

RSNL1990 CHAPTER L-19

## **LIQUOR CORPORATION ACT**

Amended:

1992 c12; 1992 c18; 1992 c39 s10; 1996 cR-10.1 s43; 1996 c34;

2001 c5; 2001 cN-3.1 s2; 2004 c36 s24; 2004 c53; 2005 c16;

2006 c40 s21

CHAPTER L-19

AN ACT RESPECTING THE NEWFOUNDLAND AND LABRADOR LIQUOR CORPORATION

2001 cN-3.1 s2

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### Short title

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

1973 No104 s1

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### Interpretation

2. (1) In this Act,

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

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

(c) "approved premises" means premises falling within a class of premises approved by the board for establishment of a liquor agency;

(d) "beer" means an alcoholic liquor in a proportion that is prescribed in the regulations obtained by the fermentation of an infusion or decoction of barley, malt and hops in drinkable water;

- (e) "board" means the board of directors appointed under section 5;
- (f) "brewer" means a person licensed under the laws of Canada to produce beer;
- (g) "corporation" means the Newfoundland and Labrador Liquor Corporation continued by section 3;
- (h) "distillery" means an establishment licensed under the laws of Canada to produce spirits;
- (i) "licensee" means a person holding a valid and existing licence issued under and in accordance with or recognized by this Act and the regulations or the Liquor Control Act and regulations made under that Act;
- (j) [Rep. by 1996 c34 s4]
- (k) "liquor agency" means an approved premises where a liquor agency has been established by the corporation under section 33 with authority to sell liquor there;
- (l) "liquor store" means a government liquor store established or maintained and operated by the corporation under this Act;
- (m) "minister" means the minister appointed under the Executive Council Act to administer this Act;
- (n) "sale" or "sell" includes to solicit or receive an order for, to keep or expose for sale, to barter or exchange or otherwise to deliver for value in another way than purely gratuitously;
- (o) "spirits" means alcoholic liquor obtained by distillation mixed with drinkable water and other substance in solution, and includes, among other things, brandy, rum, whisky, vodka or gin;
- (p) "wine" means an alcoholic liquor obtained by the fermentation of the natural sugars contained in fruit, vegetable, vegetable products, honey or the like; and

(q) "winery" means an establishment licensed under the laws of Canada to produce wine by

(i) the fermentation of the natural sugars contained in fruit, vegetable or vegetable products or honey, or the like,

(ii) the importation of wine concentrate for blending,

(iii) the importation of bulk wine for blending, and

(iv) bottling and packaging wine for sale to the corporation or to other provincial liquor authorities.

(2) Where this Act conflicts with the Liquor Control Act, this Act prevails.

1973 No104 s2; 1985 c28 s1; 1989 c16 s1; 1992 c12 s1; 1992 c18 s18; 1996 c34 s4; 2001 cN-3.1 s2; 2006 c40 s21

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Corporation

3. The Newfoundland and Labrador Liquor Corporation is continued as a corporation.

1973 No104 s4; 2001 cN-3.1 s2

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Status of corporation

4. (1) The corporation is an agent of the Crown.

(2) Property of the corporation is the property of the Crown and title to it shall be held in the name of the corporation.

(3) The rights and powers granted to the corporation by this Act shall be in addition to the rights and powers conferred on it by section 19 of the Interpretation Act and, notwithstanding that it is an agent of the Crown, the corporation may enforce and exercise all of the rights and powers in its own name.

1973 No104 s5

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[Board](#)

5. (1) The Lieutenant-Governor in Council may appoint a board of directors which shall

(a) exercise and discharge the powers and duties of the corporation; and

(b) exercise and discharge the powers and duties of the board under the Liquor Control Act .

(2) The board shall comprise 7 members, including the president.

(3) The Lieutenant-Governor in Council shall designate one member of the board to be the chairperson.

(4) The Lieutenant-Governor in Council shall designate one member of the board to be the vice-chairperson.

(5) The president shall be the chief executive officer of the corporation and shall perform those duties and responsibilities assigned by the board.

