

Liquor Licensing Regulations

made under Section 50 of the

Liquor Control Act

R.S.N.S. 1989, c. 260

O.I.C. 2007-445 (August 17, 2007), N.S. Reg. 365/2007

as amended to O.I.C. 2017-16 (January 24, 2017), N.S. Reg. 10/2017

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Citation

1 These regulations may be cited as the Liquor Licensing Regulations.

Definitions

2 In these regulations,

(a) "Act" means the Liquor Control Act;

(b) "adult entertainment" means entertainment that is designed to appeal to erotic or sexual appetites, and includes the display of nudity or engagement in real or simulated sexually explicit actions;

(c) "customer accommodation area" means the area of a licensed premises in which liquor can be served to and consumed by customers of the licensed premises;

(d) “fire official” means a fire official as defined in the Fire Safety Act, acting as authorized under the Fire Safety Act;

(e) “license certificate” means a document issued by the Executive Director under Section 23 to evidence the grant of a permanent license;
Clause 2(e) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(f) “licensee” means a person who holds a valid license under the Act and these regulations;

(fa) “live entertainment” means any comedy act, song, vocal performance, musical instrument performance, recitation, dance, performance art or acting performance conducted in person by 1 or more persons before or for the benefit of an audience, but does not include karaoke;
Clause 2(fa) added: O.I.C. 2010-269, N.S. Reg. 100/2010.

(g) “Minister” means the Minister of Service Nova Scotia and Municipal Relations;
Clause 2(g) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(h) “permanent license” means any license other than a special occasion license;

(i) “permanent licensee” means a person who holds a permanent license;

(j) “registered representative” means a registered representative as defined in the Nova Scotia Liquor Corporation Regulations made under the Act;

(k) “stage” means the designated area of a licensed premises, as described in the approved floor plan, in which entertainment is exhibited.

Substituted reference and referrals to Review Board

2A (1) A reference in these regulations to the Executive Director must be read as a reference to the Review Board, as necessary, for the purposes of the determination by the Review Board of any matter that the Executive Director refers to it under the Act and these regulations and the carrying out of the Review Board’s decision on the referred matter.

(2) A reference in these regulations to the authority of the Executive Director to refer a matter to the Review Board is for the sake of clarity and is not intended to limit the Executive Director’s authority to refer a matter to the Review Board under subsection 47(3) of the Act.
Section 2A added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Application of regulations to ferment-on-premises facilities

2B Except as provided in the Ferment-on-Premises Regulations made under the Act, these regulations do not apply to ferment-on-premises facilities.
Section 2B added: O.I.C. 2014-441, N.S. Reg. 165/2014.

Permanent Licenses

Application for permanent license

3 A person may apply for a permanent license by submitting all of the following to the Executive Director:

- (a) a completed application form;
- (b) the applicable application fee set out in Section 5;
- (c) the applicable license fee set out in Section 6;
- (d) all of the information as required by Section 4.

Section 3 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Information required with application for permanent license

4 (1) An applicant must submit all items required by this Section no later than 1 year after submitting the application form or the application file may be closed and the applicant will be required to re-apply.

(2) An applicant for a permanent license must submit all of the following information about the applicant:

(a) the applicant's

- (i) name,
- (ii) address,
- (iii) phone number,
- (iv) fax number;

(b) any information requested by the Executive Director about liquor licenses the applicant has held or applied for, in a jurisdiction other than the Province, before the application;

Clause 4(2)(b) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(c) for an applicant who is an individual, a report on the results of a criminal record search on the applicant;

(d) for an applicant that is a partnership, all of the following:

- (i) a copy of the applicant's certificate of registration of partnership,
- (ii) unless otherwise directed by the Executive Director, the following information for each partner:

- (A) name,
- (B) address,
- (C) telephone number,
- (D) fax number,

Subclause 4(2)(d)(ii) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(iii) unless otherwise directed by the Executive Director, a report on the results of a criminal record search on each partner;

Subclause 4(2)(d)(iii) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(e) for an applicant that is a for-profit corporation, all of the following:

- (i) a copy of the applicant's certificate of incorporation,

(ii) unless otherwise directed by the Executive Director, all of the following for each officer and director of the corporation:

- (A) name,
- (B) address,

(C) telephone number,

(D) fax number,

Subclause 4(2)(e)(ii) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(iii) unless otherwise directed by the Executive Director, a report on the results of a criminal record search on each officer, director and shareholder of the corporation;

Subclause 4(2)(e)(iii) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(f) for an applicant that is a club or association, all of the following:

(i) a copy of the applicant's certificate of registration under the Societies Act or other statute of incorporation,

(ii) a copy of the applicant's memorandum of association or equivalent document,

(iii) a copy of the applicant's by-laws,

(iv) a copy of minutes of a meeting at which the membership of the applicant club or association supported the application for a permanent license,

(v) all of the following for each executive member of the club or association:

(A) name,

(B) address,

(C) telephone number,

(D) fax number,

(vi) a report on the results of a criminal record search on

(A) the president of the club or association, or

(B) the director or officer of the club or association who will be in charge of the licensed premises,

Subclause 4(2)(f)(vi) replaced: O.I.C. 2010-269, N.S. Reg. 100/2010.

(vii) a report on the results of a criminal record search on any additional directors and officers of the club or association specified by the Executive Director.

Subclause 4(2)(f)(vii) added: O.I.C. 2010-269, N.S. Reg. 100/2010; amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(g) for an applicant for an eating establishment license, a copy of the applicant's food establishment permit issued under the Food Safety Regulations made under the Health Protection Act.

(3) An applicant for a permanent license must submit all of the following information about the proposed manager of the premises to be licensed:

(a) all of the following for the proposed manager of the premises to be licensed:

(i) name,

(ii) address,

(iii) phone number,

(iv) fax number;

(b) a report on the results of a criminal record search on the proposed manager of the premises to be licensed.

(4) An applicant for a permanent license must submit all of the following information about the proposed premises to be licensed:

(a) the proposed operating name;

(b) the address;

(c) a letter from an authorized official for the municipality in which the premises is located confirming that the proposed licensed premises meets all municipal zoning requirements and will not contravene municipal land use by-laws;

Clause 4(4)(c) amended: O.I.C. 2010-269, N.S. Reg. 100/2010.

(d) a copy of each of the following that is applicable:

(i) the deed,

(ii) the lease,

(iii) the purchase agreement,

(iv) the option to purchase,

(v) the option to lease;

(e) a floor plan, drawn to scale and including any patio or outdoor space to be licensed;

(f) a letter from a fire official confirming that the premises meets the requirements of the Fire Safety Act and its regulations;

Clause 4(4)(g) repealed: O.I.C. 2010-269, N.S. Reg. 100/2010.

(h) any information requested by the Executive Director about sources of financing;

Clause 4(4)(h) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(i) whether the applicant proposes to provide entertainment and the nature of the entertainment to be provided by the applicant;

Clause 4(4)(i) amended: O.I.C. 2010-269, N.S. Reg. 100/2010.

(j) whether the applicant proposes to present adult entertainment;

Clause 4(4)(k) repealed: O.I.C. 2010-269, N.S. Reg. 100/2010.

(l) any information requested by the Executive Director about the ownership and management interests.

Clause 4(4)(l) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Application fees for permanent licenses

5 (1) The application fees for permanent licenses are as set out in the following table:

Type of Permanent License

Application Fee
beverage room license
\$311.45
cabaret license
\$311.45
club license - class A
\$124.25
club license - class B
\$124.25
eating establishment license
\$311.45
lounge license
\$311.45
special premises license
\$311.45
tavern license
\$311.45
Subsection 5(1) amended: O.I.C. 2015-96, N.S. Reg. 118/2015.

