section 20 (1) of the Act, and
- (d) the enforcement actions to which the licensee was subject as a result of those findings of contravention, offences or matters.

#### **Liquor licensing committee**

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

### **Delegation by general manager**

- 3** (1) The general manager may delegate any of his or her powers, duties and functions under the Act and this regulation to one or more officers or persons or to the Liquor Licensing Committee appointed under section 2.
- (2) If the general manager delegates a power, duty or function to the Liquor Licensing Committee under subsection (1), that power, duty or function must be exercised or performed by a panel of the committee consisting of the general manager as chair of the committee or another member whom the general manager designates as chair and 2 other members of the committee.

## **PART 2 – REQUIREMENTS FOR LICENSED ESTABLISHMENTS**

### **Requirement that applicant own or lease establishment**

- 4** (1) A licence must not be issued or transferred to a person unless that person is
- (a) the owner of the establishment to which the licence relates, or
  - (b) the lessee of the establishment under a lease that does not expire for at least 12 months after the date of issue or transfer of the licence.
- (2) A licence must not be renewed for an establishment unless the licensee is the owner of the establishment to which the licence relates or provides evidence satisfactory to the general manager that the licensee is the lessee of the establishment under a lease of a duration that is satisfactory to the general manager.

### **General manager may require local approval**

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

### **Capacity**

- 6** (1) Before the general manager
- (a) approves the issuance of a licence,
  - (b) approves a structural alteration of or a change to the size of any area of a licensed establishment,
  - (c) approves a transfer of a licence under section 21 (3) of the Act, or
  - (d) approves an application for an increase in the person capacity of a licensed establishment,
- the general manager must set the person capacity of the establishment, having regard to the public interest and the views of a local government or first nation if provided under section 10 or 53 of this regulation.
- (2) Once the general manager has set the person capacity of an establishment in accordance with subsection (1), the general manager must refuse to issue, amend or transfer a licence for that establishment if the occupant load of the establishment is not equal to the person capacity.
- (3) Despite subsection (2), if the occupant load of an establishment is less than the person capacity of the establishment set under subsection (1), the general

manager may issue, amend or transfer the licence for that establishment after reducing the person capacity to equal the occupant load.

- (4) It is a term and condition of a licence that there must not be, in the licensed establishment at any one time, more persons than the person capacity set under subsection (1) or (3).
- (5) This section does not apply to a U-Brew, U-Vin, licensee retail store, distillery, brewery or a winery without a winery lounge endorsement.

#### **Structural alterations**

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

## **PART 3 – LICENCES**

### **Division 1 – Liquor Primary, Liquor Primary Club and Food Primary Licences**

#### **Liquor primary licences and liquor primary club licences**

- 8 (1) A liquor primary licence in respect of an establishment may be issued, renewed or transferred if the primary purpose of the business carried on in the establishment is beverage service, entertainment or hospitality.
- (2) For the purposes of subsection (1), the primary purpose of the business carried on in the following establishments is not beverage service, entertainment or hospitality:
  - (a) a facility frequented predominantly by or directed at minors and other young persons;
  - (b) a theatre as defined in the *Motion Picture Act*;
  - (c) a restaurant;
  - (d) a take-away service;
  - (e) a motor vehicle;
  - (f) a video games arcade.
- (3) A liquor primary club licence may be issued, renewed or transferred only in respect of a club.

#### **Terms and conditions for liquor primary or liquor primary club licences**

- 9 The following terms and conditions apply to liquor primary licences and liquor primary club licences:
  - (a) minors are not allowed in the licensed establishment unless
    - (i) they are employed or retained as entertainers to entertain in the establishment,
    - (ii) they are allowed to be in the establishment by the general manager in the public interest, or



- (iii) the establishment is a stadium, concert hall, convention centre, train, aircraft, motor vessel, airport or any other establishment the primary purpose of which is not the service of liquor and minors are allowed by the general manager to be in the establishment;
- (b) subject to limitation by the general manager, hours of liquor service must start no earlier than 9:00 a.m. and end no later than 4:00 a.m. the next day;
- (c) unless exempted by the general manager, food and non-alcoholic beverages must be available at reasonable prices to the patrons.

**Application for liquor primary or liquor primary club licence**

- 10**
- (1) For the purposes of section 11.1 (1) of the Act, a liquor primary licence and a liquor primary club licence are prescribed categories of licences.
  - (2) If a person applies for a liquor primary licence or a liquor primary club licence for an establishment, the general manager must give notice of the application to the local government or first nation for the area in which the establishment is located or proposed to be located unless the local government or first nation has indicated that it does not wish to receive notice.
  - (3) In considering an application for which notice has been given under subsection (2), the local government or first nation must, in providing comments with respect to the licence application, take into account the following criteria:
    - (a) the location of the establishment;
    - (b) the proximity of the establishment to other social or recreational facilities and public buildings;
    - (c) the person capacity and hours of liquor service of the establishment;
    - (d) the number and market focus or clientele of liquor primary licence establishments within a reasonable distance of the proposed location;
    - (e) traffic, noise, parking and zoning;
    - (f) population, population density and population trends;
    - (g) relevant socio-economic information;
    - (h) the impact on the community if the application is approved.
  - (4) If the operation of the establishment as a licensed establishment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act.
  - (5) If the local government or first nation wishes to provide comments to the general manager, it must provide the following in writing:
    - (a) its comments addressing the criteria in subsection (3) of this section;
    - (b) if it has gathered the views of residents under subsection (4),
      - (i) the views of the residents,
      - (ii) the method used to gather the views of the residents, and
      - (iii) its comments and recommendations respecting the views of the residents;
    - (c) its recommendations with respect to whether the licence should be issued;

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

### **Food primary licences**

- 11** (1) A food primary licence in respect of an establishment may be issued, renewed or transferred if the primary purpose of the business carried on in the establishment is the service of food during all hours of its operation.
- (2) The following terms and conditions apply to a food primary licence:
  - (a) minors are allowed in the establishment;
  - (b) liquor must not be served unless the establishment is open for service of a varied selection of food items, including both appetizers and main courses, or their equivalent;
  - (c) subject to limitation by the general manager, hours of liquor service must start no earlier than 9:00 a.m. and end no later than 4:00 a.m. the next day.
- (3) The general manager may consider, in determining whether the primary purpose of the business carried on in the establishment is or will be the service of food during all hours of its operation, any or all of the following:
  - (a) kitchen equipment;
  - (b) furnishings and lighting;
  - (c) menu;
  - (d) type and hours of entertainment and games offered by the licensee;
  - (e) advertising;
  - (f) hours of operation;
  - (g) financial records;
  - (h) the ratio of receipts from food sales to receipts from liquor sales in the establishment;
  - (i) any other relevant consideration that may assist in the determination.

### **Endorsement for lounge**

- 12** (1) A person who holds a food primary licence or who is applying for a food primary licence in respect of an establishment that has a person capacity of at least 50 may apply for a lounge endorsement.
- (2) The general manager must set the person capacity of any area in respect of which a lounge endorsement is sought at the lesser of
  - (a) 40 persons, and
  - (b) 20% of the person capacity of the interior of the principal area of the licensed establishment.

- (3) The general manager may approve 2 lounges for the same licensed establishment if the person capacity of each of the lounges does not exceed the person capacity in subsection (2) and one of the lounges is located on a patio.
- (4) If approval is given for 2 lounges under subsection (3) and both lounges are open for liquor service at the same time, the total at any one time of the number of persons in one of those lounges plus the number of persons in the other lounge must not exceed the number set by the general manager under subsection (2).
- (5) The following terms and conditions apply to a lounge endorsement:
  - (a) food service must be available in the lounge;
  - (b) the licensee must not serve liquor in the lounge if the primary dining area of the licensed establishment is not open for service of its full food menu and liquor service;
  - (c) the lounge must, in the opinion of the general manager, appear to be an area that is distinct from the primary dining area of the licensed establishment.

### **Dual licensing**

- 13** (1) Subject to subsection (2), a liquor primary licence and a food primary licence must not be issued in respect of the same establishment.
- (2) Subsection (1) does not apply to an establishment if
  - (a) the licensee for the establishment would, but for subsection (1) of this section, hold, in respect of the establishment, a liquor primary licence and a food primary licence, as a result of the operation of Part 8,
  - (b) the licences referred to in paragraph (a) remain in good standing, and
  - (c) all renewals of or amendments to the licences referred to in paragraph (a) are effected in accordance with this regulation.

## **Division 2 – Licensee Retail Store Licences**

### **Licensee retail stores**

- 14** (1) Subject to subsection (2), a licence may be issued, renewed or transferred in respect of a licensee retail store, and the following terms and conditions apply to a licensee retail store licence:
  - (a) all types of liquor may be sold, subject to limitation by the general manager in the licence, but nothing in this paragraph allows the sale of any liquor that has not been expressly approved for sale by an agreement between the Liquor Distribution Branch and the licensee;
  - (b) subject to limitation by the general manager in the licence, the hours of liquor service must start no earlier than 9 a.m. and end no later than 11 p.m.;
  - (c) minors accompanied by a parent or guardian are allowed in the establishment;
  - (d) packaged snacks, liquor related items and other items authorized by the general manager may be sold;
  - (e) the maximum allowable floor space (excluding refrigerated space) must not exceed 186 square metres;

- (f) despite section 46, entertainment and games are not allowed;
  - (g) consumption of liquor within a licensee retail store is not allowed except as authorized by the general manager.
- (2) A licence must not be issued under subsection (1) unless an application for the licence was received by the general manager on or before 4:30 p.m. on November 29, 2002.