(6) A member of the board hold office for a term of 3 years from the date of that member's appointment.

(7) Notwithstanding subsection (6), the president holds office during pleasure.

(8) The president is subject to the Public Service Pensions Act, 1991 .

(9) The term of office of the board of directors of the corporation in office on December 31, 1996 shall expire on January 1, 1997 .

(10) The board may make by-laws

(a) for the management of the property of the corporation;

(b) relating to the meetings of the board and procedures of those meetings;

(c) which govern the adjudication of matters under the Liquor Control Act ; and

(d) for the purpose of carrying out its duties or purposes under this Act or a regulation made under this Act, or the Liquor Control Act or a regulation made under that Act.

1996 c34 s5

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Members of board are members of corporation

6. (1) For the purposes of section 19 of the Interpretation Act, the members of the board shall be considered to be members of the corporation.

(2) A member of the board does not become, because of the office only, an officer or servant of the Crown.

1973 No104 s7

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Remuneration and terms of service

7. The president, chairperson and members of the board shall be paid the salaries or other remuneration that the Lieutenant-Governor in Council may by order determine.

1973 No104 s8; 1996 c34 s6

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Chairperson and board member's powers

8. (1) The chairperson is responsible for the general direction, supervision and control of the business of the board and has those other powers that may be conferred on him or her under this Act, or the regulations made under this Act, or the Liquor Control Act , or the regulations made under that Act.

(2) The board may appoint those committees consisting of the chairperson and other officers of the corporation that the board may consider necessary for the competent management of the affairs of the corporation.

(3) The chairperson shall preside over all meetings of the board, but during the incapacity or absence of the chairperson or vacancy in the office of chairperson, the vice-chairperson of the board or

another member designated by the Lieutenant-Governor in Council shall preside over the meetings and has and may exercise the powers of the chairperson and shall discharge his or her duties.

(4) The acts done by the board shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member of the board, be as valid as if that defect had not existed.

1973 No104 s9; 1996 c34 s7

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Use of seal

9. (1) The affixing of the common seal of the board shall be certified by at least 1 member of the board and by the person acting as secretary of the board.

(2) A contract or instrument which if entered into or executed by a person not being a corporation would not be required to be under seal may be entered into or executed on behalf of the corporation by a person generally or specially authorized by the corporation for that purpose.

1973 No104 s10

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Appointment of staff

10. (1) The board may appoint a secretary and those officers, managers, accountants and other staff and employees that it may consider necessary and fix their remuneration and terms of service in accordance with the budget approved by the minister for the financial year in which the appointment is made.

(2) [Rep. by 1992 c18 s18].

1973 No104 s11; 1992 c18 s18

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Conflict of interest

11. (1) A member of the board or an officer of the corporation shall not, directly or indirectly, individually or as a member of a partnership or corporation, have an interest in or receive a benefit, directly or indirectly, from

(a) the manufacture, sale or distribution of, or other dealing in, alcoholic liquor or in an undertaking in which alcoholic liquor is required;

(b) premises in respect of which an existing licence has been issued under the Liquor Control Act or a regulation made under that Act;

(c) a contract or other arrangement in respect of premises upon which alcoholic liquor is manufactured, produced, sold or kept for sale; or

(d) purchases or sales made by the corporation or by persons authorized under this Act or the Liquor Control Act or a regulation made under either of those Acts to purchase or sell alcoholic liquor.

(2) [Rep. by 1992 c39 s10]

(3) Nothing in subsection (1) or (2) prevents a member of the board, an officer or other employee of the corporation from purchasing and having in his or her possession for the personal use of himself or herself or his or her family alcoholic liquor which he or she may lawfully purchase under the Liquor Control Act or a regulation made under that Act.

1992 c18 s18; 1992 c39 s10

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Offence

12. A person who contravenes or fails to comply with section 11 is guilty of an offence and liable on summary conviction to a term of imprisonment not exceeding 3 months.