(2) An application fee is not refundable.

License fees for permanent licenses

6 (1) The license fees for a permanent license are as set out in the following table:

Type of Permanent License	License Fee
beverage room license	\$560.70
cabaret license	\$1869.00
club license - class A	\$560.70
club license - class B	\$560.70
eating establishment license	\$560.70
lounge license	\$560.70
special premises license	\$560.70
tavern license	\$560.70

Subsection 6(1) amended: O.I.C. 2015-96, N.S. Reg. 118/2015.

(2) A license fee for a permanent license must be refunded to an applicant if a permanent license is not granted or renewed.

(3) A license fee for a permanent license is not refundable for a permanent license that is cancelled by the Executive Director.

Subsection 6(3) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Application and information reviewed by Executive Director

Section 7 heading amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

7 (1) Except as provided in subsection (2), an application must not be reviewed by the Executive Director until all the information required from an applicant under Section 3 is received by the Executive Director.

Subsection 7(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) The Executive Director may review an application that is incomplete only because it is missing one or more of the following items:

Subsection 7(2) amended: O.I.C. 2010-269, N.S. Reg. 100/2010; amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(a) the fire official's letter required by clause 4(4)(f);

Clause 7(2)(b) repealed: O.I.C. 2010-269, N.S. Reg. 100/2010.

(c) the food establishment permit required by clause 4(2)(g).

Subsection 7(3) repealed: O.I.C. 2011-419, N.S. Reg. 317/2011.

Eligibility criteria for permanent license

8 In addition to the criteria in subsection 48(3) and (5) to (8) of the Act and the requirements for specific classes of permanent licenses set out in Sections 9 to 14, a permanent license may be granted, renewed or transferred by the Executive Director only if all of the following eligibility criteria are met:

(a) the applicant is the owner or lessee of the proposed licensed premises or holds an option to purchase or lease the proposed licensed premises;

(b) the Executive Director is satisfied that operating the licensed premises will not interfere with the quiet enjoyment of neighbouring properties;

Clause 8(b) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(c) the Executive Director is satisfied that operating the licensed premises will not interfere with or cause inconvenience to schools, churches, hospitals, nursing homes or similar institutions.

Clause 8(c) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Section 8 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Eligibility for cabaret license

9 (1) A cabaret license may be granted, renewed or transferred by the Executive Director only if the proposed licensed premises is unlicensed at the time of the application and the applicant meets all of the following requirements:

(a) the applicant must satisfy the Executive Director that the primary business to be conducted in the proposed premises to be licensed is providing live entertainment;

(b) the applicant must undertake to present live entertainment at least 4 days a week;

(c) the applicant must satisfy the Executive Director that the entertainment aspect of the applicant's business is self-sustaining and supply a supporting 1-year business plan to the Executive Director.

Clause 9(1)(c) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Subsection 9(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) In determining whether providing live entertainment is the primary business to be conducted in a proposed licensed premises, the Executive Director may consider any of the following for the premises:

(a) the amount of time a week that entertainment will be presented;

(b) entertainment equipment.

Subsection 9(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Classes of club license

10 The following are the 2 classes of club licenses:

- (a) a class A club license;
- (b) a class B club license.

Eligibility for club license

11 (1) A class A club license may be granted or renewed by the Executive Director only to an applicant that is a club or association operated for objects other than monetary gain and that can demonstrate that the club or association has been active for at least 1 year before the date of their application.

Subsection 11(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) A class B club license may be granted or renewed by the Executive Director only if the proposed licensed premises are under the direction of one of the following:

- (a) the Canadian Forces;
- (b) the Royal Canadian Mounted Police;
- (c) the Canadian Coast Guard.

Section 11 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Conflict of interest in matter related to club or association

11A No member of the Review Board or the Executive Director is disqualified from acting in a matter related to a club or association only because the member or the Executive Director holds a membership in another club or association that holds or is applying for a permanent license.

Section 11A added: O.I.C. 2010-269, N.S. Reg. 100/2010; amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Eligibility for eating establishment license

12 (1) Except as provided in subsection (3), an eating establishment license may be granted, renewed or transferred by the Executive Director only to an applicant that satisfies the Executive Director that the primary business to be conducted in a proposed licensed premises is providing food.

(2) In determining whether providing food is the primary business to be conducted in a proposed licensed premises, the Executive Director may consider any of the following for the premises:

- (a) kitchen equipment;
- (b) menu;
- (c) advertising.

(3) An eating establishment license may be granted, renewed or transferred by the Executive Director that authorizes selling and serving liquor in a hotel guest room if meal service to the guest room is regularly provided.

Section 12 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Eligibility for lounge license

13 A lounge license may be granted, renewed or transferred by the Executive Director only if all of the following requirements are met:

- (a) the applicant must hold or be concurrently granted an eating establishment license;

(b) the customer accommodation area covered by the eating establishment license must make up at least 25% of the total customer accommodation area covered by both licenses or a lesser percentage approved by the Executive Director.

Section 13 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Eligibility for special premises license

14 A special premises license may be granted, renewed or transferred by the Executive Director only to an applicant that does not qualify for any other class of permanent license.

Section 14 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Term of permanent license

15 A permanent license expires 3 years from the date that it is issued or renewed.

Renewing permanent license

16 (1) A permanent licensee may apply to renew their permanent license by submitting all of the following to the Executive Director:

- (a) a completed renewal application form;
- (b) the applicable license fee set out in Section 6;
- (c) notice of any of the following that have changed since their license was granted or renewed:

- (i) for a permanent licensee that is a club or association,

- (A) the president of the club or association, or

- (B) the director or officer of the club or association who is in charge of the licensed

premises,

Subclause 16(1)(c)(i) replaced: O.I.C. 2010-269, N.S. Reg. 100/2010.

- (ii) for a permanent licensee that is a class A club licensee, the memorandum of association or by-laws of the club or association, in a manner that affects how a person becomes a member.

Subsection 16(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) An application for renewing a permanent license must be submitted at least 4 weeks before the permanent license expires, but the Executive Director may extend the deadline for renewal.

Subsection 16(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Subsection 16(3) repealed: O.I.C. 2011-419, N.S. Reg. 317/2011.

Subsection 16(4) repealed: O.I.C. 2011-419, N.S. Reg. 317/2011.

(5) On receiving an application to renew a permanent license, the Executive Director must do one of the following:

- (a) renew the license;
- (b) renew the license and impose, rescind or amend the conditions of the license;

Clause 16(5)(b) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

- (c) refuse to renew the license;
 - (d) cancel the license;
 - (e) refer the matter to the Review Board in accordance with subsection 47(3) of the Act.

Clause 16(5)(e) added: O.I.C. 2011-419, N.S. Reg. 317/2011.
Subsection 16(5) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Returning license certificate for expired permanent license

17 A person whose permanent license has expired must return their license certificate to the Executive Director.

Section 17 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Notice to Corporation if permanent license expires or is cancelled

18 The Executive Director must notify the Corporation of any permanent license that expires or is cancelled.

Section 18 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Reinstating permanent licenses

19 (1) The Executive Director may reinstate a permanent license that has expired if the person who held the license applies for reinstatement of the license no later than 10 days after the date their license expires.

Section 19 amended: O.I.C. 2010-269, N.S. Reg. 100/2010; renumbered 19(1) and amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) The Executive Director may cancel a permanent license that has not been reinstated in accordance with subsection (1).

Subsection 19(2) added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Transfer of permanent license must be approved

20 (1) Except as prohibited in subsection (2), a permanent licensee may transfer their permanent license only if the Executive Director approves the transfer in accordance with Section 21.

Subsection 20(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) A club license is not transferrable.

