


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 422, Approved and Ordered APR - 6 2005

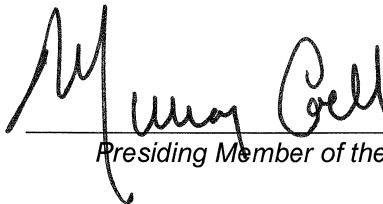

Lieutenant Governor

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 the Liquor Control and Licensing Regulation, B.C. Reg. 244/2002, is amended as set out in the attached Schedule.



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

Other (specify):- oic 792/2002

SCHEDULE

1 *Section 1 of the Liquor Control and Licensing Regulation, B.C. Reg. 244/2002, is amended*

(a) *in subsection (1) in the definition of “endorsement” by adding “or service” after “sale”,*

(b) *in subsection (1) by adding the following definitions:*

“**finding of contravention**” means, in respect of an alleged contravention by a licensee,

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

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

“**special event area**”, in relation to a winery licence, means the indoor or outdoor areas of a winery to which a special event endorsement applies;

“**special event endorsement**”, in relation to a winery licence, means a provision of that licence that authorizes the provision of wine for consumption at the winery in specified indoor or outdoor areas of the winery;

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

“**tour 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; ,

(c) *in subsection (2) (a) by striking out “, within the meaning of section 63 of this regulation”, and*

(d) *by adding the following subsection:*

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

2 *Section 18 is amended*

(a) *in subsection (1) by striking out “picnicking endorsement.” and substituting “special event endorsement, and this section applies only to those endorsements and the applications and endorsement areas applicable to them.”*

(b) *in subsection (2) (b) by adding “except in the case of a special event area,” before “located”,*

(c) *by repealing subsection (5) and substituting the following:*

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

- (a) in a location approved by the general manager, and
- (b) of a size and configuration approved by the general manager. ,

(d) in subsection (6) by striking out “winery lounge.” and substituting “winery lounge or special event area.”, and

(e) in subsection (7) by adding “or special event area” after “winery lounge”.

3 Section 18 (9) (a), (b) and (d) and (10) and Schedule 1 are amended by striking out “picnicking area” wherever it appears and substituting “special event area”.

4 The following section is added:

Picnicking areas and tour areas

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

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

(3) Subject to subsection (4), wine may be consumed within a winery’s endorsement area.

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

- (a) purchased from the licensee, if that licensee is an agent within the meaning of the *Liquor Distribution Act*,
- (b) purchased from an area of the winery to which a winery lounge endorsement or a special event endorsement applies, or
- (c) provided by the licensee from the sampling room of the winery.

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

(6) A picnicking area must be

- (a) located outdoors, in a location approved by the general manager,
- (b) defined by a clearly identifiable boundary, and
- (c) of a size and configuration approved by the general manager, but not larger than 1 000 square metres.

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

- (a) in a location approved by the general manager, and
- (b) of a size and configuration approved by the general manager.

- (8) Hours of liquor consumption in an endorsement area must start no earlier than 9:00 a.m. and end no later than dusk unless otherwise authorized or limited by the general manager.

5 *Section 19 is repealed.*

6 *Section 41 (2) (c) is amended by adding “except in the case of a licensee retail store,” before “alter”.*

7 *Section 53 (2) (b) is repealed and the following substituted:*

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

8 *Section 63 is repealed.*

9 *Section 65 is amended by adding the following subsections:*

- (3) The general manager may, in respect of a second contravention or a subsequent contravention, take the enforcement action applicable to that type of contravention even though that contravention was considered at a time or at a hearing at which one or more other contraventions of the same type were considered.
- (4) A reference in subsection (3) to a “second contravention”, a “subsequent contravention” and a “type” of contravention must be read within the meaning of Schedule 4.

10 *Section 68 (1) is repealed and the following substituted:*

- 68** (1) The enforcement actions specified under section 64 (2) (a) or referred to in section 65 (1) that apply to a contravention that is a first contravention within the meaning of section 1 (1) (b) (i) of Schedule 4 include, but for any other contraventions do not include, a monetary penalty, and the amount of the monetary penalty that may be imposed in relation to a first contravention must, subject to subsection (2) of this section, fall within the range, if any, established for the contravention under Schedule 4.

11 *The following section is added:*

Picnicking endorsement transition

73 The regulations made under the Act as they read immediately before the coming into force of this section apply to an application for a picnicking endorsement if that application

- (a) was received by the general manager before the coming into force of this section, and

(b) is outstanding on the coming into force of this section.

- 12** *Schedule 1 is amended by striking out “picnicking endorsement” wherever it appears and substituting “special event endorsement”.*
- 13** *Section 1 (1) (b) of Schedule 4 is amended by striking out “contravention committed by a licensee” and substituting “contravention by a licensee”.*