1973 No104 s13

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Financial year

13. The financial year of the corporation shall correspond with the financial year of the province.

1973 No104 s15

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Annual budgets to be submitted

14. The board shall, not later than January 31 in a financial year, prepare and adopt and submit to the minister a budget containing estimates of all sums required during the next financial year for the purposes of the corporation, and in each budget there shall be set out

(a) the estimated revenue and expenditure; and

(b) the estimated staff complement,

in the detail and in the form that the minister prescribes.

1985 c28 s2

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Budget may be revised

15. Where in a financial year it appears that the actual revenue or expenditure of the corporation is likely to be substantially greater or less than estimated in its budget, the board may, and where required by the minister shall, submit to him or her a revised budget containing the particulars required under section 14 and in addition particulars of actual receipts and payments and outstanding liabilities up to the date of submission.

1973 No104 s17

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Minister's approval

16. (1) The minister may approve or disapprove a budget submitted by the board or may approve a budget subject to amendments to it to be prescribed by the minister at the time of his or her approval.

(2) Where the minister requires the board to submit a revised budget, he or she may notify the board that the approval given in respect of a budget previously submitted is withdrawn and if the minister does so, he or she shall state the date upon which the withdrawal of approval takes effect.

1973 No104 s18

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Corporation limited to budget

17. Except with the approval of the minister, the corporation shall not enter upon or contract or become liable for an expenditure or indebtedness beyond or in excess of the estimated amount of expenditure set out in an approved budget.

1973 No104 s19

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Power of corporation to borrow

18. (1) Subject to the prior approval of the Lieutenant-Governor in Council, the corporation may

(a) borrow money for its purposes, including capital financing; and

(b) to secure the repayment of money borrowed,

(i) issue bonds, debentures or other securities of the corporation,

(ii) execute and deliver mortgages, assignments, conveyances, charges or other encumbrances of and over property of every nature and kind, both present and future, title to which is vested in the corporation, and

(iii) enter into, execute and deliver a trust deed, trust indenture or an agreement with a lender, a trustee acting for the holders of bonds and debentures or other person or with any of them,

and all money may be borrowed at the rate of interest and upon the terms and conditions, and all instruments and documents may be issued or executed and delivered in the form, that the Lieutenant-Governor in Council approves.

(2) The securities of the corporation may be made payable in a currency approved by the Lieutenant-Governor in Council and expressed in the security.

(3) The total of money to be raised by the corporation by loans shall not exceed a limit to be fixed by the Lieutenant-Governor in Council, and it is the duty of the minister to see that this total is not exceeded.

1983 c17 s1

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Guarantee of certain loans

19. (1) Subject to the prior approval of the Lieutenant-Governor in Council, the minister acting for and on behalf of the Crown may unconditionally guarantee both as to principal, interest, including interest on overdue interest, premium and sinking fund payments, loans authorized under section 18 to be raised by the corporation, and a loan may be raised by way of bonds, debentures, or other securities to be issued by the corporation,

(a) in a principal amount not exceeding the amount;

(b) at a rate of interest;

(c) on the terms and conditions; and

(d) with provision for redemption at the time,

that may be approved by the Lieutenant-Governor in Council, and the bonds, debentures, or other securities may be issued or sold in the numbers and amounts, at those times, at those prices, and upon those terms that the Lieutenant-Governor in Council may approve.

(2) The total of all loans to the corporation to be guaranteed by or on behalf of the Crown shall not exceed a limit to be fixed by the Lieutenant-Governor in Council, and it is the duty of the minister to see that this total is not exceeded.

1983 c17 s1

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Manner and form of guarantee

20. Notwithstanding the Financial Administration Act or another Act or law, when a guarantee is given under section 19 of this Act, it shall be given in the manner and form that the Lieutenant-Governor in Council approves, and the form of guarantee shall be signed on behalf of the province by the minister, and the signature of the minister may be engraved, lithographed or otherwise mechanically reproduced on the bonds, debentures or other securities in respect of which the guarantee is given.

1983 c17 s1

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Guarantee of interest, etc.

21. Where the payment of an interest, premium, or sinking fund payment has been guaranteed under this Act, the Crown may incur liability in excess of the principal amount of the loan to be raised by bonds, debentures, or other securities, to the extent of the guarantee of the interest, premium and sinking fund payment.