### **Division 3 – Special Occasion Licences**

#### **Special occasion licences**

- 15**
- (1) The general manager must determine how frequently special occasion licences may be issued to an applicant and the days and hours during which each special occasion licence will be in effect.
  - (2) A person issuing a special occasion licence under section 7 of the Act must endorse on the licence the maximum retail prices at which liquor may be sold and, except in the case of charitable events, the maximum retail prices of drinks served are to be set so as to recover only the operating costs of the event.
  - (3) For the purposes of section 35 (c) of the Act, minors may be in a licensed establishment when a special occasion licence is in effect.
  - (4) The local police authority or a delegate of the general manager must approve the application for a special occasion licence before that licence is issued.
  - (5) If the general manager delegates to a person other than a member of the local police authority the power to approve an application for a special occasion licence, the person issuing the special occasion licence must, if directed to do so by the general manager, inform the local police authority, before the event to which the licence relates, of the nature, time and place of the event.
  - (6) All liquor that is sold or served under a special occasion licence must be sold or served and consumed in the licensed establishment.
  - (7) Subject to subsection (8) of this section, a person must not in any advertisement or other promotion of an event indicate that liquor will be sold or served.
  - (8) In the case of an event held under a public special occasion licence, at which a number of manufacturers of wine, beer or other liquor are conducting tastings at one location, the event organizer may advertise the name of the event followed by the names of the participating liquor manufacturers.
  - (9) If an event for which a special occasion licence is to be issued is to be held on lands or premises owned or operated by a local government or first nation or by the Provincial or Federal Government, the applicant must, before issuance of the licence, produce written permission for the event signed by an authorized official of that government or first nation.
  - (10) A licensed establishment in which liquor is sold or provided under a special occasion licence must be enclosed and all means of access to the establishment must be supervised to the satisfaction of the local police authority.

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

## **Division 4 – Wineries**

### **Conditions for issue or renewal of a winery licence**

- 16**
- (1) A person who applies for a winery licence, or for the renewal of a winery licence, must, in addition to complying with the requirements of section 4, own or lease, under a lease that does not expire for at least 12 months after the date of the issue or renewal of the winery licence, the following equipment and facilities:
    - (a) fermentation tanks or barrels;
    - (b) filtering equipment;
    - (c) a secure storage area.
  - (2) The equipment and facilities required by subsection (1) must be adequate for the production of at least 4 500 litres of wine per year.
  - (3) To be eligible for a winery licence, an applicant must demonstrate, to the satisfaction of the general manager, an intention to ferment in each year at least 4 500 litres of wine owned by the applicant.
  - (4) To be eligible for the renewal of a winery licence, a licensee must have fermented in each year at least 4 500 litres of wine owned by the licensee.
  - (5) Despite subsection (4), the general manager may, having regard for the public interest, renew a winery licence if a licensee is unable to produce at least 4 500 litres of wine per year because of
    - (a) crop failure,
    - (b) standard agricultural practices that result in the temporary loss of sufficient fruit to meet the winery's normal production volumes, or
    - (c) an event that, in the opinion of the general manager, is beyond the control of the licensee.
  - (6) A licensee must not use the establishment in respect of which the licence was issued
    - (a) for any purpose other than that authorized under the licence, or
    - (b) for the manufacture of any liquor, other than
      - (i) wine owned by the licensee,
      - (ii) liquor owned by another person who is licensed under the Act, or
      - (iii) wine that is owned by a winery in another jurisdiction.
  - (7) An applicant or licensee who manufactures a wine product by a unique process, and who demonstrates the uniqueness of the process in a manner acceptable to the general manager, is exempt from the requirements of subsections (1) (a) and (b), (2), (3) and (4).

### **Record keeping and reporting requirements**

- 17** (1) For the purposes of administering and enforcing the Act and this regulation, a person who holds a winery licence must, in a manner acceptable to the general manager, maintain the following documents and records:
- (a) source documents including, without limiting this, business structure documents, invoices, receipts and bank statements;
  - (b) records including, without limiting this, the general financial ledger, general production and inventory ledger and winemaker's journal.
- (2) In addition to the requirements under section 34, a person who holds a winery licence must make available for inspection, at the request of the general manager or his or her designate, records of the following information as applicable:
- (a) records of tonnage of grapes or fruit harvested;
  - (b) purchase records for grapes or fruit purchased indicating the type, source and tonnage of the grapes or fruit;
  - (c) purchase records for juice or concentrate purchased indicating the type, source and volume of the juice or concentrate;
  - (d) purchase records for bulk and bottled wine purchased indicating the type, source and volume of the bulk and bottled wine;
  - (e) purchase records for additives to wine such as alcohol and sugar indicating the source and volume of the additives;
  - (f) production records for bulk and bottled wines;
  - (g) records of the movement and disposition of bulk and bottled wine that is transferred from one location to another for sale or export;
  - (h) records of the disposition of wine by spillage, sampling and tasting.
- (3) The information required by subsection (2) must be recorded on an ongoing basis.

### **Endorsement for winery lounge or picnicking area at winery**

- 18** (1) A licensee holding a winery licence or an applicant for a winery licence may apply for a winery lounge endorsement or a picnicking endorsement.
- (2) An endorsement area must be
- (a) owned by or leased to the licensee who was granted the endorsement, and
  - (b) located on or immediately adjacent to the primary manufacturing site of the winery in respect of which the winery licence is issued.
- (3) Subject to limitation by the general manager, hours of liquor service authorized by an endorsement must start no earlier than 9:00 a.m. and end no later than 4:00 a.m. the next day.
- (4) A minor is not allowed to be present in an endorsement area unless the minor is
- (a) accompanied by a parent or guardian, or
  - (b) employed or retained as an entertainer to entertain in the licensed establishment.
- (5) A picknicking area must be

- (a) located outdoors,
  - (b) defined by a clearly identifiable boundary, and
  - (c) of a size determined by the general manager, but not larger than 1 000 square metres.
- (6) Unless otherwise authorized by the general manager, food and non-alcoholic beverages must be available at reasonable prices to customers in a winery lounge.
- (7) The sale or service of liquor in a winery lounge is restricted to wine manufactured and bottled in British Columbia.
- (8) If a licensee holding a winery licence or an applicant for a winery licence applies for an endorsement under subsection (1) in respect of the winery, the general manager must give notice of the application to the local government or first nation for the area in which the winery is located unless the local government or first nation has indicated that it does not wish to receive notice.
- (9) In considering an application for which notice has been given under subsection (8), the local government or first nation must, in providing comments with respect to the application, take into account the following criteria:
- (a) the location of the winery lounge or picknicking area;
  - (b) the proximity of the winery lounge or picknicking area to other social or recreational facilities and public buildings;
  - (c) in the case of a winery lounge, the person capacity of that winery lounge;
  - (d) hours of liquor service of the winery lounge or picknicking area;
  - (e) traffic, noise, parking and zoning;
  - (f) the impact on the community if the application is approved.
- (10) If the operation of a winery lounge or picnicking area may affect nearby residents, the local government or first nation must gather the views of residents of an area determined by the local government or first nation.
- (11) If the local government or first nation wishes to provide comments to the general manager, it must provide the following in writing:
- (a) its comments addressing the criteria in subsection (9);
  - (b) if it has gathered the views of residents under subsection (10),
    - (i) the views of the residents,
    - (ii) the method used to gather the views of the residents, and
    - (iii) its comments and recommendations respecting the views of the residents;
  - (c) its recommendations with respect to whether the endorsement should be issued;
  - (d) the reasons for its recommendations.
- (12) The written comments referred to in subsection (11) must be provided to the general manager within 90 days after the local government or first nation receives notice under subsection (8), or any further period authorized by the general manager in writing.

- (13) If under subsection (11) (c), the local government or first nation recommends that an endorsement be issued, the general manager must take that recommendation into account in deciding whether to issue the endorsement.
- (14) Subject to subsection (15), the general manager must not approve an application that is not supported by the local government or first nation.
- (15) The general manager need not comply with subsection (14) if the general manager is satisfied that
  - (a) the local government or first nation did not comply with the requirements of this section, or
  - (b) the recommendation provided by the local government or first nation is contrary to the public interest.
- (16) If, after notice is provided to the local government or first nation under subsection (8), the local government or first nation informs the general manager that the local government or first nation will not provide input to the general manager in respect of the application or does not respond to the notice within the time allowed under subsection (12), the general manager may, in deciding whether or not to approve the application, take into account
  - (a) the criteria in subsection (9), and
  - (b) any other matters the general manager considers relevant.
- (17) In a case to which subsection (16) applies, the general manager must, before deciding whether or not to approve an application, provide an opportunity for residents of an area determined by the general manager to provide comments in respect of the application unless the general manager is satisfied that that opportunity has already been provided by the local government or first nation.
- (18) In order to provide an opportunity for residents to provide comments under subsection (17), the general manager may direct that, at the applicant's expense,
  - (a) a public comment process be held in a manner required by the general manager, or
  - (b) the applicant post a public notice of the application at the locations, in the manner and form and with content that is satisfactory to the general manager.
- (19) After providing an opportunity for comments under subsections (17) and (18), the general manager
  - (a) may, if the general manager is of the opinion that the residents are not opposed to the application, approve the application, and
  - (b) must not approve the application if the general manager is of the opinion that the residents are not in favour of the application.
- (20) Despite subsection (19), if, under subsection (18), the general manager directs that a referendum be held for residents of an area specified by the general manager, the general manager must not approve the application unless 60% of the residents in the specified area who vote in the referendum favour approving the application as presented.



### **Special event endorsement**

- 19** A licensee who has obtained an endorsement for the licensee's winery licence may apply for an additional area of the winery to be designated by the general manager for a special event and if so designated
- (a) the additional designated area is part of the endorsement area for the duration of the special event, and
  - (b) the same terms and conditions that apply to the original endorsement area apply to the additional designated area.

### **Maximum quantity of product samples**

- 20** For the purposes of section 53 (1) of the Act, product samples may be offered free of charge in a sampling room designated by the general manager under that section, but the total volume of product samples that may be sold to a person during a day must be no more than
- (a) 150 millilitres for a winery, and
  - (b) 375 millilitres for a brewery.

## **Division 5 – U-Brews and U-Vins**

### **Definitions**

- 21** In this Division:
- “**bottle**” includes a can, keg, cask or other container or package into which beer, wine or cider is placed after it is removed from a carboy;
  - “**carboy**” means a container used for the aging or storage of beer, wine or cider;
  - “**customer**” means a person who pays a fee to produce or manufacture beer, wine or cider in a U-Brew or U-Vin;
  - “**licensee**” means a person holding a licence under section 12.1 of the Act to operate a U-Brew or U-Vin.