Application for transfer of permanent license

21 (1) A permanent licensee may apply for a transfer of their permanent license by submitting all of the following to the Executive Director:

(a) a completed transfer application form;

(b) a transfer fee of \$124.25.

Clause 21(1)(b) amended: O.I.C. 2015-96, N.S. Reg. 118/2015.

Subsection 21(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) The Executive Director may approve a transfer of a permanent license only if the person to whom the permanent license is proposed to be transferred

(a) meets the same eligibility requirements they would be required to meet under these regulations as an applicant for a new permanent license; and

(b) complies with the requirements of Section 3.

Subsection 21(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(3) The Executive Director may impose conditions on a transfer of a permanent license.

Subsection 21(3) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Determining maximum number of persons permitted in licensed premises

22 (1) Before granting a permanent license, the Executive Director must determine an approximate number of persons that the proposed licensed premises may hold in accordance with the maximum permitted

under subsection 22A(2), and must include that information in any notice of public consultation provided in accordance with subsection 49(8) or 49(12) of the Act.

Subsection 22(1) replaced: O.I.C. 2016-176, N.S. Reg. 138/2016.

(2) At the time of granting a permanent license, the Executive Director must confirm the actual maximum number of persons the proposed licensed premises may hold in accordance with Section 22A and specify that number on the license.

Subsection 22(2) replaced: O.I.C. 2016-176, N.S. Reg. 138/2016.

Subsection 22(3) repealed: O.I.C. 2016-176, N.S. Reg. 138/2016.

(4) If the occupant load for a licensed premises is subsequently changed by a fire official, the licensee who holds the permanent license for the premises must notify the Executive Director.

(5) When notified under subsection (4) that the occupant load for a licensed premises has been changed, the Executive Director must change the maximum number of persons the licensed premises may hold, as specified on the license, to the maximum in accordance with subsection 22A(1).

Subsection 22(5) replaced: O.I.C. 2016-176, N.S. Reg. 138/2016.

Section 22 replaced: O.I.C. 2011-419, N.S. Reg. 317/2011.

Maximum number of persons permitted in a licensed premises

22A(1) Except as provided by subsection (2), the maximum number of persons permitted in a licensed premises is the number equivalent to the occupant load determined by a fire official.

(2) The maximum number of persons permitted in a licensed premises for which the occupant load is not determined by a fire official is determined based on an allowance for no more than 1 person for every 1.1148 m² (12 ft.²) of the licensed premises' customer accommodation area.

(3) The Executive Director may issue a policy establishing the method of determining the size of a customer accommodation area.

Section 22A added: O.I.C. 2011-419, N.S. Reg. 317/2011, replaced: O.I.C. 2016-176, N.S. Reg. 138/2016.

Issuance of license certificate

23 On granting a license, the Executive Director must issue a license certificate to the licensee, and any conditions placed on the license must be set out in an attachment to the license certificate.

Section 23 replaced: O.I.C. 2011-419, N.S. Reg. 317/2011.

Posting license certificate in licensed premises

24 A licensee must ensure that their license certificate is posted in their licensed premises in a place where it can be easily seen and read by customers.

Section 24 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Hours must be specified on license

25 On each license granted, the Executive Director must specify the hours during which the licensee is authorized to sell or serve liquor.

Section 25 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Conditional grant of license for premises under construction

26 The Executive Director may grant a permanent license to an applicant whose application is missing information because it was not available at the time of application, as permitted by subsection 7(2), subject to the following conditions:

(a) the Executive Director must not issue a license certificate until the Executive Director receives and is satisfied with all of the missing information; and

Clause 26(a) replaced: O.I.C. 2010-269, N.S. Reg. 100/2010; amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(b) the licensed premises must not be operated under the permanent license until the Executive Director issues a license certificate to the licensee.

Clause 26(b) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Section 26 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Conditions set by Executive Director on permanent license

27 (1) The Executive Director may add additional conditions to a permanent license and may rescind or amend existing license conditions.

Section 27 renumbered 27(1) and 27(1) and heading amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) The Executive Director may hold a public consultation before determining whether to add conditions to or rescind or amend conditions on a permanent license.

Subsection 27(2) added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Conditions on permanent license to ensure quiet enjoyment of properties

28 The Executive Director may impose conditions on a permanent licensee to ensure that operating the licensed premises will not interfere with the quiet enjoyment of neighbouring properties, including conditions on the entertainment to be presented in the licensed premises.

Section 28 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Interference with quiet enjoyment

29 (1) A person may request in writing that the Executive Director cancel a permanent license or place conditions on a permanent license on the basis that the operation of the licensed premises is interfering with the quiet enjoyment of neighbouring properties.

Subsection 29(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) On receiving a request under subsection (1), the Executive Director may make inquiries of, or request documentation from, the licensee or any other person for the purpose of determining the matter.

Subsection 29(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Subsection 29(3) repealed: O.I.C. 2011-419, N.S. Reg. 317/2011.

Subsection 29(4) repealed: O.I.C. 2011-419, N.S. Reg. 317/2011.

(5) If the Executive Director is satisfied that the operation of a licensed premises is interfering with the quiet enjoyment of neighbouring properties, the Executive Director may do any of the following:

(a) impose conditions on the licensee's license or rescind or amend existing conditions on the license;

(b) cancel all or any part of the licensee's license.

Subsection 29(5) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(6) The Executive Director may refer a matter under this Section to the Review Board in accordance with subsection 47(3) of the Act.

Subsection 29(6) added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Section 29 replaced: O.I.C. 2010-269, N.S. Reg. 100/2010.

Change in ownership of permanent licensees that are corporations or partnerships

30 (1) A permanent licensee that is a corporation in which the shares are redistributed in a manner that does not result in a change in control of the corporation must notify the Executive Director of the redistribution in writing no later than 30 days after the date the redistribution occurs.

Subsection 30(1) amended: O.I.C. 2010-269, N.S. Reg. 100/2010; O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) Any change in the share structure or ownership of a permanent licensee that is a corporation other than one referred to in subsection (1) is considered to be a transfer of the license, and the licensee must receive approval for the transfer under Section 21 before making such a change in the share structure or ownership.

Subsection 30(2) amended: O.I.C. 2010-269, N.S. Reg. 100/2010.

(3) A change in the ownership of a permanent licensee that is a partnership is considered to be a transfer of license, and the licensee must receive approval for the transfer under Section 21 before making such a change in ownership.

Subsection 30(3) amended: O.I.C. 2010-269, N.S. Reg. 100/2010.

Section 31 repealed: O.I.C. 2010-269, N.S. Reg. 100/2010.

Executive Director must approve change to size, structure or location of licensed premises

32 (1) A permanent licensee may change the size of their licensed premises or make a structural change to their licensed premises only if the permanent licensee submits a proposed replacement floor plan to the Executive Director and the Executive Director approves the replacement floor plan.

Subsection 32(1) and heading amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) Except as provided in subsection (2A), a permanent licensee may change the location of their licensed premises only if the permanent licensee submits all of the information required by subsection 4(4) to the Executive Director for the new location and the Executive Director approves the new location.

Subsection 32(2) replaced: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2A) The Executive Director may waive some or all of the requirements of subsection 4(4), as the Executive Director considers appropriate, for a licensee seeking approval for a change of location.

Subsection 32(2A) added: O.I.C. 2011-419, N.S. Reg. 317/2011.

(3) The Executive Director may hold a public consultation before approving a change under this Section.

Subsection 32(3) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(4) A permanent licensee may apply for an approval under this Section by submitting an application to the Executive Director.

Subsection 32(4) added: O.I.C. 2010-269, N.S. Reg. 100/2010; amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Subsection 32(5) added: O.I.C. 2010-269, N.S. Reg. 100/2010; repealed: O.I.C. 2011-419, N.S. Reg. 317/2011.