1983 c17 s1

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Further respecting guarantee

22. The power conferred by section 19 to guarantee the repayment of bonds, debentures, or other securities includes the power to guarantee the repayment of part of those bonds, debentures or other securities.

1983 c17 s1

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Short term loans

23. (1) The corporation may, for its purposes, raise short term loans

(a) in the manner and form;

(b) in the amounts;

(c) in the currencies;

(d) for a period not exceeding 2 years;

(e) at the rates of interest, including interest on overdue interest; and

(f) on the conditions, including conditions relating to discounts, premiums, charges and commissions,

that the corporation may determine.

(2) The total of short term loans raised under subsection (1) and outstanding shall not exceed a limit to be fixed by the Lieutenant-Governor in Council, and it is the duty of the minister to see that this total is not exceeded.

(3) The minister acting for and on behalf of the Crown may unconditionally guarantee the repayment of a sum raised under subsection (1), the payment of interest on it, including interest on overdue interest and the payment of a premium.

(4) The total of guarantees made under subsection (3) and outstanding shall not exceed a limit to be fixed by the Lieutenant-Governor in Council, and it is the duty of the minister to see that this total is not exceeded.

(5) A guarantee given under this section shall be in the form that the minister approves and the form of guarantee shall be signed on behalf of the province by the minister whose signature may be engraved, lithographed or otherwise mechanically reproduced on the bonds, debentures or other securities in respect of which the guarantee is given.

1983 c17 s1

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[Agreements](#)

24. The minister, acting for and on behalf of the Crown, may enter into, execute and deliver a trust deed, trust indenture, or an agreement with the corporation, a lender, a trustee acting for the holders of bonds, debentures or other securities of the corporation or another person or company or with any of them, setting out the terms and conditions of a guarantee of a loan to be made under and in accordance with this Act.

1983 c17 s1

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[Loans by government](#)

25. Notwithstanding anything to the contrary in the Financial Administration Act or another Act or law, the Lieutenant-Governor in Council may advance to the corporation a sum he or she considers to be necessary or desirable to enable the corporation to reach its objects or to carry on its business, and the advance may be made in the amount for the term, at the rate of interest and on those terms and conditions that may be approved by the Lieutenant-Governor in Council.

1983 c17 s1

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Performance under guarantee

26. A payment or advance that the Crown may approve in the exercise of a power conferred by this Act or be required to make under this Act shall be paid by the minister out of the Consolidated Revenue Fund of the province or, where the payment is to be made in performance of a guarantee, it may be paid out of funds provided in the manner prescribed in section 55 of the Financial Administration Act.

1983 c17 s1

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Report to minister

27. (1) The board shall, not later than September 30 in each year, prepare and submit to the minister a financial statement setting out the assets and liabilities of the corporation and the receipts and expenditures of the corporation for the previous financial year, together with a report concerning the work of the corporation during the previous financial year.

(2) The statement and report referred to in subsection (1) and the audit of the annual financial statement of the corporation referred to in section 31 shall be laid before the House of Assembly within 15 days after they are submitted to the minister if the House of Assembly is then sitting, or within 15 days after the commencement of the next session.

1992 c12 s3

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Financial statement

28. The financial statement referred to in section 27 shall be signed by the chairperson and 1 member of the board and certified by the auditor appointed under section 31 and shall have attached to it the report which the auditor has made to the corporation.

1992 c12 s3; 1996 c34 s8

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Additional reports

29. The board shall provide to the minister the financial statements and other reports additional to those referred to in section 27 and other information that the minister may request covering the period that may be prescribed by him or her.

1992 c12 s3

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Minutes to be kept

30. The members of the board shall ensure that regular minutes of the meetings of the board are kept, and shall ensure that complete books of account and records are kept.

1996 c34 s9

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Audit of accounts

31. (1) The corporation shall appoint the auditor general or a firm of auditors to audit the annual financial statements of the corporation.