### **Payment, acknowledgment and invoice required**

- 22** (1) A licensee must ensure that a customer is not allowed to begin producing or manufacturing his or her beer, wine or cider in the U-Brew or U-Vin unless the customer first
- (a) pays the licensee
    - (i) for the ingredients to make the beer, wine or cider, or
    - (ii) if the customer brings his or her own ingredients into the U-Brew or U-Vin, for the manufacturing facilities or services to be provided, and
  - (b) provides the licensee with an acknowledgment, signed by the customer, that the beer, wine or cider is being made by the customer for his or her own consumption or consumption at no charge by other persons.
- (2) When a customer pays for the ingredients, facilities or services referred to in subsection (1) (a), the licensee must ensure that the customer is provided with an invoice that sets out the following information:
- (a) the name and telephone number of the customer;

- (b) the type and quantity of beer, wine or cider to be made;
- (c) the date and the amount of payment received from the customer;
- (d) the name, address and telephone number of the licensee.

#### **Role of the customer in the production process**

- 23** (1) Subject to subsections (2) and (3), a licensee must ensure that the customer performs the following tasks in producing or manufacturing beer, wine or cider in the U-Brew or U-Vin:
- (a) combining or mixing ingredients with any of the following:
    - (i) beer wort;
    - (ii) fruit;
    - (iii) wine or cider juice;
    - (iv) concentrate;
    - (v) fermentable liquids;
  - (b) if enzymes or yeast are required to begin the fermentation process, adding the enzymes or yeast to the materials referred to in paragraph (a) or to any other raw material of beer, wine or cider;
  - (c) removing or defacing commercial labels and sterilizing bottles in preparation for bottling;
  - (d) placing the beer, wine or cider in bottles;
  - (e) labelling, corking, capping or shrink wrapping the bottles of beer, wine or cider;
  - (f) removing the bottled beer, wine or cider from the U-Brew or U-Vin.
- (2) The customer may be accompanied by one or more persons to assist the customer in performing the tasks described in subsection (1) as long as those persons are not associated with the operation of the U-Brew or U-Vin.
- (3) The licensee or his or her employees may also assist the customer in performing the tasks described in subsection (1) but each of those tasks must be primarily performed by the customer unless the customer is physically incapable of performing that task alone.

#### **Licensee or employee production**

- 24** A licensee or any of his or her employees may produce or manufacture beer, wine or cider in the off-site U-Brew or U-Vin for their own off-site consumption or for off-site consumption by others at no charge, but the beer, wine or cider
- (a) must be labelled as belonging to the licensee or employee,
  - (b) must not be stored in the licensed establishment after bottling, and
  - (c) must not be used for any purpose within the licensed establishment.

#### **Storage requirements**

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

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

**No consumption other than tasting**

- 26** (1) Subject to subsection (2), a licensee must not allow the consumption of beer, wine or cider at the U-Brew or U-Vin.
- (2) A licensee may allow a customer to taste no more than 2 samples of the customer's beer, wine or cider before completion of bottling but a sample must not exceed 100 millilitres.

**Customer required to bottle own product**

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

**Removal of finished product required**

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

**Sales prohibited**

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

**Minors**

- 30** (1) A licensee must not employ a minor in the operation of the U-Brew or U-Vin unless the minor is under the direct and continual supervision of the licensee or an adult employee of the licensee.
- (2) A licensee must ensure that minors are not allowed to produce or manufacture beer, wine or cider at the U-Brew or U-Vin.
- (3) Minors accompanied by a parent or guardian are allowed to be present at the U-Brew or U-Vin.

**Record keeping and reporting requirements**

- 31** (1) In addition to the requirements under section 34, a person who holds a U-Brew or U-Vin licence must make available for inspection, at the request of the general manager or his or her designate, records of the following information:
  - (a) purchase records for all of the ingredients used in the manufacture or production of beer, wine or cider in the U-Brew or U-Vin indicating the source and volume of the ingredients;
  - (b) copies of invoices provided to customers under section 22 (2);
  - (c) records of the type and quantity of beer, wine or cider produced or manufactured by the licensee or his or her employees under section 24;

- (d) records detailing the disposition of any beer, wine or cider that is spoiled, spilled, unclaimed or returned to the licensee.
- (2) A licensee must maintain the records in subsection (1) for at least 3 years.
- (3) A licensee must submit to the general manager semi-annual reports in the form specified by the general manager outlining the volume of beer, wine and cider manufactured or produced in the U-Brew or U-Vin during the periods specified by the general manager.

### **Advertisements**

- 32** (1) A licensee may do only the following in any advertisement relating to the U-Brew or U-Vin:
  - (a) state that the U-Brew or U-Vin is licensed to provide goods, facilities or services for the production or manufacturing of beer, wine or cider by customers;
  - (b) state the name of the U-Brew or U-Vin and its address and phone number;
  - (c) provide a list of the goods, facilities and services available at the U-Brew and U-Vin and their prices;
  - (d) advertise the availability of specific types of ingredients for the production or manufacturing of beer, wine or cider at the U-Brew or U-Vin.
- (2) Any advertisement placed by or on behalf of a licensee must clearly state that the prices advertised represent the cost of producing or manufacturing the beer, wine or cider at the U-Brew or U-Vin and do not refer to the price of the finished product.
- (3) A licensee must not provide any person with a sample of beer, wine or cider that is, or may be available to be, produced or manufactured at the U-Brew or U-Vin.

### **Hours of operation**

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

## **Division 6 – Miscellaneous Terms and Conditions**

### **Production of records**

- 34** For the purposes of section 73 (1) of the Act, the following documents are prescribed in relation to a licensee:
  - (a) liquor purchase records;
  - (b) liquor sales records;
  - (c) liquor disposal records;
  - (d) food sales records;
  - (e) sales records respecting other merchandise or services provided by the licensee that are incidental to the business of the licensed establishment;
  - (f) agreements and contracts between the licensee and a liquor manufacturer or its agent or representative;

- (g) invoices and purchase receipts for all equipment and other inventory used in the operation of the licensed establishment;
- (h) lease and management contracts related to the licensed establishment;
- (i) employee records including names, addresses, salaries, primary job responsibilities, shift schedules and dates of employment;
- (j) records of any incidents or events that occurred in or adjacent to the licensed establishment;
- (k) records of court orders and judgments against a licensee respecting the sale, service or manufacture of liquor;
- (l) records of the quantity and price of liquor servings.

#### **Purchase of liquor**

- 35** (1) A licensee must not purchase liquor for the licensed establishment unless, at the time of the purchase, the licensee identifies himself or herself as a licensee and that purchase is made from
- (a) a liquor store designated in writing by the general manager, or
  - (b) another person designated by the Liquor Distribution Branch.
- (2) Subsection (1) does not apply to a licensed manufacturer of wine in respect of purchases of wine by that licensee from another licensed manufacturer of wine.
- (3) A licensee must maintain a register of all liquor purchased and received by the licensee under a licence.

#### **Sale of liquor purchased under licence**

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

#### **Posting floor plan and licence**

- 37** A licensee must
- (a) post his or her licence in a conspicuous place in the licensed establishment, and
  - (b) provide access to the approved floor plan of the licensed establishment on request of the general manager.

#### **Adjoining areas and separation**

- 38** (1) A licensed establishment must be separated from an unlicensed area in a manner that is satisfactory to the general manager.
- (2) If one licensed establishment in respect of which one category of licence has been issued adjoins another licensed establishment in respect of which a different category of licence has been issued, the establishments must be separated in a manner that is satisfactory to the general manager.

#### **Extension of hours for New Year's Eve**

- 39** Despite any limits placed on the hours of liquor service of an establishment in respect of which a liquor primary licence, liquor primary club licence, winery licence or food

primary licence has been issued, the general manager may extend the time stated on the licence for the hours of liquor service on December 31 to a time not later than 4:00 a.m. on January 1.

#### **Dispensing liquor**

- 40**
- (1) Unless otherwise authorized by the general manager, all liquor served in a licensed establishment must be dispensed from the original container in which the liquor was purchased from the Liquor Distribution Branch.
  - (2) A licensee must ensure that any automatic liquor-dispensing devices authorized by the general manager and used in the licensed establishment are used in accordance with the Act, this regulation and the terms and conditions of the licence.
  - (3) The dispensing of liquor at a service bar, or the addition of any non-alcoholic liquid to liquor in the preparation of an alcoholic drink, must be done in full view of the patrons.

#### **Liquor prices**

- 41**
- (1) A licensee must, at the beginning of each day, set the price at which liquor is to be sold during that day.
  - (2) A licensee must not
    - (a) provide unlimited or unspecified quantities of liquor for a single price,
    - (b) use a sales strategy that is likely to promote or encourage intoxication, or
    - (c) alter the price of liquor during a day after it has been set for that day under subsection (1).
  - (3) A licensee must make available to patrons a list that shows, for all types of liquor sold in the licensed establishment, the quantities in which and prices at which the liquor is sold.

#### **Consumption of liquor in licensed establishments**

- 42**
- (1) A person must not consume liquor in a licensed establishment unless that liquor has been purchased from or served by the licensee of that licensed establishment.
  - (2) A licensee must not allow consumption in the licensed establishment of liquor that was not purchased from or served by the licensee.
  - (3) A licensee, and the employees of the licensee, must not consume liquor while working in the licensed establishment.
  - (4) All liquor sold or served in a licensed establishment must be consumed there, and the licensee must not allow liquor, other than the following, to be taken from the licensed establishment:
    - (a) a bottle of wine that is unfinished by a patron and sealed by the licensee before being taken by that patron from the licensed establishment;
    - (b) liquor that is sold for consumption off premises in accordance with the Act, this regulation and the terms and conditions of the licence.

- (5) A licensee who seals an unfinished bottle of wine in accordance with subsection (4) (a) must inform the patron of the requirements of section 44 of the Act.
- (6) This section does not apply to a U-Brew or U-Vin.