Non-structural change to floorplan must be approved by Executive Director

32AA permanent licensee may make a non-structural change to the floor plan of their licensed premises only if the permanent licensee submits a proposed replacement floor plan to the Executive Director and the Executive Director approves the floor plan.

Section 32A added: O.I.C. 2010-269, N.S. Reg. 100/2010; 32A and heading amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Change in manager to be approved

33 (1) Except as provided in subsection (5) for an acting manager, a permanent licensee may change the manager of their licensed premises only if the change is approved by the Executive Director.

Subsection 33(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) A permanent licensee may apply for approval of a change in the manager of their licensed premises by submitting all of the following to the Executive Director:

(a) the following information for the proposed manager:

- (i) name,
- (ii) address,
- (iii) phone number;

(b) a report on the results of a criminal record search on the proposed manager.

Subsection 33(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(3) On receiving an application under subsection (2), the Executive Director may do one of the following:

(a) approve the change in manager;

(b) refuse to approve the change in manager;

Clause 33(3)(b) replaced: O.I.C. 2011-419, N.S. Reg. 317/2011.

(c) refer the matter to the Review Board in accordance with subsection 47(3) of the Act.

Clause 33(3)(c) added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Subsection 33(3) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Subsection 33(4) repealed: O.I.C. 2011-419, N.S. Reg. 317/2011.

(5) A permanent licensee may appoint an acting manager for their licensed premises for no longer than 30 days without the approval of the Executive Director.

Subsection 33(5) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Section 33 replaced: O.I.C. 2010-269, N.S. Reg. 100/2010.

Proposed contracts, leases and agreements to be submitted to Executive Director

34 (1) A permanent licensee must submit any proposed management contract under which their licensed premises will be managed on their behalf to the Executive Director for approval before completing the contract.

(2) A permanent licensee must submit any proposed lease agreement for their licensed premises to the Executive Director for approval before completing the agreement.

(3) A permanent licensee must submit any proposed agreement with a brewery, distillery or winery to the Executive Director for approval before completing the agreement.

Section 34 and heading amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Caterer extension to eating establishment license

35 (1) On application, the Executive Director may add a caterer extension to an applicant's eating establishment license that authorizes the eating establishment licensee to sell or serve liquor at the premises specified in the caterer extension, subject to any conditions set for the extension by the Executive Director.

(2) An application for a caterer extension must be made at least 1 week before the date of the proposed catered event.

(3) The same requirements and prohibitions that apply to a licensee's eating establishment apply to a premises covered by a caterer extension added to their eating establishment license.

(4) While a caterer extension is in effect for all or part of a premises that is the subject of a permanent license, the permanent license for that part of the premises is deemed to be suspended.

Subsection 35(4) added: O.I.C. 2010-269, N.S. Reg. 100/2010.

Section 35 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Permit granted under Nova Scotia Liquor Corporation Regulations

35A If a permit is granted under the Nova Scotia Liquor Corporation Regulations made under the Act for all or part of a premises that is the subject of a permanent license,

- (a) the licensee must post the permit in the premises while the permit is in effect; and

Clause 35A(b) repealed: O.I.C. 2016-89, N.S. Reg. 63/2016.

Second clause 35A(a) relettered (b): O.I.C. 2011-419, N.S. Reg. 317/2011.

Section 35A added: O.I.C. 2010-269, N.S. Reg. 100/2010.

Executive Director, Minister and Review Board may issue policies

35B The Executive Director, the Minister and the Review Board may issue policies consistent with the Act and these regulations.

Section 35B added: O.I.C. 2010-269, N.S. Reg. 100/2010; amended and heading replaced: O.I.C. 2011-419, N.S. Reg. 317/2011.

Special Occasion Licenses

Classes of special occasion license

36 The following are the 4 classes of special occasion licenses:

Section 36 amended: O.I.C. 2010-269, N.S. Reg. 100/2010.

- (a) class 1 special occasion license: authorizes a licensee to give away liquor for persons to consume at a licensed premises, at a private event that is open only to invited guests;

- (b) class 2 special occasion license: authorizes a licensee to sell liquor for persons to consume at a licensed premises, at a private event that is open only to invited guests;

- (c) class 3 special occasion license: authorizes a licensee to sell liquor for persons to consume at a licensed premises, at a community fund-raising event that is open to the public;

- (d) class 4 special occasion license: authorizes a licensee to sell liquor for persons to consume at a licensed premises, at an event that is open to the public.

Clause 36(d) added: O.I.C. 2010-269, N.S. Reg. 100/2010.

Application for special occasion license

37 (1) A person may apply for a special occasion license by submitting all of the following to the Executive Director:

- (a) a completed application form and any documentation requested in the application form;

Clause 37(1)(a) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

- (b) the applicable fee set out in Section 38;

- (c) a letter from a fire official confirming that the proposed licensed premises meets the requirements of the Fire Safety Act and its regulations, if considered necessary by the Executive Director.

Clause 37(1)(c) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Subsection 37(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

- (2) An application for a special occasion license must be submitted at least 10 days before the date of the event that the license is for, but the Executive Director may extend the deadline for applying.

Subsection 37(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Eligibility for class 4 special occasion license

37AA class 4 special occasion license may be granted by the Executive Director only to an applicant who is a permanent licensee.

Section 37A added: O.I.C. 2010-269, N.S. Reg. 100/2010; amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Conditions set by Executive Director on special occasion license

37B The Executive Director may impose conditions on a special occasion license and may rescind or amend existing conditions on a special occasion license.

Section 37B added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Fees for special occasion licenses

38 The license fees payable per day for a special occasion license are as set out in the following table:

Class of License

Fee/Day

class 1 special occasion license

\$12.45

class 2 special occasion license

\$24.95

class 3 special occasion license

\$62.30

class 4 special occasion license

\$62.30

Section 38 amended: O.I.C. 2010-269, N.S. Reg. 100/2010; O.I.C. 2015-96, N.S. Reg. 118/2015.

Suspension of permanent license while special occasion license in effect

39 If a special occasion license is granted for all or part of a premises that is the subject of a permanent license, the permanent license for that part of the premises is deemed to be suspended while the special occasion license is in effect.

No admission fee or cover charge by special occasion licensee

40 A class 1 special occasion licensee must not charge an admission fee or cover charge to anyone attending an event their license is issued for.

Liquor purchased from Corporation or agency store

41 A special occasion licensee must not sell or give away liquor other than liquor purchased by the licensee from the Corporation or an agency store.

Storing of unused liquor for next licensed event

42 The Executive Director may authorize a class 2 or class 3 special occasion licensee to store excess liquor from 1 licensed event to sell at the licensee's next licensed event, if the licensee satisfies the Executive Director that the liquor can be stored safely and securely.

Section 42 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Suspension or revocation of license

43 (1) The Executive Director may immediately suspend a special occasion license and revoke a special occasion license granted to the licensee for a future event if the licensee has violated these regulations or a condition of the license.

Subsection 43(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) An inspector may immediately suspend a special occasion license if, in the opinion of the inspector, the licensee is providing liquor to patrons in an irresponsible manner, is unable to ensure the care and control of the licensed premises or is otherwise acting in a manner that may threaten public safety.

Subsection 43(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Minors in Licensed Premises

Duty to prevent liquor being sold to, served to or consumed by minors

44 (1) A licensee must ensure that a person who is under 19 years old is not sold, supplied or given liquor in their licensed premises.

(2) A licensee must ensure that a person who is under 19 years old does not consume liquor in their licensed premises.