(2) Notwithstanding subsection (1), the auditor general may conduct an additional examination and investigation of the records and operation of the corporation whenever the auditor general considers it expedient.

(3) For the purpose of an audit, examination or investigation conducted by the auditor general under subsection (2), the auditor appointed under subsection (1) shall, when so requested,

(a) deliver to the auditor general after completion of the audit a copy of the audited financial statements of the corporation;

(b) make available to the auditor general all working papers, reports, schedules and other documents in respect of the audit; and

(c) provide to the auditor general a full explanation of work performed, tests and examinations made and the results obtained, and other information relating to the audit within the knowledge of that auditor with respect to the corporation.

(4) Whenever the auditor appointed under subsection (1) makes an interim examination of the accounts of the corporation during the course of a financial year, that auditor shall submit a report of the examination to the chairperson and to the minister, and the minister shall lay the report before the House of Assembly with the statement and report referred to in section 27.

1992 c12 s4; 1996 c34 s10

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[Other audits](#)

32. The minister may designate or appoint an auditor to carry out the audit of the corporation's accounts and business that he or she may specify in the order, and an auditor so designated or

appointed shall have authority to call for and shall be supplied by the board with all books and vouchers which the auditor considers necessary for that audit.

1973 No104 s25

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Power to deal in liquor

33. The corporation may

(a) buy, import and have in its possession for sale and sell alcoholic liquor and articles associated with alcoholic liquor in the manner set forth in this Act;

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

(c) manufacture, blend, package, mix, dilute or otherwise prepare for sale alcoholic liquor;

(d) with the prior approval of the minister,

(i) establish, maintain and operate liquor stores at the places in the province that may be considered advisable for the sale of liquor in accordance with this Act,

(ii) establish liquor agencies at approved premises authorizing those agencies to sell liquor or specified kinds of liquor in accordance with the regulations, or

(iii) establish liquor stores and liquor agencies in the same locality;

(e) prescribe, subject to the approval of the minister, the days on which liquor stores are to be closed for business and on which liquor may not be sold at liquor agencies, and different days may be prescribed for different liquor stores or liquor agencies in the province;

(f) prescribe, subject to the approval of the minister, the days and hours during which liquor stores are to be open for business and liquor may be sold at liquor agencies, prescribe those days and hours in respect of the whole or part of a year, a specified time or a specified occasion, and prescribe different days and hours for different liquor stores and different liquor agencies in the province;

(g) acquire, by deed, grant, lease or in other ways, land, a building or other property whether real or personal required for the operation of this Act and the Liquor Control Act;

(h) buy or lease all plant and equipment it may consider necessary and useful in carrying into effect the objects and purposes of this Act and the Liquor Control Act;

(i) employ the casual labour that may be required and engage the services of experts and persons engaged in the practice of a profession, where considered expedient;

(j) determine the nature, form and capacity of all packages to be used for containing alcoholic liquor kept or sold under this Act and the Liquor Control Act; and

(k) do all the things that are considered necessary or advisable by the corporation for the purpose of carrying into effect this Act and the regulations and the Liquor Control Act.

1973 No104 s26; 1985 c28 s3; 1992 c12 s5; 1992 c18 s18

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Licences to brewers

34. (1) The board may grant to a brewer, winery or distillery a licence permitting that licensee to keep for sale and to sell alcoholic liquor produced by the licensee to the corporation.

(2) A brewer may also sell beer to a person licensed by the licensing board to sell beer, or, on the order of the corporation to a person named in that order at the address stated in the order.

(3) The board may revoke a licence granted under this section, where in its opinion there exists a reasonable cause for doing so, but whenever it revokes a licence, it shall, at the request of the licensee, provide to him or her in writing the reason for the revocation.

(4) A licence granted under this section, unless sooner determined, expires at midnight on March 31 following the date on which the licence is granted.

1973 No104 s27; 1978 c54 s2; 1979 c53 s4; 1989 c16 s2; 1996 cR-10.1 s43

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Returns

35. (1) A licensee who is licensed under section 27 shall make to the corporation every month an exact return showing the gross amount of sales made by that licensee.