### **Beverage service training**

- 43**
- (1) For the purposes of this regulation and section 13 of the Act, “**training program**” means one of the following programs delivered under the auspices of a person or organization approved by the general manager:
    - (a) the training program entitled “Serving It Right: The Responsible Beverage Service Program”, Licensee Manual ISBN 0-7726-1063-3;
    - (b) the training program entitled “Serving It Right: The Responsible Beverage Service Program”, Server Manual ISBN 0-7726-1035-5.
  - (2) For the purposes of section 13 (1) of the Act, the following licence categories are prescribed:
    - (a) winery licences containing an endorsement referred to in section 18 of this regulation;
    - (b) winery licences and brewer’s licences issued to establishments that provide samples in a sampling room designated by the general manager under section 53 (1) of the Act;
    - (c) liquor primary licences, liquor primary club licences, food primary licences and special occasion licences.
  - (3) For the purposes of section 13 (1) of the Act, the training program referred to in subsection (1) (a) of this section is prescribed.
  - (4) For the purposes of section 13 (3) or (4) of the Act, the training program referred to in subsection (1) (a) of this section or the training program referred to in subsection (1) (b) of this section is prescribed.
  - (5) Successful completion of the training program by each person must be evidenced by a certificate of completion issued in the name of that person by an authority approved by the general manager.
  - (6) A person referred to in one of the following paragraphs of this subsection is, for the periods indicated in that paragraph, exempt from the requirement to complete a training program:
    - (a) an applicant for a new licence, for a period of 120 days after the licence is issued;
    - (b) an applicant for the transfer of a licence, for a period of 120 days after the transfer is granted;
    - (c) a licensee who applies for the renewal of a licence, for a period of 120 days after the renewal is issued, less the number of days the licensee has held the licence;
    - (d) a director, officer or employee of a corporation that is licensed to operate an establishment, if that person is responsible for controlling the sale of liquor

for that corporation, for a period of 120 days after that person becomes responsible for controlling the sale of liquor for the corporation;

- (e) a manager of a licensed establishment, for a period of 120 days after that person becomes a manager of the licensed establishment;
  - (f) a server in a licensed establishment, for a period of 120 days after that person becomes a server in the licensed establishment.
- (7) The following persons in the following situations are exempt from the requirement to complete a training program:
- (a) an unpaid manager or unpaid server in a club that is operated under a liquor primary club licence;
  - (b) subject to any terms and conditions imposed under section 12 (2) and (3) of the Act, a server in a food primary establishment;
  - (c) an unpaid server in an establishment licensed under a private special occasion licence or a public special occasion licence;
  - (d) a person in whose name a private special occasion licence is issued, unless that person is acting on behalf of an organization, association or other organized group of persons.
- (8) Subject to subsections (6) and (7) of this section, before allowing a person to manage or serve liquor in a licensed establishment to which section 13 of the Act applies, the licensee must verify that the person has successfully completed a required training program.
- (9) A person who claims to have successfully completed a training program must produce his or her certificate of completion when requested to do so by the general manager, an officer of the Liquor Control and Licensing Branch or a peace officer.

#### **Time**

- 44**
- (1) Unless otherwise authorized by the general manager,
    - (a) liquor primary licensees and liquor primary club licensees must ensure that patrons are cleared from the licensed establishment within 1/2 hour after the time stated on the licence for the hours of liquor service, and
    - (b) food primary licensees must ensure that liquor is taken from patrons within 1/2 hour after the time stated on the licence for the hours of liquor service, unless the liquor is a bottle of wine that is sealed in accordance with section 42 (4) (a).
  - (2) Unless otherwise authorized by the general manager, if a licensee has been issued a licence, other than a food primary licence, in respect of an establishment, the licensee must not allow patrons to enter the licensed establishment during the hours when liquor service is not allowed by the licence.
  - (3) Unless otherwise authorized by the general manager, a licensee must not allow a person to consume liquor in the licensed establishment beyond 1/2 hour after the time stated on the licence for the hours of liquor service.



- (4) A person must not consume liquor in a licensed establishment beyond the time allowed for consumption under subsection (3) in that licensed establishment.
- (5) A reference to time in this regulation or in a licence is a reference to the local time observed at the place of the licensed establishment.

### **Minors**

- 45**
- (1) For the purposes of section 33 (5) of the Act, identification includes the following:
    - (a) a passport;
    - (b) a driver's licence that displays a photograph and the date of birth of the holder;
    - (c) an identification card, issued by a government agency, that displays a photograph and the date of birth of the holder.
  - (2) A licensee must request 2 pieces of identification from any person appearing to be under the age of 25 before
    - (a) allowing the person to enter the licensed establishment, if the establishment is one in which minors are not allowed, or
    - (b) selling or serving liquor to the person.
  - (3) The pieces of identification required under subsection (2) must include
    - (a) one piece of the identification referred to in subsection (1), and
    - (b) one other piece of identification that displays the person's name and at least one of the person's signature and picture.
  - (4) A licensee must not allow a minor to have liquor in his or her possession in the licensed establishment unless the licence issued for that establishment is a food primary licence or a liquor primary licence for a stadium and the minor is working as a server in the establishment.

### **Entertainment and games**

- 46**
- (1) A licensee may provide entertainment and games that are authorized by the general manager.
  - (2) Entertainment and games provided in an establishment in respect of which a food primary licence has been issued must not result in the operation of the establishment in a manner that is contrary to the primary purpose of the business being the service of food during all hours of the establishment's operation.
  - (3) Despite subsections (1) and (2), a local government may, by bylaw, or a first nation may, by any lawful means provided under the *Indian Act* (Canada) or authorized by a treaty with the government of Canada and British Columbia, restrict or prohibit the type of entertainment or games allowed in a licensed establishment.
  - (4) A licensee must not offer or condone entertainment or games activities that may jeopardize patron or public safety.

### **Off premises sales**

- 47** (1) The general manager may endorse a liquor primary licence and a liquor primary club licence for off premises sales if
- (a) the licence results from a renewal, amendment or transfer of a licence already so endorsed,
  - (b) a written application for the endorsement was received by the general manager before June 5, 2000, or
  - (c) the establishment in respect of which the endorsement is sought is at least 30 kilometres from each of the following:
    - (i) a liquor store;
    - (ii) a licensee retail store;
    - (iii) an establishment the licence for which has been endorsed for off premises sales.
- (2) If a licence is endorsed for off premises sales,
- (a) subject to paragraph (b), off premises sales are allowed only during hours of liquor service allowed on the licensee's licence,
  - (b) no off premises sales may be made after 11 p.m.,
  - (c) no liquor, other than coolers, beer, cider and wine, may be sold for off premises consumption, and
  - (d) off premises sales must be made from the primary service bar area of the licensed establishment.
- (3) Despite subsection (2) (d), a licensee may offer off premises sales from an area of the licensed establishment other than the primary service bar area if the first mentioned area was approved for off premises sales by the general manager before June 5, 2000.

### **Room service**

- 48** (1) A licensed establishment offering overnight accommodation to registered guests may sell and serve liquor to registered guests in their rooms if
- (a) that sale and service is done only during the hours of liquor service allowed on the licensee's licence,
  - (b) the types of liquor sold and served in this way are allowed for sale and service by the terms and conditions of the licence, and
  - (c) the establishment offers room service meals to registered guests.
- (2) A licensed establishment referred to in subsection (1) may, unless restricted from doing so by the terms and conditions of its licence, provide a minibar service through which liquor may be purchased at any time in guest rooms.

### **Stadiums**

- 49** If a liquor primary licence is issued in respect of a stadium, the following terms and conditions apply:
- (a) beverages must be served in plastic, paper or other disposable containers, unless otherwise authorized by the general manager;

- (b) liquor must not be sold at an activity or event without the written consent of the organizer or promoter sponsoring the activity or event;
- (c) the licensee must designate areas of the stadium's tiered seating area as areas where the possession and consumption of liquor is not allowed and must, unless otherwise authorized by the general manager, ensure that those areas
  - (i) consist of a reasonable choice of seats within the range of ticket prices offered at the stadium, and
  - (ii) are each of a size appropriate to the level of demand for seats in those areas of the stadium.

**Exemptions for arrangements between licensees and manufacturers**

**50** (1) In this section:

**“arrangement”** includes

- (a) an agreement, arrangement, concession, obligation, undertaking or interest referred to in section 18 of the Act, and
- (b) an act or agreement referred to in section 45 of the Act;

**“designated category of liquor”** means any of the following:

- (a) draught beer;
- (b) bottled beer;
- (c) cider and coolers;
- (d) wine;
- (e) spirits;

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

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

- (a) those licensees who individually hold a liquor primary licence, if the liquor primary licence is held for a stadium or concert hall that
  - (i) is of sufficient size and has adequate facilities to host provincial, national or international events involving adult or professional performers,
  - (ii) is used primarily for the purposes referred to in subparagraph (i), and
  - (iii) has
    - (A) in the case of a stadium, at least 5 000 tiered seats or such lesser number as may be approved by the general manager, and
    - (B) in the case of a concert hall, at least 1 500 permanent seats;
- (b) those licensees who individually hold a food primary licence, if
  - (i) the establishment in respect of which the licence is held is located within a stadium or concert hall, and
  - (ii) the licensee holding the licence has been granted an exemption in respect of the establishment under paragraph (a);

- (c) those persons who individually enter or propose to enter into an arrangement with a licensee who is being granted an exemption under paragraph (a) or (b).
- (3) When granting an exemption under section 18 (4) or 45 (4) of the Act, the general manager must impose the following terms and conditions:
  - (a) if a designated category of liquor is sold by a licensee in the stadium or concert hall under an arrangement made between the licensee and a person referred to in subsection (2) (c) of this section who is granted an exemption under section 18 (4) or 45 (4) of the Act,
    - (i) the licensee must make available to patrons at least one other product that
      - (A) belongs to that category,
      - (B) is reasonably priced,
      - (C) is not connected with the person granted an exemption under subsection (2) (c) of this section,
      - (D) is made known to patrons in the manner, at the locations within the stadium or concert hall, in the form and with the content satisfactory to the general manager,
      - (E) is available from a reasonable number of take-away bars throughout the stadium or concert hall, and
      - (F) is not manufactured by a person to whom an exemption in respect of that category has been given under subsection (2) in relation to the stadium or concert hall, and
    - (ii) the licensee must ensure that at least 10% of the sales of the designated category of liquor are of the other product described in subparagraph (i);
  - (b) the licensee must, at locations satisfactory to the general manager within the stadium or concert hall, display messaging, in form and content satisfactory to the general manager, intended to promote the responsible consumption of liquor.
- (4) When granting an exemption under section 18 (4) or 45 (4) of the Act, the general manager may impose any additional terms and conditions the general manager considers advisable.