When accompanied minor may be in tavern, lounge, beverage room or cabaret

45 Except as prohibited in Section 47, a person who is under 19 years old may enter and be in a premises for which a tavern license, beverage room license, lounge license or cabaret license is in effect until 9:00 p.m. if all of the following conditions are met:

- (a) the person is accompanied at all times by a parent, legal guardian or spouse who is 19 years old or older;
- (b) full meal service is provided in the licensed premises;
- (c) the person enters the licensed premises for the purpose of eating a meal.

Minor entertainer may be in tavern, lounge, beverage room or cabaret if authorized

46 (1) Except as prohibited in Section 47, a person who is under 19 years old may enter and be in a premises for which a tavern license, beverage room license, lounge license or cabaret license is in effect if the licensee applies to the Executive Director for authorization and the Executive Director authorizes the minor to do so to provide entertainment at the premises.

Subsection 46(1) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) A licensee may apply for an authorization under subsection (1) by submitting all of the following at least 5 days before the proposed entertainment will take place:

- (a) a completed application form;
- (b) the written consent of the parent or legal guardian of the minor entertainer for the minor to provide entertainment at the premises on the proposed date.

(3) A minor entertainer who is authorized under this Section to provide entertainment must be accompanied by one of the following while in the licensed premises:

- (a) their parent;
- (b) their legal guardian;
- (c) a person over 19 years old who is designated in writing by the minor's parent or legal guardian as responsible for the minor.

Minors not permitted in premises if adult entertainment presented

47 A licensee must not permit a person who is under 19 years old to enter or be in a licensed premises while adult entertainment is presented in the licensed premises.

Duty to ensure minor does not dispense liquor

48 (1) Except as provided in subsection (2) for an eating establishment, a licensee must ensure that liquor is not dispensed by an employee who is under 19 years old.

(2) An eating establishment licensee may permit an employee who is under 19 years old to serve liquor at a customer's table.

Sale of Liquor in Licensed Premises

Identifying purpose of purchase of liquor from corporation or agency store

49 When purchasing liquor from the Corporation or an agency store, a licensee must identify that the liquor is being purchased to be sold in a licensed premises and must provide their license certificate number to the Corporation or agency store.

Licensee not to sell liquor below cost

50 A licensee must not sell liquor for less than what it cost the licensee to purchase the liquor.

Licensee not to sell liquor below minimum price

50A(1) Except for the off-premises sale of liquor under Section 58B, a licensee must not offer for sale or supply a serving of liquor for less than a total purchase price of \$2.50, including any applicable taxes.

Subsection 50A(1) amended: O.I.C. 2014-28, N.S. Reg. 15/2014; O.I.C. 2016-89, N.S. Reg. 63/2016.

(2) For the purposes of subsection (1), a serving of liquor is prescribed, by volume and type, as follows:

- (a) 355 ml (12 oz.) of beer, cider or cooler;
- (b) 29 ml (1 oz.) of spirits;
- (c) 142 ml (5 oz.) of wine;
- (d) 85 ml (3 oz.) of fortified wine.

(3) If a licensee offers for sale or supply a serving of liquor that differs from the volume prescribed in subsection (2), the minimum price for that serving must increase or decrease in direct proportion to the difference between the volume of liquor contained in that serving and the volume prescribed in subsection (2).

Section 50A added: O.I.C. 2008-658, N.S. Reg. 448/2008.

Posting prices of liquor in licensed premises

51 A licensee must create a list of all of the following for all liquor sold in their premises and post the list in a place where it can be easily seen and read by customers in the licensed premises:

- (a) the quantities in which the liquor is sold;
- (b) the prices at which the liquor is sold.

Method of dispensing liquor

52 (1) A licensee must ensure that the method used to dispense liquor in their licensed premises does not result in a customer receiving less liquor than is represented as being served.

(2) A licensee must ensure that liquor that is sold in their licensed premises is not diluted, other than liquor in drinks that are mixed or diluted at the request of the customer.

Hours for selling and serving liquor

53 (1) Except as authorized by the Executive Director under Section 54 for a temporary extension, the maximum hours during which a permanent licensee may be authorized to sell or dispense liquor are as set out in the following table:

Type of
Permanent License
Maximum Hours for

Selling and Serving Liquor

beverage room license

10:00 a.m. Monday to 2:00 a.m. Tuesday
10:00 a.m. Tuesday to 2:00 a.m. Wednesday
10:00 a.m. Wednesday to 2:00 a.m. Thursday
10:00 a.m. Thursday to 2:00 a.m. Friday
10:00 a.m. Friday to 2:00 a.m. Saturday
10:00 a.m. Saturday to 2:00 a.m. Sunday
12:00 p.m. Sunday to 2:00 a.m. Monday

cabaret license

11:00 a.m. Monday to 3:30 a.m. Tuesday
11:00 a.m. Tuesday to 3:30 a.m. Wednesday
11:00 a.m. Wednesday to 3:30 a.m. Thursday
11:00 a.m. Thursday to 3:30 a.m. Friday
11:00 a.m. Friday to 3:30 a.m. Saturday
11:00 a.m. Saturday to 3:30 a.m. Sunday
12:00 p.m. Sunday to 3:30 a.m. Monday

club license – class A

10:00 a.m. Monday to 2:00 a.m. Tuesday
10:00 a.m. Tuesday to 2:00 a.m. Wednesday
10:00 a.m. Wednesday to 2:00 a.m. Thursday
10:00 a.m. Thursday to 2:00 a.m. Friday
10:00 a.m. Friday to 2:00 a.m. Saturday
10:00 a.m. Saturday to 2:00 a.m. Sunday
10:00 a.m. Sunday to 2:00 a.m. Monday

club license – class B

no maximum hours

eating establishment license

10:00 a.m. Monday to 2:00 a.m. Tuesday
10:00 a.m. Tuesday to 2:00 a.m. Wednesday
10:00 a.m. Wednesday to 2:00 a.m. Thursday
10:00 a.m. Thursday to 2:00 a.m. Friday
10:00 a.m. Friday to 2:00 a.m. Saturday
10:00 a.m. Saturday to 2:00 a.m. Sunday
10:00 a.m. Sunday to 2:00 a.m. Monday

lounge license

10:00 a.m. Monday to 2:00 a.m. Tuesday
10:00 a.m. Tuesday to 2:00 a.m. Wednesday
10:00 a.m. Wednesday to 2:00 a.m. Thursday
10:00 a.m. Thursday to 2:00 a.m. Friday
10:00 a.m. Friday to 2:00 a.m. Saturday
10:00 a.m. Saturday to 2:00 a.m. Sunday
12:00 p.m. Sunday to 2:00 a.m. Monday

special premises license

no maximum hours

tavern license

10:00 a.m. Monday to 2:00 a.m. Tuesday
10:00 a.m. Tuesday to 2:00 a.m. Wednesday
10:00 a.m. Wednesday to 2:00 a.m. Thursday
10:00 a.m. Thursday to 2:00 a.m. Friday
10:00 a.m. Friday to 2:00 a.m. Saturday
10:00 a.m. Saturday to 2:00 a.m. Sunday
12:00 p.m. Sunday to 2:00 a.m. Monday

(2) Except as authorized by the Executive Director under Section 54 for a temporary extension, a licensee must ensure that liquor is sold and dispensed only during the hours authorized by the licensee's license.

Section 53 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Temporary extension of hours

54 The Executive Director may temporarily authorize a permanent licensee to sell or dispense liquor during any additional times the Executive Director considers appropriate.

Section 54 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Consuming liquor after time to stop selling and serving liquor

55 (1) Except as provided in subsection (2), a licensee must ensure that all customers leave their licensed premises no later than 30 minutes after the time authorized by their license to stop selling and dispensing liquor.