(2) A licensee who fails to make a return required by subsection (1) within the period prescribed in the regulations is guilty of an offence and liable on summary conviction to a penalty of \$100 a day for each day the return is delayed, counting from the expiration of the period so prescribed.

1989 c16 s3; 1992 c18 s18

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Examination of brewers' books

36. (1) The corporation may examine the books and other related information as determined by the corporation of a licensee making or required to make the returns referred to in section 35 or may otherwise verify the accuracy of those returns.

(2) A licensee who refuses to allow an examination referred to in subsection (1) or who fails to make returns in accordance with the regulations is guilty of an offence under this Act.

1989 c16 s3

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Sale and delivery of beer

37. A brewer licensed to sell beer under section 34 or a person acting for or employed by the brewer shall not sell or deliver beer under that licence, except to the corporation, to a person licensed by the licensing board or to a purchaser from the corporation and in a manner indicated by the corporation.

1973 No104 s31

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Containers to bear label

38. (1) Alcoholic liquor produced for sale by licensees referred to in section 34 shall be sold in containers with labels that have received prior approval by the corporation for wineries and distilleries and by the licensing board for breweries and shall comply with the laws of the Parliament of Canada respecting packaging, labelling and quality control standards.

(2) A brewer, before the delivery of beer, shall collect and forward together with the monthly return referred to in section 35, in respect of beer to be delivered by him or her either by sale or by gift under a licence issued under this Act or the Liquor Control Act to persons other than the corporation, an amount equal to the gross profit which would have accrued to the corporation if the beer had been sold by the corporation.

(3) The board may set the rate of gross profit for the purpose of subsection (2), and may set different rates for different types or classes of beer or based upon different quantities of beer produced by a brewer.

(4) A brewer or other person who contravenes this section is guilty of an offence, and liable on summary conviction to a fine not exceeding \$1,000 and in default of payment of the fine to a term of imprisonment not exceeding 6 months.

1973 No104 s32; 1975-76 No43 s1; 1985 c28 s5; 1989 c16 s4; 1996 cR-10.1 s43; 2001 c5 s1

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Rep. by 1996 cR-10.1 s43

39. [Rep. by 1996 cR-10.1 s43]

1996 cR-10.1 s43

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Expenses

40. All expenses, debts and liabilities incurred by the corporation in connection with the administration of this Act or imposed on the corporation under this Act shall be paid by the corporation from money received by the corporation in the administration of this Act.

1973 No104 s36

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All money to be paid to corporation

41. All money received from the sale of alcoholic liquor in liquor stores or otherwise accruing in the administration of this Act shall be paid to the corporation.

1973 No104 s37; 1985 c28 s7

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Vouchers and cheques

42. All cheques or vouchers for payment of accounts shall be signed by those officers that may be designated by the board for that purpose.

1973 No104 s38

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Disposal of profits

43. Those balances that the minister considers to be available to the Crown out of the net profits of the corporation shall be paid into the Consolidated Revenue Fund at the intervals and in the manner that the minister may direct by notice to the chairperson of the board.

1973 No104 s39; 1996 c34 s11

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Action against members

44. (1) A person who proposes to take an action or proceeding against a member of the board or against an official of the corporation for anything done or omitted to be done in or arising out of the

performance of his or her or their duties under this Act shall notify the minister of his or her intention to do so, and an action or proceeding shall not be started until the expiration of 30 days after the service of the notice on the minister.

(2) Except the revocation of a licence under subsection 34(3), an action, order or decision of the board as to a matter or thing in respect of which a power, authority or discretion is conferred on the board by this Act or the regulations is final and shall not be questioned, reviewed or restrained by a proceeding in a court or be removed into a court.

(3) An action or proceeding with respect to the revocation of a licence made under subsection 34(3) shall be started within 2 years of the date of the revocation, and an action or proceeding which is not started within the period prescribed in this subsection is forever barred.

1973 No104 s40; 1985 c28 s8

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Purchases by corporation

45. (1) An order for the purchase of alcoholic liquor by the corporation shall be authorized by those officers of the corporation that may be designated by the board, and an order shall not be valid or binding unless so authorized.