#### **List of officers of club**

- 51** (1) A club must file with the general manager a complete list of its officers showing the name, address and occupation of each officer.
- (2) Immediately after a change occurs in the officers of a club, the club must file a revised list of officers with the general manager.

#### **Register of visitors to club**

- 52** (1) A club that holds a liquor primary club licence must keep a visitors' register and must enter in that register the following information:
  - (a) the name of each guest;

- (b) the name of the member accompanying each guest;
  - (c) the date the guest is in attendance.
- (2) A person who is not a member, an employee or a registered guest of the club must not be or remain in a part of the club where liquor is being sold, served or consumed.

## **Division 7 – Amendment to Certain Licences**

### **Notice of amendment**

- 53** (1) For the purposes of section 11.3 (1) of the Act, the following categories of licences are prescribed:
- (a) liquor primary licences;
  - (b) liquor primary club licences;
  - (c) winery licences;
  - (d) food primary licences.
- (2) For the purposes of section 11.3 (1) of the Act, an application to amend a licence referred to in subsection (1) (a), (b) or (c) of this section that includes an application in respect of any of the following is a prescribed circumstance:
- (a) an extension of hours of liquor service at the establishment in respect of which the licence was issued;
  - (b) an increase in the person capacity of that establishment;
  - (c) the addition of a patio to that establishment,
- and the general manager must not approve the amendment unless the general manager has given the local government or first nation for the area in which the establishment is located notice of the proposed amendment under this section
- (3) For the purposes of section 11.3 (1) of the Act, an application to amend a licence referred to in subsection (1) (d) of this section that includes an application in respect of either or both of the following is a prescribed circumstance:
- (a) hours of liquor service at the establishment in respect of which the licence was issued ending after 12:00 a.m.;
  - (b) patron participation entertainment at that establishment,
- and the general manager must not approve the amendment unless the general manager has given the local government or first nation for the area in which the establishment is located notice of the proposed amendment under this section.
- (4) If notice of an application for an amendment to a licence has been given to a local government or first nation under this section and section 11.3 (1) of the Act, the local government or first nation must, in considering the application and providing comments, take into account the following criteria:
- (a) the potential for noise if the application is approved;
  - (b) the impact on the community if the application is approved;
  - (c) if the application is one referred to in subsection (3) of this section, whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.

- (5) If the amendment to a liquor primary licence, liquor club primary licence, food primary licence or winery licence may affect nearby residents, the local government or first nation must gather the views of residents in accordance with section 11.3 (2) (c) of the Act.
- (6) If the local government or first nation wishes to provide comments to the general manager, it must provide the following in writing:
  - (a) its comments addressing the criteria in subsection (4) of this section;
  - (b) if it has gathered the views of residents under subsection (5);
    - (i) the views of the residents,
    - (ii) the method used to gather the views of the residents, and
    - (iii) its comments and recommendations respecting the views of the residents;
  - (c) its recommendation with respect to whether the amendment should be approved;
  - (d) the reasons for its recommendation.
- (7) The written comments referred to in subsection (6) must be provided to the general manager within 90 days after the local government or first nation receives notice under subsection (2) or (3), or any further period authorized by the general manager.

#### **Application to increase person capacity**

- 54** Despite section 53, a one-time application to increase the person capacity of an establishment up to the occupant load of the establishment is not a prescribed circumstance for the purposes of section 11.3 (1) of the Act if
  - (a) the licensee holds, immediately after December 2, 2002, a liquor primary licence, a liquor primary club licence or a winery licence with an endorsement for a winery lounge, or the applicant has, immediately before December 2, 2002, preliminary site and applicant approval for a licence, and
  - (b) the physical size of the establishment is not proposed to be increased.

### **PART 4 – FEES**

#### **Fees**

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

### **PART 5 – ADVERTISEMENTS AND SPONSORSHIP**

#### **Advertisements**

- 56** Liquor or the availability of liquor must not be advertised other than by or on behalf of the following:
  - (a) a person holding a licence issued under the Act;

- (b) a person appointed to operate an agency store under the *Liquor Distribution Act*;
- (c) the Liquor Distribution Branch carrying out its powers and duties under the *Liquor Distribution Act*.

#### **Manufacturer advertisements**

- 57
- (1) In this section, “**manufacturer’s advertisement**” means an advertisement respecting liquor or the availability of liquor placed by or on behalf of a brewery, winery or distillery, or by or on behalf of an agent licensed under section 52 of the Act, but does not include an advertisement intended to promote the responsible consumption of liquor.
  - (2) Subject to subsections (3) to (11) of this section, a manufacturer’s advertisement may be placed by or on behalf of a brewery, winery, distillery or agent licensed under section 52 of the Act.
  - (3) A manufacturer’s advertisement must not refer to liquor products that are not approved for sale by the Liquor Distribution Branch.
  - (4) A manufacturer’s advertisement must not be placed within 200 metres of a school or other location frequented predominantly by minors.
  - (5) Unless authorized by the general manager, a manufacturer’s advertisement must not
    - (a) be placed in a flyer or household circular, or
    - (b) be distributed by mail to a person’s residence.
  - (6) A manufacturer’s advertisement must not
    - (a) state the price of any liquor product being advertised, or
    - (b) subject to subsection (11), contain the name of any licensed establishment.
  - (7) A manufacturer’s advertisement must not be placed in a stadium unless
    - (a) the stadium is used primarily for professional sports, or
    - (b) the advertisement is placed in relation to an event or activity that is sponsored under section 54 of the Act.
  - (8) A manufacturer’s advertisement may appear on the screen of a theatre, as defined in the *Motion Picture Act*, only in conjunction with the presentation of motion pictures that are classified “Restricted” or “Adult” under the regulations made under that Act.
  - (9) A person placing a manufacturer’s advertisement must ensure that it complies with the Code for Broadcast Advertising of Alcoholic Beverages published by the Canadian Radio-television and Telecommunications Commission under the *Broadcasting Act* (Canada), as that Code is amended from time to time.
  - (10) A manufacturer’s advertisement must not depict packaging or labelling unless that packaging or labelling has been approved under the *Liquor Distribution Act*.
  - (11) A manufacturer’s advertisement that is promoting an event must not refer to the licensed establishment in which the event is to be held unless

- (a) the manufacturer's products are being featured at the event, the owner or other senior representative of the manufacturer will be attending the event and a meal is to be served to all persons attending the event, or
  - (b) the event is sponsored by the manufacturer and allowed by the general manager under section 60 (2).
- (12) Nothing in this section prevents the Liquor Distribution Branch from requiring that branch's approval before a manufacturer's advertisement is placed in a liquor store, including an agency store.

#### **Licensed establishment advertisements**

- 58** (1) In this section, **"licensed establishment advertisement"** means an advertisement respecting liquor or the availability of liquor placed by or on behalf of a person, other than a liquor manufacturer, who holds a licence under section 12 of the Act in respect of an establishment.
- (2) A licensed establishment advertisement must not indicate that the establishment is licensed unless it does so in one of the following ways:
- (a) by including in an advertisement or sign respecting the establishment
    - (i) the class or category of licence held in respect of the establishment, and
    - (ii) the name of the licensed establishment as long as that name does not suggest a class or category of licence not held in respect of the establishment;
  - (b) by including the information referred to in paragraph (a) in a list of licensed establishments published in newspapers, magazines or periodicals or in such other ways as may be approved by the general manager;
  - (c) by including that information, in a manner approved by the general manager, on a menu posted outside the licensed establishment.
- (3) Without limiting subsection (2), but subject to subsection (4), a licensed establishment advertisement that is an advertisement or is a sign referred to in subsection (2) (a) may include a statement,
- (a) if the licence held in respect of the establishment is endorsed for off premises sales, that off premises sales of beer, wine, cider and coolers is available, or
  - (b) if the establishment in respect of which the licence is held is a licensee retail store, that off premises sale of the types of liquor that may be sold under the licence is available.
- (4) A licensed establishment advertisement referred to in subsection (3) (a) or (b) must not mention the price, brands or manufacturers of the liquor products.
- (5) A licensed establishment advertisement that is promoting an event in the establishment must not refer to a liquor manufacturer's involvement with the event unless
- (a) the liquor manufacturer's products are being featured at the event, the owner or other senior representative of the liquor manufacturer will be



attending the event and a meal is to be served to all persons attending the event, or

- (b) the event is sponsored by the liquor manufacturer and allowed by the general manager under section 60 (2).

#### **Agency store advertisements**

- 59** (1) In this section, “**agency store advertisement**” means an advertisement respecting liquor or the availability of liquor that is placed by or on behalf of a person appointed to operate an agency store under the *Liquor Distribution Act*.
- (2) An agency store advertisement may refer to the liquor products available in the agency store but must not refer, directly or by implication, to specific brands or manufacturers of liquor.
- (3) Despite subsection (2), an agency store advertisement for an agency store operated at a winery, brewery or distillery may refer to the availability of products manufactured at the winery, brewery or distillery.

#### **Sponsorships**

- 60** (1) No sponsorship may take place under section 54 of the Act for an event, activity or organization in which the participants or audience consist primarily of minors.
- (2) Except as allowed by the general manager, a liquor manufacturer or agent under section 52 of the Act must not sponsor an event or activity at or with a licensed establishment.
- (3) A liquor manufacturer or agent under section 52 of the Act must give prior notice to the general manager of any plan to sponsor an event, activity or organization under section 54 of the Act if
  - (a) the sponsorship has a value greater than \$1 500, or
  - (b) the event, activity or organization involves a licensed establishment.
- (4) If signs are displayed by a liquor manufacturer or agent under section 52 of the Act in the sponsorship of an event, activity or organization under section 54 of the Act that offers the sale or service of liquor, a reasonable number of signs intended to promote the responsible consumption of liquor must also be displayed.