(2) An eating establishment licensee and a class B club licensee may permit customers to remain in their licensed premises for as long as the licensee considers appropriate after the time authorized by their license to stop selling and dispensing liquor.

(3) Any liquor sold or served before the time authorized by a licensee's license to stop selling and dispensing liquor may be consumed by customers before they leave.

Criteria for liquor permitted in licensed premises

56 (1) A licensee must ensure that any liquor in their licensed premises meets at least 1 of the following criteria:

(a) it is liquor that was purchased by the licensee from the Corporation or an agency store;

(b) it is wine that was brought into the licensed premises by a customer in accordance with Section 57;

(c) it is liquor that was brought into the licensed premises by a registered representative in accordance with Section 62 or 63;

(d) it is liquor that was produced by the licensee under a permit issued under the Nova Scotia Liquor Corporation Regulations made under the Act that authorizes the licensee to produce liquor.

Clause 56(1)(d) added: O.I.C. 2016-89, N.S. Reg. 63/2016.

(2) A licensee must ensure that only liquor purchased from or served by the licensee is consumed in their licensed premises.

Eating establishment licensee may permit customers to bring own wine

57 (1) An eating establishment licensee may permit a customer to bring wine into their licensed premises to consume in the premises if all of the following criteria are met:

(a) the wine is commercially produced and bottled;

(b) the manufacturer's seal on the wine bottle is not broken or removed.

(2) An eating establishment licensee may serve wine that meets the criteria in subsection (1) to a customer who brings it into their licensed premises and to other customers to be consumed in the licensed premises.

(3) For greater certainty, the following wine does not meet the criteria in subsection (1) and may not be brought into a licensed premises under this Section:

- (a) home-made wine;
- (b) wine bottled by the purchaser at a Corporation store or agency store;
- (c) boxed wine.

Removing liquor from licensed premises

58 Except as provided in Sections 58A and 58B, a licensee must not permit liquor that was sold in their licensed premises to be taken from the premises.

Section 58 replaced: O.I.C. 2016-89, N.S. Reg. 63/2016.

Taking re-corked wine from licensed premises

58A An eating establishment licensee may permit a customer to take an unfinished bottle of wine from their licensed premises if the licensee does all of the following:

(a) re-corks the bottle by inserting a cork into the bottle so that the cork is flush with the top of the bottle;

(b) informs the customer of the requirements in subsections 54(6) and (7) of the Act for transporting the open bottle of liquor in a motor vehicle.

Section 58A added: O.I.C. 2014-28, N.S. Reg. 15/2014.

Sale of liquor for consumption away from the licensed premises

58B With the approval of the Executive Director, a licensee may permit a customer to take liquor that was purchased in the licensee's licensed premises away from the licensed premises, if all of the following requirements are met:

(a) the liquor must have been produced by the licensee under a permit issued under the Nova Scotia Liquor Corporation Regulations made under the Act that authorizes the licensee to produce liquor;

(b) the manufacturing facility that is subject to the permit referred to in clause (a) and any licensed premises in which the liquor is sold must be owned and operated by the same licensee;

(c) the liquor must be sold in a licensed premises that is located adjacent to the manufacturing facility that is subject to the permit referred to in clause (a) or in one of up to 4 additional licensed premises operated by the same licensee;

(d) the liquor must be sold in a sealed package;

(e) despite the hours during which the licensee is authorized to sell or dispense liquor, the licensee must not sell liquor under this Section after 10:00 p.m.;

(f) the licensee must ensure that any person who has purchased liquor under this Section immediately leaves the licensed premises following the purchase;

(g) any additional terms and conditions the Executive Director prescribes to ensure the intent of this Section is met.

Section 58B added: O.I.C. 2014-28, N.S. Reg. 15/2014; replaced: O.I.C. 2016-89, N.S. Reg. 63/2016.

Liquor must be sold and served with meal in eating establishment

59 (1) Except as provided in Section 58B, an eating establishment licensee may sell or serve liquor to a customer in their licensed premises, other than the part designated as a holding area under Section 72, only if

- (a) the customer is served enough food to constitute a meal; or

(b) the customer is served no more than 2 servings of liquor, as prescribed by subsection 50A(2), and the eating establishment licensee's kitchen is operational and food service is available.
Subsection 59(1) replaced: O.I.C. 2017-16, N.S. Reg. 10/2017.

(2) Except as provided in Section 58B, an eating establishment licensee must not sell or serve more liquor to a customer than the amount that would reasonably be consumed with a meal.
Subsection 59(2) amended: O.I.C. 2016-89, N.S. Reg. 63/2016.

Who class A club licensees may sell and serve liquor to

60 (1) A class A club licensee may sell liquor only to the following persons:

(a) a member of the club;

(b) a person who has been signed in by a member and whose name has been entered in a guest registration book kept by the licensee;

(c) for a class A club licensee that is a branch of the Royal Canadian Legion or another national or provincial organization, a person who has produced a membership card in the organization and whose name has been entered in a guest registration book kept by the licensee.

(2) A class A club licensee must keep a list of all members and have the list available in their licensed premises at all times.

Persons not permitted in, or to be served in, licensed premises

61 (1) A licensee must not sell or provide liquor in their licensed premises to any of the following:

(a) a person who is apparently under the influence of liquor;

(b) a person who it is reasonable to believe will become drunk if they consume any more liquor.

(2) A licensee must not permit a person who is drunk to be in their licensed premises.

Sampling Liquor

Samples of liquor for licensees and staff

62 (1) A licensee may permit a manufacturer or a registered representative to bring liquor into their licensed premises so that the licensee or the licensee's staff may sample the liquor if all of the following requirements are met:

(a) the licensee must ensure that the manufacturer or registered representative is present during the sampling process;

(b) the licensee must ensure that the total samples of products provided to the licensee by a manufacturer or registered representative is not more than the maximum amount set out in the following table for the type of product in 1 calendar year:

Type of Product

Maximum Total Samples/Year

beer or coolers

48 bottles or equivalent containers, containing 355 ml of product
wine

10 bottles or equivalent containers, containing 750 ml of product
spirits

3 bottles or equivalent containers, containing 750 ml of product

(c) the licensee must ensure that the sample bottle or equivalent container is disposed of or removed from the licensed premises by the manufacturer or registered representative immediately after the sampling and before any further sampling begins.

(2) The Executive Director may require a licensee to provide written notice before liquor sampling occurs in their licensed premises and a licensee must provide the notice when required.

Subsection 62(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Samples of liquor for customers

63 (1) A licensee may permit a manufacturer or a registered representative to provide a sample of liquor to a customer only if all of the following conditions are met:

(a) the sample is purchased from the licensee by the manufacturer or registered representative;

(b) the manufacturer or registered representative remains with the customer while the sample is consumed.

(2) A licensee must not sell more than 1 sample to a manufacturer or registered representative in a single transaction.

(3) A licensee must not permit a manufacturer or registered representative to serve samples to more than 1 customer at the same time.

(4) A licensee may sell a sample to a manufacturer or registered representative that is half the size of a regular serving or less, but a licensee must not reduce the price of the sample to below half of the licensee's price for the regular serving set out in the list referred to in Section 51.

Licensed Premises

Activities not permitted in licensed premises

64 (1) A licensee must not permit any activity in or about their licensed premises that is detrimental to the orderly control and operation of the licensed premises.

Subsection 64(1) amended: O.I.C. 2010-269, N.S. Reg. 100/2010.

(2) A licensee must not permit any activity in or about their licensed premises that may interfere with the quiet enjoyment of neighbouring properties.

Subsection 64(2) amended: O.I.C. 2010-269, N.S. Reg. 100/2010.