(2) A duplicate of an order referred to in subsection (1) shall be kept on file in the office of the corporation.

(3) All cancellations of orders made by the corporation shall be executed in the manner prescribed in subsection (1) for orders and a duplicate shall be kept on file in the office of the corporation.

1973 No104 s41

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## Prices

46. (1) The board may fix the prices at which the various classes, varieties and brands of spirits, wine and beer are to be sold; and different prices may be prescribed under this subsection in respect of beer sold to the corporation, to a licensee and to the public.

(2) The board may fix the price for empty alcohol beverage containers and may prescribe the prices at which empty containers are to be sold

(a) by the corporation, to a licensee and to another person;

(b) by a licensee to the corporation and to another person; and

(c) by another person to a licensee

and different prices may be prescribed under this subsection in respect of beer sold to the corporation, to a licensee and to the public.

(3) The board may provide for the issue and distribution of price lists showing the price to be paid by purchasers for each class, variety or brand of liquor sold under this Act.

1973 No104 s42; 1978 c54 s4

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## Notice

47. After the minister approves the establishment of a liquor store or provides for the sale of liquor at a liquor agency, the board shall give a notice of its intention to establish the liquor store or liquor agency by advertisement in 1 or more issues of a newspaper published in the province and circulating in the electoral district where the liquor store or liquor agency would be located and by posting copies

of the advertisement so published in conspicuous places in the area in which the liquor store or liquor agency would be situated.

1973 No104 s43; 1983 c23 s13; 1985 c28 s9

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Rep. by 1996 cR-10.1 s43

48. [Rep. by 1996 cR-10.1 s34]

1996 cR-10.1 s43

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No consumption on premises

49. (1) No official, clerk or servant of the corporation employed in a liquor store shall permit a person to consume liquor in a liquor store or at a liquor agency except during an official tasting organized and conducted under the supervision of corporation personnel.

(2) No person shall consume alcoholic liquor in a liquor store or at a liquor agency except during an official tasting organized and conducted under the supervision of corporation personnel.

1992 c12 s8

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Days and hours of sale

50. (1) A sale or delivery of liquor shall not be made on or from the premises of a liquor store or liquor agency nor shall a liquor store be kept open for the sale of liquor,

(a) outside of the hours of business prescribed for that liquor store or liquor agency under this Act;

(b) [Rep. by 2005 c16 s1]

(c) on other days prescribed under this Act as days on which the liquor store or liquor agency is to be closed; or

(d) during other periods and on other days or hours that the board may direct.

(2) A Provincial Court judge or the board, when a riot or tumult happens, or is likely to happen, may order a liquor store, liquor agency or premises in respect of which an existing licence has been issued under the Liquor Control Act to be closed.

1973 No104 s46; 1979 c38 s7; 2004 c36 s24; 2004 c53 s1; 2005 c16 s1

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Prohibition

51. The corporation shall not sell liquor to a person who is not qualified to purchase it.

1973 No104 s47

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Offence

52. A person who

(a) violates this Act or the regulations or an order made under this Act or the regulations;

(b) fails to comply with or otherwise contravenes the terms and conditions of a licence or order issued under this Act or the regulations; or

(c) makes a false statement in a form or return completed, made or provided under this Act or the regulations, which is not declared to be an offence by another section,

is guilty of an offence under this Act, and every violation, contravention, failure to so comply or false statement relating to a separate transaction constitutes a separate offence.

1973 No104 s48

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Offences respecting officers of corporation

53. Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of an offence is guilty of an offence under this Act.

1973 No104 s49

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Penalty

54. A person who is guilty of an offence for which no penalty has been specifically provided elsewhere in this Act shall be liable on summary conviction

(a) for a 1st offence to a penalty of not more than \$500 and in default of payment to imprisonment for not more than 3 months; and

(b) for a 2nd or subsequent offence to a penalty of not more than \$1,000 or to imprisonment for not more than 12 months or to both a fine and imprisonment.

1973 No104 s50

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