## **PART 6 – GENERAL**

#### **Delivery of liquor**

- 61** (1) Liquor delivered within British Columbia under section 38 (2) of the Act must be accompanied by a delivery receipt that is available for inspection and includes the
  - (a) name and address of the purchaser,
  - (b) date of the purchase,
  - (c) price of the liquor,
  - (d) time of delivery, and
  - (e) delivery service charge.

- (2) A consignee receiving a delivery of liquor and a delivery receipt must keep the delivery receipt for a period of one year and keep it available for inspection.
- (3) A delivery service must adhere to the following in relation to a delivery of liquor:
  - (a) a delivery must be made by and to a person lawfully able to consume liquor;
  - (b) proof of age must be validated at the time of delivery in accordance with the requirements and standards of section 45;
  - (c) delivery must not be made to an intoxicated person or to a person under the influence of drugs;
  - (d) delivery may be made only to a place where liquor may be legally possessed or consumed;
  - (e) a delivery must not take place between 11:30 p.m. and 9:00 a.m., unless authorized by the general manager;
  - (f) any further rules imposed by the general manager or the general manager of the Liquor Distribution Branch.

#### **Sale and distribution of cooking alcohol**

- 62** (1) In this section, “**cooking alcohol**” means a culinary preparation, referred to in section 62 (3.1) of the Act, that
- (a) is a distilled spirit made from fermented rice, and
  - (b) contains at least 10% alcohol by volume,
- but does not include a flavouring concentrate or extract.
- (2) The general manager may direct that cooking alcohol be sold and distributed through government liquor stores only.
- (3) Despite subsection (2), the general manager may, on application, authorize the applicant to sell or distribute cooking alcohol if the applicant satisfies the general manager that the cooking alcohol
- (a) is to be sold or distributed
    - (i) for manufacturing purposes, or
    - (ii) for commercial purposes other than the sale or distribution of the cooking alcohol, and
  - (b) is to be sold or distributed in containers of not less than 10 litres.

## **PART 7 – ENFORCEMENT**

#### **Definition**

- 63** In this Part, “**finding of contravention**” means, in respect of an alleged contravention of a licensee,
- (a) an agreement by the licensee under section 64 (3) that the contravention occurred, or
  - (b) a determination, made by the general manager under section 65, that the contravention occurred.

### **Notices of contravention**

- 64**
- (1) If an inspector forms the opinion that a licensee has committed a contravention, the inspector must provide written notice to the licensee that the inspector is of the opinion that the licensee has committed a specified contravention.
  - (2) If, after considering the alleged contravention, the inspector proposes that enforcement actions should be taken against the licensee in response to that alleged contravention, the inspector must, after forming that opinion, provide written notice to the licensee
    - (a) specifying which enforcement actions the general manager proposes to take against the licensee should the licensee agree under subsection (3) that the licensee has committed the contravention, and
    - (b) notifying the licensee that, unless the licensee provides a notice of waiver in accordance with subsection (3),
      - (i) the general manager will determine whether the alleged contravention occurred and the enforcement actions, if any, that are to be taken in relation to that alleged contravention, and
      - (ii) an enforcement hearing may be scheduled for that purpose.
  - (3) The general manager may hold an enforcement hearing to determine whether the licensee committed the alleged contravention and, if so, to determine what enforcement actions are to be taken against the licensee as a result, unless, within 14 days after the date of the notice referred to in subsection (2), or within such longer period as the general manager considers appropriate, the licensee provides to the general manager a notice of waiver, in form and content satisfactory to the general manager, by which the licensee expressly and irrevocably
    - (a) agrees that the licensee has committed the contravention,
    - (b) accepts the specified enforcement actions,
    - (c) waives the opportunity to have an enforcement hearing on the matter, and
    - (d) agrees that the finding of contravention and the specified enforcement actions will form part of the compliance history of the licensee.

### **Imposition of enforcement actions**

- 65**
- (1) If, under section 20 of the Act, the general manager determines that a licensee has committed a contravention as a result of which one or more enforcement actions may be taken against the licensee, and if the licensee has not, in respect of that contravention, provided to the general manager a notice of waiver in accordance with section 64 (3) of this regulation, the general manager may, under section 20 of the Act, take the enforcement actions, if any, against the licensee that the general manager considers appropriate as a result of the contravention and, in so doing, may but need not take the enforcement actions specified under section 64 (2) (a) of this regulation.
  - (2) Nothing in this section requires the general manager to hold an enforcement hearing, or any hearing, before making either or both of the determinations referred to in subsection (1).

## **Suspensions**

- 66** (1) If, in relation to a contravention, the enforcement actions specified under section 64 (2) (a) or referred to in section 65 (1) include a suspension, the period of the suspension must, subject to subsection (2) of this section, fall within the range established for the contravention under Schedule 4.
- (2) If, in the circumstances of a contravention and the compliance history of the licensee, the general manager considers that a longer period of suspension is warranted than that established for the contravention under Schedule 4, the suspension period may extend as far beyond the range established under Schedule 4 as the general manager considers appropriate.
- (3) If the general manager determines that a licensee has committed more than one contravention for which suspensions should be assessed, the period of the suspension determined in relation to those contraventions must be the sum of the suspension periods determined for each of the contraventions.

## **When a suspension is to be served**

- 67** (1) In this section, “**business day**” means, in respect of a licensee, a day on which the licensee’s establishment is normally open for business.
- (2) If a licensee accepts a suspension under section 64 (3) (b) or if the enforcement actions referred to in section 65 (1) include a suspension, the suspension must
- (a) unless the general manager considers that a different day of the week is more appropriate, take effect on the same day of the week as the day on which the contravention for which the suspension was imposed was committed, and
- (b) continue in effect on each succeeding business day until the number of days on which the suspension has been in effect equals the number of days in the accepted or determined period of suspension.
- (3) The general manager may, subject to subsection (2), determine the date on which the suspension begins.

## **Monetary penalties**

- 68** (1) If a monetary penalty specified under section 64 (2) (a) or referred to in section 65 (1) is in relation to a contravention that is a first contravention within the meaning of section 1 (1) (b) (i) of Schedule 4, the amount of the monetary penalty must, subject to subsection (2) of this section, fall within the range, if any, established for the contravention under Schedule 4.
- (2) If, in the circumstances of a contravention and the compliance history of the licensee, the general manager considers that a monetary penalty in an amount that exceeds the amount established for the contravention under Schedule 4 is warranted, the monetary penalty may, subject to section 20 (2.3) of the Act, extend beyond the range established under Schedule 4.
- (3) If the general manager determines that a licensee has committed more than one contravention for which monetary penalties should be assessed, the amount of the

monetary penalty determined in relation to those contraventions must be the sum of the monetary penalties determined for each of the contraventions.

#### **Cancellation of licences**

- 69** (1) Subject to subsection (2), the general manager must cancel the licence of a licensee if
- (a) the licensee allows the sale, service or consumption of liquor in the licensee's establishment while the licensee's licence is under suspension,
  - (b) contrary to section 67 (3) of the Act, the licensee
    - (i) obstructs or attempts to obstruct an entry or search by a peace officer under section 67 of the Act, or
    - (ii) refuses or fails to immediately admit a peace officer demanding entry under section 67 of the Act, or
  - (c) contrary to section 73 (1) (b) of the Act, the licensee neglects or refuses to allow premises to be inspected when and as required under section 73 (1) (b) of the Act.
- (2) The general manager need not cancel a licence in a circumstance referred to in subsection (1) of this section if
- (a) the licence is transferred in accordance with subsection (3), or
  - (b) subsection (4) applies.
- (3) The general manager may refrain from cancelling a licence if
- (a) the general manager notifies the licensee that the general manager is prepared to consider a transfer of the licence during a specified period,
  - (b) the general manager suspends the licence until the earlier of
    - (i) the end of the specified period, and
    - (ii) the date on which the licence is transferred by way of a transfer approved by the general manager, and
  - (c) the licence is transferred within the specified period by way of a transfer approved by the general manager.
- (4) The general manager may refrain from cancelling a licence if the general manager is satisfied that it is in the public interest to refrain from cancelling the licence and the general manager
- (a) suspends the licensee's licence in accordance with Schedule 4, and
  - (b) imposes any other enforcement actions referred to in section 20 (2) of the Act that the general manager considers appropriate.

#### **Warrant to search**

- 70** (1) The information to obtain a search warrant under section 68 of the Act is set out in Schedule 2.
- (2) The form of a search warrant that may be issued under section 68 of the Act is set out in Schedule 3.

## PART 8 – TRANSITIONAL PROVISIONS

### Licence categories, terms and conditions and endorsements

- 71** (1) A category of licence referred to in Column A of the following table and held by a licensee immediately before December 2, 2002
- (a) is converted on December 2, 2002 to the category of licence set out opposite that licence in Column B, and
  - (b) subject to subsection (2), is on December 2, 2002 subject to the terms and conditions of the category of licence set out opposite in Column B:

<b>Column A</b>	<b>Column B</b>
A licence, other than for a club	Liquor primary licence
C, D, E, F or I licence	Liquor primary licence
A licence for a club	Liquor primary club licence
B licence	Food primary licence
B licence with a designated food optional area	Food primary licence with a lounge endorsement
Winery licence	Winery licence
Winery licence with an endorsement for a consumption area	Winery licence with a winery lounge endorsement
Winery licence with a picnicking endorsement	Winery licence with a picnicking endorsement
G or H licence	Licensee retail store licence
Agent's licence	Agent's licence
Distiller's licence	Distiller's licence
Brewer's licence	Brewer's licence
U-Brew licence	U-Brew licence
U-Vin licence	U-Vin licence
Private special occasion licence	Private special occasion licence
Family private special occasion licence	Private special occasion licence
Public special occasion licence	Public special occasion licence

- (2) The following apply to a licence converted under subsection (1) unless and until rescinded or amended by the general manager:
- (a) the terms and conditions imposed on the licence by the general manager under section 12 and 12.1 of the Act in effect immediately before December 2, 2002;

- (b) the hours of liquor service and the patron or person capacity of the licensed establishment in effect immediately before December 2, 2002;
- (c) endorsements on the licence in effect immediately before December 2, 2002, except an endorsement on a winery licence for a consumption area.