(3) A licensee must not, personally or through any employee, servant or agent, in or about the licensed premises permit gambling or the use of any game of chance contrary to the Criminal Code.

(4) A licensee must ensure that liquor is not offered or given as a prize for a contest that takes place in their licensed premises.

(5) A licensee must ensure that a contest that involves consuming liquor is not held in their licensed premises.

(6) A licensee of a licensed premises that is open to the public must not permit pornographic films or programs to be shown in the licensed premises.

Subsection 64(6) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Requirements respecting adult entertainment

65 A licensee that presents adult entertainment in a licensed premises must ensure that all of the following requirements are met:

(a) notice of the presentation of adult entertainment must be posted so that it is clearly visible to customers before they enter the licensed premises;

(b) there must be no physical contact between customers and adult entertainers, including a customer placing a tip or gratuity on the adult entertainer or any part of the adult entertainer's clothing;

(c) customers and customer seating areas must be separated from the stage by a distance of at least 1 m;

(d) no more than 1 adult entertainer may perform at one time, unless otherwise approved by the Executive Director;
Clause 65(d) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(e) animals must not be used as part of adult entertainment;

(f) any adult entertainment performance must take place exclusively on the stage.

Person in charge of licensed premises

66 A licensee must ensure that at least 1 person who is knowledgeable about the responsible sale and service of liquor is designated as being in charge of their licensed premises and is present at the licensed premises at all times.

Number of persons in licensed premises

67 A licensee must ensure that the number of persons in their licensed premises does not exceed the number of persons specified on their license under Section 22.
Section 67 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Duty to notify Executive Director if licensed premises closed longer than 7 days

68 (1) A permanent licensee must notify the Executive Director if their licensed premises will be closed for longer than 7 days.

Subsection 68(1) and heading amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) The Executive Director may suspend a permanent license if the licensed premises is closed for longer than 7 days.

Subsection 68(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(3) The Executive Director may lift or extend the suspension of a permanent license that is suspended under subsection (2).

Subsection 68(3) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(4) A permanent license that is suspended by the Executive Director under subsection (2) is cancelled 12 months after the date the license is suspended, unless one of the following occurs before the end of the 12 months:

(a) the license expires;

(b) a transfer of the license is approved;

(c) the Executive Director lifts the suspension of the license;

(d) the Executive Director extends the suspension of the license;

(e) the permanent licensee appeals the suspension in accordance with Section 81C and

(i) the Review Board lifts the suspension, or

(ii) at the end of the 12-month period, a decision in the appeal has not yet been made.

Clause 68(4)(e) added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Subsection 68(4) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

(5) If the suspension of a permanent license is extended under subsection (3), the permanent license is cancelled 12 months after the date of the extension unless one of the events set out in subsection (4) occurs before the end of the 12 months.

Section 68 replaced: O.I.C. 2010-269, N.S. Reg. 100/2010.

Cabaret licensees to present live entertainment

69 A cabaret licensee must present live entertainment in their licensed premises at least 4 days a week.

Corresponding eating establishments for lounge licensees

70 (1) In this Section and in Section 71, “corresponding eating establishment” means the premises covered by the eating establishment license held by a lounge licensee as required by subsection 48(7) of the Act.

(2) Except as provided in subsection (3), a lounge licensee must operate their corresponding eating establishment as an eating establishment for at least 5 hours on any day that the licensee operates their lounge.

(3) A lounge licensee may temporarily close their corresponding eating establishment while operating their lounge for a period of no longer than 14 days if the lounge licensee has submitted a written request to the Executive Director and the Executive Director has approved the temporary closure of the corresponding eating establishment.

Subsection 70(3) replaced: O.I.C. 2010-269, N.S. Reg. 100/2010; amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Operating combined lounge and eating establishment

71 (1) The Executive Director may permit a lounge licensee to operate that part of their premises covered by their lounge license under their eating establishment license if the corresponding eating establishment is adjacent to the lounge and suitable access is provided between the 2 areas.

Subsection 71(1) amended: O.I.C. 2010-269, N.S. Reg. 100/2010.

(2) The Executive Director may permit a lounge licensee to operate that part of their premises covered by their eating establishment license under their lounge license if the corresponding eating establishment is adjacent to the lounge and suitable access is provided between the 2 areas.

Subsection 71(2) amended: O.I.C. 2010-269, N.S. Reg. 100/2010; O.I.C. 2016-176, N.S. Reg. 138/2016.

Section 71 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Designation of holding area in eating establishment

72 (1) An eating establishment licensee may designate an area in their licensed premises as a holding area for customers who are waiting to be seated in the dining area of their licensed premises.

(2) A holding area must not be larger than is reasonably required to accommodate customers waiting to be seated in the dining area of their licensed premises.

Duty to notify Executive Director of police charge laid in or about premises

73 A licensee must notify the Executive Director of any police charge laid in relation to an incident in or about their licensed premises or in relation to an activity occurring in or about their licensed premises no later than 10 days after the date the charge is laid, and must provide details of the incident or activity that is the subject of the charge.

Section 73 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Advertising for licensed premises

74 (1) A licensee may advertise liquor, beer or wine as set out in this Section.

(2) A licensee may advertise using any medium.

(3) A licensee may include any or all of the following information for their licensed premises in an advertisement:

- (a) liquor prices;
- (b) hours of sale;
- (c) names of liquor manufacturers or brands sold.

(4) A licensee must not use an advertisement that does any of the following:

- (a) encourages people to drink liquor irresponsibly;
- (b) depicts people drinking liquor;
- (c) depicts a person who is intoxicated;
- (d) depicts a person behaving irresponsibly or illegally;
- (e) implies that driving while consuming or having consumed liquor is acceptable conduct;
- (f) directly targets minors or is used in locations used or visited mostly by minors;
- (g) depicts liquor as one of life's necessities;
- (h) depicts liquor as a key to social acceptance or personal success;
- (i) depicts liquor as central to the enjoyment of any activity;
- (j) depicts liquor as a status symbol;
- (k) uses pictures or descriptions of minors or of personalities, images or activities that may appeal to minors.

Licensees' records kept at licensed premises

75 (1) A licensee must keep all of the following records and have them available in their licensed premises at all times:

- (a) liquor purchase records;
- (b) liquor sales records;
- (c) liquor disposal records;
- (d) employee records, including all of the following for each of their employees:
 - (i) name,
 - (ii) address,
 - (iii) salary,
 - (iv) primary job responsibility,

- (v) shift schedules,
 - (vi) dates of employment;
 - (e) records of the quantity and price of liquor servings;
 - (f) records of any liquor sampling conducted under Section 62 or 63.
- (2) A licensee must retain the records listed in subsection (1) for at least 3 years.

Licensee's Employees

Employees not to consume liquor while on duty

76 A licensee must not permit an employee of the licensee to consume liquor in their licensed premises while on duty, other than liquor consumed in the presence of a registered representative to sample the liquor.

Employees not rewarded based on sales

77 A licensee must not pay or reward anyone based on the amount of liquor they sell at their licensed premises.

Inspections

Powers of inspectors

78 (1) To ensure compliance with the Act and its regulations, an inspector may enter and inspect any of the following places:

- (a) a licensed premises;
- (b) a place that is the subject of an application for license;
- (c) any place, whether inside or outside a licensed premises, that could reasonably be expected to be used in connection with selling or storing liquor.

(2) In carrying out an inspection, an inspector may do any or all of the following:

- (a) take samples of liquor from a licensee or any person in a licensed premises;
- (b) inspect, audit, examine and make copies of any records, documents, books of account or receipts relating to liquor, a licensee or licensed premises;
- (c) temporarily remove any of the items listed in clause (b) for those purposes;
- (d) interview a licensee or any agents of a licensee about any of their records, documents, books of account or receipts;
- (e) interview and request identification from any person who appears to be a minor and is found in a licensed premises;
- (f) interview and request identification from any person who appears to be under the influence of liquor in a licensed premises;
- (g) interview and request identification from any person who is found in a licensed premises after the time specified on the license for the premises to stop selling and dispensing liquor;

(h) seize identification from any person interviewed under this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.

