



# Liquor Amendment (Conditional Grants) Regulation 2012

under the

Liquor Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Liquor Act 2007*.

GEORGE SOURIS, MP

Minister for Tourism, Major Events, Hospitality and Racing

## Explanatory note

The object of this Regulation is to continue the operation of certain provisions of the *Liquor Act 1982* (the *former Act*) in relation to conditionally granted applications made under that Act before its repeal, so as to enable an application to be made to the Local Court to amend a conditional grant or, in the case of a conditionally granted application relating to premises proposed to be erected, to approve an alternative site for the premises. (The former Act provided for conditional applications to be made for licences under the Act, for removal of licences to other premises and for certain other matters.)

This Regulation is made under the *Liquor Act 2007*, including section 159 (the general regulation-making power) and clause 1 of Schedule 1 (the power to make savings or transitional regulations).

## **2012 No 404**

Clause 1           Liquor Amendment (Conditional Grants) Regulation 2012

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Liquor Act 2007

### **1 Name of Regulation**

This Regulation is the *Liquor Amendment (Conditional Grants) Regulation 2012*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1 Amendment of Liquor Regulation 2008

**[1] Clause 63 Pending applications and matters under former Act—ancillary provisions**

Insert as a heading to clause 63 (1):

**Final grant of application**

**[2] Clause 63 (1) (b)**

Insert “on or” after “granted”.

**[3] Clause 63 (2A) and (2B)**

Insert after clause 63 (2):

**(2A) Application to amend conditional grant or approve alternative site**

Section 40 (3) of the former Act continues to apply, as if it had not been repealed, in relation to an application for a conditional grant of an application that was made under the former Act before 1 July 2008 and conditionally granted before that date or, in accordance with clause 25 of Schedule 1 to the new Act, on or after that date.

**(2B) Accordingly:**

- (a) any provisions of the former Act (or the regulations made under that Act) relating to an application made under section 40 (3) (the *related provisions*) continue to apply, as if they had not been repealed, in relation to an application made under that subsection as continued by subclause (2A), and
- (b) a reference in section 40 (3) or the related provisions to the Licensing Court or the registrar of that Court is to be construed as a reference to the Local Court or a registrar of the Local Court, respectively.

**[4] Clause 63 (3), heading**

Insert as a heading to the subclause:

**Application for licence for premises certified suitable for on-licence**