**Applications under previous regulation**

**72** (1) Subject to subsections (2), (3) and (4), the regulations made under the Act as they read immediately before December 2, 2002 apply to each application for a licence, amendment or endorsement received by the general manager before December 2, 2002 and outstanding on December 2, 2002 and the following apply:

- (a) an application may not be altered by the applicant to apply for an increase to the proposed person capacity of the establishment or for longer hours of liquor service beyond those requested in the initial application, unless the applicant follows the procedures in section 53 of this regulation;
- (b) if the application is for a licence referred to in Column A of the following table and the application is approved, the general manager must issue the category of licence set out opposite that licence in Column B and the terms and conditions of the category of licence set out opposite in Column B apply:

<b>Column A</b>	<b>Column B</b>
A licence, other than for a club	Liquor primary licence
C, D, E, F or I licence	Liquor primary licence
A licence for a club	Liquor primary club licence
B licence	Food primary licence
Winery licence	Winery licence
G and H licence	Licensee retail store licence
Agent's licence	Agent's licence
Distiller's licence	Distiller's licence
Brewer's licence	Brewer's licence
U-Brew licence	U-Brew licence
U-Vin licence	U-Vin licence
Private special occasion licence	Private special occasion licence
Family special occasion licence	Private special occasion licence
Public special occasion licence	Public special occasion licence

- (c) if the application is for an endorsement referred to in Column A of the following table and the application is approved, the general manager must

issue the category of endorsement set out opposite that endorsement in Column B and the terms and conditions of the category of endorsement set out opposite in Column B apply:

<b>COLUMN A</b>	<b>COLUMN B</b>
a designated food optional area endorsement	a lounge endorsement
a consumption area endorsement	a winery lounge endorsement
a picnicking endorsement	a picnicking endorsement
(2) An application received by the general manager before December 2, 2002 and outstanding on December 2, 2002, to amend a licence or an application for a licence under section 5.4, or 5.5 of the regulations made under the Act as they read immediately before December 2, 2002, must be considered by the general manager as if it were an application under section 54 of this regulation.	
(3) An application concerning patron capacity that is received by the general manager before December 2, 2002 and is outstanding on December 2, 2002 must be considered by the general manager as an application concerning person capacity under this regulation.	
(4) An application received by the general manager before December 2, 2002 and outstanding on December 2, 2002, to amend a licence or an application for a licence under section 5.6 of the regulations made under the Act as they read immediately before December 2, 2002, must be approved by the general manager as a lounge provided that	
(a) the application complies with section 12 other than section 12 (1), and	
(b) the general manager is of opinion that approving the application is not contrary to the public interest.	



## SCHEDULE 1

### FEES

ITEM	FEE (\$)
<b>SPECIAL OCCASION LICENCES</b>	
Private special occasion	25
Public special occasion	100
<b>LICENCE APPLICATION FEES</b>	
Liquor primary	1 100
Liquor primary club	1 100
Food primary	475
Distiller	550
Brewer	550
Winery	
– including both winery lounge and picnicking endorsements	925
– including winery lounge endorsement only	825
– including picnicking endorsement only	650
– neither winery lounge or picnicking endorsement	550
U-Brew and U-Vin	550
<b>ANNUAL LICENCE FEES</b>	
Liquor primary for first year of licensing	1 100
Liquor primary club for first year of licensing	1 100
Food primary for first year of licensing	475
Liquor primary, liquor primary club and food primary, for second and subsequent years of licensing, if the amount spent by the licensee on liquor purchases in the prior calendar year is	
– \$12 500 or less	275
– over \$12 500 and up to \$20 000	550
– over \$20 000 and up to \$45 000	825
– over \$45 000 and up to \$100 000	1 100
– over \$100 000 and up to \$250 000	1 300
– over \$250 000	1 500
Distiller	1 100
Brewer	1 100
	\$0.11 a hectolitre multiplied by the total number of hectolitres of malt liquor shipped by a Brewer in the Province, from any brewery owned, occupied or used by that brewer in the previous year ending on December 31, with a minimum fee of
Winery, if producing more than 135 000 litres of wine a year	
– with both winery lounge and picnicking endorsements	1 475

– with winery lounge endorsement only	1 375
– with picnicking endorsement only	1 200
– neither winery lounge nor picnicking endorsement	1 100
Winery, if producing 135 000 litres of wine or less a year	
– with both winery lounge and picnicking endorsements	925
– with winery lounge endorsement only	825
– with picnicking endorsement only	650
– neither winery lounge nor picnicking endorsement	550
Licensee retail store	1 200
U-Brew and U-Vin	750
Agent’s licence, if the person does not already hold a winery, brewery or distillery licence	100

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### **LATE RENEWALS**

Late renewal penalty if application for licence renewal is made after expiry of licence, except for agent’s licence	125
Late renewal penalty for an agent’s licence if application for licence renewal is made after expiry of licence	50

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### **APPLICATIONS FOR AMENDMENTS TO LICENCES**

Amendment of a licence in respect of	330
– reclassification outside of a licence category	
– the transfer of a licence	
– the external transfer of shares in a licensee corporation	
Amendment of a licence in respect of	110
– hours of service	
– person capacity	
– outdoor patio extension	
– additional licensed area	
– transfer of shares if no new shareholders are introduced	
– entertainment endorsement	
– structural alterations	
– off-premise sales	
– third party use of a licence	
– transfer of a U-Brew or U-Vin licence under section 21 (3) of the Act	
Amendment of a licence in respect of	55
– the name of the licensee	
– directors, officers and managers resident in the Province	
– the name of the establishment	
– special events approval	
– temporary change to a licence	
Amendment of a winery licence in respect of	
– endorsement for a winery lounge and picnicking area	375
– endorsement for a winery lounge only	275
– endorsement for a picnicking area only	100

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## MISCELLANEOUS

Training program	Maximum of 65 per person per program
Off premises sales annual endorsement	100
Application for a copy of a validated floor plan or other similar matters	30

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### **Fees not refundable**

- 1 Application and licence fees are not refundable.

### **Time for payment of fees**

- 2 (1) The fee payable for issuance or renewal of a licence must be paid
  - (a) for the issue of a new licence, at the time, before the issue of the licence, that the general manager requires, or
  - (b) for the renewal of a licence, at the time that the application for renewal is made.
- (2) If the term of a new licence is greater or less than one year, the licence fee payable must be prorated to accord with the term of the licence as if the licence had been issued for a term beginning on the first day of the month in which the licence is issued and ending on the last day of the month in which the licence expires.

### **Calculation of calendar year when records not available**

- 3 (1) For the purposes of determining annual licence fees based on the amount spent by the licensee on liquor purchases in a calendar year, the general manager may base the calculation on that portion of the calendar year for which liquor purchase records are available for the licensee.
- (2) If the period on which the general manager bases the calculation under subsection (1) is a period of less than 12 months, the general manager must prorate the calculation to determine the annual licence fee.

### **When fees for change of name not payable**

- 4 No fees are payable in respect of a change to a name of the licensee or the establishment if the application is made at the same time as an application for a transfer or reclassification of a licence.

### **Fees payable for referendum**

- 5 (1) If the general manager has required a referendum, the applicant must, before the referendum, pay a non-refundable \$500 fee plus an amount equal to the expenses that the general manager reasonably anticipates will be incurred by the branch in relation to the referendum.
- (2) After the referendum has been completed and the actual branch expenses have been determined, any excess amount paid by the applicant must be refunded to the applicant, or, if the expenses are greater than those already paid by the applicant, the general manager must not consider the result of the referendum until the balance of the expenses is paid.

**SCHEDULE 2**  
***Liquor Control and Licensing Act***

**INFORMATION TO OBTAIN A SEARCH WARRANT**

Canada:  
Province of British Columbia  
County of .....

This is the information of ..... [Name], of ..... [Address]  
in ..... [Territorial division], ..... [Occupation], hereinafter  
called the “informant”, taken before me.

The informant says that there is in a residence liquor, in respect of which an offence under section 33 (1)  
of the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267, has been or is being committed, and that  
he or she has reasonable grounds for believing that the aforementioned liquor is in the residence of  
..... [Name], ..... [Address],  
in ..... [Territorial division].

The informant’s ground(s) of belief is (are):

- (1)
- (2)
- (3)

The informant requests that a search warrant be granted to enter and search the residence for the liquor,  
and to seize and remove liquor found and the packages in which it is kept.

Sworn before me ....., ..... [date].

.....  
[Signature of informant]

.....  
[A Justice of the Peace in and for  
the Province of British Columbia]

**SCHEDULE 3**  
***Liquor Control and Licensing Act***

**Warrant to Enter and Search**

Canada:  
Province of British Columbia  
County of .....

In the matter of the *Liquor Control and Licensing Act*, R.S.B.C. 1996, Chapter 267

To the Peace Officer in ..... [*Territorial division*]:

It appears on the oath of ..... [*Name*], of ..... [*Address*], that there are reasonable grounds for believing that there is in a residence liquor in respect of which an offence under section 33 (1) of the *Liquor Control and Licensing Act* has been or is being committed, at ..... [*Address*] hereinafter called the "premises".

This is to authorize and require you to enter and search those premises for the liquor and to seize and remove liquor found and the packages in which it is kept.

Dated ..... [*date*], at .....

.....  
[*A Justice of the Peace in and for  
the Province of British Columbia*]

## SCHEDULE 4

### ENFORCEMENT ACTIONS

#### Interpretation

- 1** (1) For the purposes of this Schedule,
- (a) a contravention is of the same type as another contravention if each contravention is described by the same Item of this Schedule, and
  - (b) a contravention committed by a licensee is
    - (i) a first contravention if the contravention was committed at or in respect of an establishment and the licensee has not committed a contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention,
    - (ii) a second contravention if the contravention was committed at or in respect of an establishment and the licensee has committed one contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention, and
    - (iii) a subsequent contravention if the contravention was committed at or in respect of an establishment and the licensee has committed a second contravention of the same type at or in respect of that establishment within the 12 month period preceding the commission of the contravention.
- (2) In section 20 (1) (c.1) of the Act and in Item 13 of this Schedule, “**reasonable measures**” means, in respect of a licensee, measures that are
- (a) reasonable in the circumstances, and
  - (b) reasonably within the capacity of the licensee to effect.

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
<b>OPERATING OUTSIDE OF LICENCE PURPOSE</b>					
1	Operation of a licensed establishment in a manner that is contrary to the primary purpose of the licence	10-15	20-30	30-60	\$7 500 - \$10 000
<b>MINORS</b>					
2	A breach of section 33 of the Act [ <i>Selling liquor to minors</i> ]	4-7	10-14	18-20	\$5 000 - \$7 000
3	A breach of section 35 of the Act [ <i>Minors on licensed premises</i> ]	1-3	3-6	6-9	\$1 000 - \$3 000
4	A breach of section 45 (2) of this regulation [ <i>Failure to request identification from person appearing to be under 25</i> ]	1-3	3-6	6-9	\$1 000 - \$3 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
<b>GAMBLING</b>					
5	A breach of section 36 (2) (a) of the Act by authorizing or permitting gambling in the licensed establishment	4-7	10-14	18-20	\$5 000 - \$7 000
6	A breach of section 36 (2) (c) of the Act by authorizing or permitting a device used for gambling to be placed, kept or maintained in the licensed establishment	10-15	20-30	30-60	\$7 500 - \$10 000
<b>DISORDERLY OR RIOTOUS CONDUCT</b>					
7	A breach of section 36 (2) (a) of the Act by authorizing or permitting, in the licensed establishment, drunkenness or violent, quarrelsome, riotous or disorderly conduct	10-15	20-30	30-60	\$7 500 - \$10 000
8	A breach of section 36 (2) (b) of the Act by authorizing or permitting, in the licensed establishment, any unlawful activities or conduct	10-15	20-30	30-60	\$7 500 - \$10 000
<b>INTOXICATED PATRONS</b>					
9	A breach of section 43 (1) of the Act by selling or giving liquor to an intoxicated person or a person apparently under the influence of liquor	4-7	10-14	18-20	\$5 000 - \$7 000
10	A breach of section 43 (2) (a) of the Act by permitting a person to become intoxicated	4-7	10-14	18-20	\$5 000 - \$7 000
11	A breach of section 43 (2) (b) of the Act by permitting an intoxicated person to remain in that part of the licensed establishment where liquor is sold or served	4-7	10-14	18-20	\$5 000 - \$7 000
<b>WEAPONS</b>					
12	A breach of section 47 of the Act [ <i>Licensee's duty – dangerous weapons</i> ]	4-7	10-14	18-20	\$5 000 - \$7 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
<b>LICENSEE RESPONSIBLE FOR DISTURBANCE OF PERSONS IN THE VICINITY</b>					
13	A failure to take reasonable measures to ensure that the operation of the licensed establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment	10-15	20-30	30-60	\$7 500 - \$10 000
<b>OVERCROWDING</b>					
14	Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is less than or equal to the occupant load	1-3	3-6	6-9	\$1 000 - \$3 000
15	Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is more than the occupant load	4-7	10-14	18-20	\$5 000 - \$7 000
<b>ILLICIT LIQUOR</b>					
16	A breach of section 38 of the Act [ <i>Unlawful sale of liquor</i> ]	10-15	20-30	30-60	\$7 500 - \$10 000
17	A breach of section 38.1 of the Act [ <i>Unlawful to dilute or adulterate liquor</i> ]	4-7	10-14	18-20	\$5 000 - \$7 000
18	A breach of section 39 of the Act [ <i>Unlawful purchase of liquor</i> ]	10-15	20-30	30-60	\$7 500 - \$10 000
19	A breach of section 35 (3) of this regulation by failing to keep and maintain a register of all liquor purchased and received	1-3	3-6	6-9	\$1 000 - \$3 000



Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
20	A breach of section 35 (1) of this regulation by purchasing liquor other than from a liquor store designated in writing by the general manager or designated by the Liquor Distribution Branch, or without identifying the licensee as a licensee	1-3	3-6	6-9	\$1 000 - \$3 000
21	A breach of section 36 of this regulation by selling or providing under one licence liquor that is purchased under another licence without authorization of the general manager	10-15	20-30	30-60	\$7 500 - \$10 000
<b>LIQUOR SERVICE</b>					
22	A breach of section 43 of this regulation by the licensee failing to complete the required training program	4-7	10-14	18-20	\$5 000 - \$7 000
23	A breach of section 43 of this regulation by a manager or server failing to complete the required training program	1-3	3-6	6-9	\$1 000 - \$3 000
24	A breach of section 44 (1) (a) of this regulation by a licensee with a liquor primary licence or liquor primary club licence failing to clear the licensed establishment of patrons within 1/2 hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	1-3	3-6	6-9	\$1 000 - \$3 000
25	A breach of section 44 (1) (b) of this regulation by a licensee with a food primary licence failing to ensure that liquor is taken from patrons within 1/2 hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	4-7	10-14	18-20	\$5 000 - \$7 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
26	A breach of section 44 (3) of this regulation by allowing a person to consume liquor in the licensed establishment beyond 1/2 hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager	4-7	10-14	18-20	\$5 000 - \$7 000
27	A breach of section 42 (3) of this regulation as a result of an employee or the licensee consuming liquor while working on the licensed premises	1-3	3-6	6-9	\$1 000 - \$3 000
28	A breach of section 42 (2) of this regulation by permitting liquor not purchased from the licensee to be consumed in the licensed establishment	4-7	10-14	18-20	\$5 000 - \$7 000
29	A breach of section 42 (4) of this regulation by permitting liquor sold in the licensed establishment to be taken from the establishment	1-3	3-6	6-9	\$1 000 - \$3000
30	A breach of section 41 (2) of this regulation by providing unlimited or unspecified quantities of liquor for a single price, using a sales strategy that is likely to promote or encourage intoxication, or altering the price of liquor during a day after it has been set for that day	4-7	10-14	18-20	\$5 000 - \$7 000
<b>PRODUCTION OF RECORDS</b>					
31	A breach of section 73 (1) (a), 73 (2) (a) or 73 (2) (b) of the Act <i>[Failure to produce a document or record or thing]</i>	10-15	20-30	30-60	\$7 500 - \$10 000
<b>ADVERTISING</b>					
32	A breach of section 49 of the Act <i>[Display of signs]</i>	1-3	3-6	6-9	\$1 000 - \$3 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
33	A breach of section 51.1 of the Act [ <i>Advertising liquor</i> ] or section 58 of this regulation	1-3	3-6	6-9	\$1 000 - \$3 000
<b>ENTERTAINMENT</b>					
34	Permitting in the licensed establishment entertainment by one or more exotic dancers or strippers that is prohibited or restricted under section 50 of the Act	4-7	10-14	18-20	\$5 000 - \$7 000
35	Permitting in the licensed establishment any other entertainment that is prohibited or restricted under section 50 of the Act	1-3	3-6	6-9	\$1 000 - \$3 000
<b>LICENSING CONTRAVENTIONS</b>					
36	A breach of section 15 (2) of the Act [ <i>Failure to disclose a material fact or false or misleading statement in application</i> ]	10-15	20-30	30-60	\$7 500 - \$10 000
37	A breach of section 18 of the Act [ <i>Tied houses</i> ] by failing to disclose to the general manager the information that must be disclosed under that section	10-15	20-30	30-60	\$7 500 - \$10 000
38	A breach of section 19 (3) of the Act by transferring shares of the licensee's capital stock without first receiving the general manager's approval for that transfer	1-3	3-6	6-9	\$1 000 - \$3 000
39	A breach of section 7 of this regulation by making structural alteration of or change to the size of any area of the licensed establishment without first receiving the written permission of the general manager	1-3	3-6	6-9	\$1 000 - \$3 000
<b>INDUCEMENTS</b>					
40	A breach by the licensee or an employee of the licensee of section 45 of the Act [ <i>Licensee not to give or accept gifts for promoting liquor</i> ]	10-15	20-30	30-60	\$7 500 - \$10 000

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
<b>U-BREW/U-VIN</b>					
41	A breach of section 23 of this regulation by failing to ensure that the customer performs the listed tasks	4-7	10-14	18-20	\$5 000 - \$7 000
42	A breach of section 22 [ <i>Payment, acknowledgment and invoice required</i> ], 24 [ <i>Licensee or employee production</i> ]), 25 [ <i>Storage requirements</i> ], 26 [ <i>No consumption other than tasting</i> ], 27 [ <i>Customer required to bottle own product</i> ], 28 [ <i>Removal of finished product required</i> ], 30 [ <i>Minors</i> ], 31 [ <i>Record keeping and reporting requirements</i> ], 32 [ <i>Advertisements</i> ] or 33 [ <i>Hours of operation</i> ] of this regulation	1-3	3-6	6-9	\$1 000 - \$3 000
43	A breach of section 29 of this regulation by failing to ensure that beer, wine or cider is not kept, offered or produced for sale at a U-Brew or U-Vin	10-15	20-30	30-60	\$7 500 - \$10 000
<b>DEFAULT IN MONETARY PENALTIES</b>					
44	A breach of section 20 (2.6) of the Act [ <i>Failure to pay monetary penalty within 30 days or period specified by the general manager</i> ]	10-15	20-30	30-60	
<b>OTHER</b>					
45	A breach of section 20 of the Act by permitting the sale, service or consumption of liquor while the licensee's licence is under suspension, or	If the licence is not cancelled or transferred in accordance with section 69 of this regulation, at least 15 days			

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
	<p>A breach of section 67 (3) of the Act, by</p> <p>(a) obstruction or attempting to obstruct an entry or search by a peace officer under section 67 of the Act, or</p> <p>(b) refusing or failing to admit immediately a peace officer demanding entry anywhere under section 67 of the Act,</p> <p>or</p> <p>A breach of section 73 (1) (b) (ii) or (iii) of the Act by neglecting or refusing to allow storage premises or an establishment licensed under the Act to be inspected,</p> <p>or</p> <p>A breach of section 73 (2) (c) of the Act by neglecting or refusing to allow premises to be inspected</p>				
<b>GENERAL</b>					
46	Any breach of any provision of the Act, the regulations or the terms and conditions of the licence not specifically referred to in Items 1 to 45	1-3	3-6	6-9	\$1000 - \$3000