(3) An inspector must carry identification in the form determined by the Executive Director and present it on request to a licensee of the licensed premises being inspected or to any person being interviewed.

Subsection 78(3) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Obstructing inspector

79 A licensee must not obstruct an inspector while the inspector is performing their duties or exercising their powers.

Duty to assist inspector

80 A licensee must do any of the following when requested to by an inspector:

(a) assist the inspector in carrying out an inspection;

(b) provide the inspector with records, documents, books of account and receipts and provide a place where they may be examined, audited or copied.

Inspector may direct licensee to lower volume

81 (1) An inspector may direct a licensee presenting entertainment in a licensed premises, including a patio or other outdoor licensed area, to lower the volume of the entertainment or turn off the amplification of the entertainment.

(2) A licensee must comply with a direction under subsection (1).

Disciplinary Action and Referrals to Review Board

Heading replaced: O.I.C. 2011-419, N.S. Reg. 317/2011.

Disciplinary action against permanent licensee

81A(1) If the Executive Director proposes to take action under clause 47B(1)(a) of the Act the Executive Director must serve a notice of proposed action on the permanent licensee.

(2) A notice of proposed action may be in any form, but it must be in writing and include all of the following:

(a) a description of the proposed action, as set out in clause 47(1)(b), (c) or (d) of the Act, as applicable;

(b) written reasons supporting the proposed action, including how the permanent licensee has failed to comply with the conditions of a permanent license, has contravened the Act or these regulations or has been convicted of an offence under the Criminal Code or a quasi-criminal statute, as applicable, as set out in subsection 47B(1) of the Act;

(c) a statement that the permanent licensee may object in writing to the proposed action in accordance with subsection (3) and (4);

(d) a description of the actions available to the Executive Director under subsection (5).

(3) To object to a proposed action, the permanent licensee on whom the notice of proposed action was served must file a written notice of objection with the Executive Director no later than 14 days after the date the notice of proposed action was served on the permanent licensee.

(4) A notice of objection may be in any form, but it must be in writing and include all of the following:

- (a) the name, address and phone number of the permanent licensee;
- (b) a copy of the notice of proposed action;
- (c) the reason the permanent licensee objects to the proposed action.

(5) After considering any objection to a notice of proposed action, the Executive Director must do one of the following:

- (a) take the proposed action;
- (b) rescind the notice of proposed action;
- (c) vary the proposed action, but only if the action taken is permitted by clause 47(1)(b), (c) or (d) of the Act;
- (d) refer the matter to the Review Board in accordance with subsection 47B(1)(b) of the Act.

(6) The Executive Director must serve notice of the decision made under subsection (5) on the permanent licensee who is the subject of the decision.

Section 81A added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Immediate action against permanent licensee

81B (1) The Executive Director may take immediate action against a permanent licensee under clause 47B(1)(a) of the Act if, in the opinion of the Executive Director, the permanent licensee is providing liquor to patrons in an irresponsible manner, is unable to ensure the care and control of the licensed premises or is otherwise acting in a manner that may threaten public safety.

(2) For immediate action taken under subsection (1) the notice and objection provisions in Section 81A do not apply.

(3) The Executive Director must serve notice of the immediate action taken, including reasons supporting the action, on the permanent licensee against whom the action is taken, and the action is effective immediately on the notice being served.

(4) A permanent licensee may appeal an immediate action to the Review Board in accordance with Section 81C if the action

- (a) imposes or amends conditions on their permanent license on an ongoing basis;
- (b) suspends their permanent license on an ongoing basis; or
- (c) cancels all or any part of their permanent license.

(5) In addressing an appeal of an immediate action, the Review Board must only confirm, vary or revoke the immediate action from the date of the Review Board's decision forward, and must not determine the correctness of the action taken by the Executive Director.

Section 81B added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Appeal of licensing decision or disciplinary action

81C(1) To appeal a decision of the Executive Director on licensing under Section 47A of the Act or a disciplinary action taken by the Executive Director under subsection 47B(2) of the Act, the permanent licensee or applicant for a permanent license must file a notice of appeal with the Review Board no later than 14 days after the date of the Executive Director's decision or action.

(2) A notice of appeal may be in any form, but it must be in writing and include all of the following:

(a) the name, address and phone number of the permanent licensee or applicant for a permanent license;

(b) a copy of the Executive Director's decision that is being appealed;

(c) the remedy the permanent licensee or applicant for a permanent license is seeking on appeal.

(3) On receipt of a notice of appeal, the Review Board must provide a copy of it to the Executive Director.

(4) A hearing by the Review Board to determine a matter in an appeal may be held as an oral hearing or through written submissions, as the Review Board considers appropriate.

(5) The Review Board may determine its own rules respecting practice and procedure for an appeal.

(6) A permanent licensee or applicant for a permanent license may be represented by counsel in an appeal.

(7) The following are parties to an appeal:

(a) the permanent licensee or applicant for a permanent license;

(b) the Executive Director;

(c) any person that the Review Board specifies.

(8) The Executive Director may choose a designate to participate in an appeal on behalf of the Executive Director.

(9) Unless it is rescinded under Section 47C of the Act, a decision of the Executive Director that is not appealed is final and binding.

Section 81C added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Rescinding decision

81D(1) Subject to subsection (2), the Executive Director may rescind a decision in accordance with Section 47C of the Act no later than 28 days after the date of the decision.

(2) A decision that is appealed to the Review Board is not rescindable once the Review Board has rendered a decision in the appeal.

(3) On rescinding a decision, the Executive Director must serve notice of the rescission

(a) on the permanent licensee or applicant for a permanent license who is the subject of the decision; and

(b) if the decision has been appealed to the Review Board, on the Review Board.

(4) On receipt of a notice that the Executive Director has rescinded a decision that has been appealed to the Review Board, the Review Board must serve notice of the rescission on any person that the Review Board has specified as a party to the appeal.

Section 81D added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Notice of referral to Review Board

82 (1) If the Executive Director refers a licensing matter to the Review Board under subsection 47(3) of the Act or refers a disciplinary action to the Review Board under clause 47B(1)(b) of the Act, a notice of the referral must be

- (a) filed with the Review Board; and
- (b) served on the permanent licensee or applicant for a permanent license who is the subject of the referral.

(2) A notice of referral may be in any form, but it must be in writing and include all of the following:

- (a) whether the referral is made under subsection 47(3) or clause 47B(1)(b) of the Act;
- (b) the matter to be determined by the Review Board;
- (c) a statement that the permanent licensee or applicant for a permanent license has a right to participate in the referral process.

Section 82 replaced: O.I.C. 2011-419, N.S. Reg. 317/2011.

Referral of licensing matter

82A(1) The Review Board may determine its own rules respecting practice and procedure for a licensing matter that has been referred to it by the Executive Director under subsection 47(3) of the Act.

(2) A permanent licensee or applicant for a permanent license may be represented by counsel in a licensing matter.

(3) Once a permanent licensee or applicant for a permanent license is notified that a licensing matter has been referred to the Review Board and given an opportunity to participate, the Review Board may proceed without the participation of the licensee or applicant without further notice to the licensee or applicant.

(4) A hearing by the Review Board to determine a licensing matter may be held as an oral hearing or through written submissions, as the Review Board considers appropriate.

(5) The Executive Director must give the Review Board a copy of any documentation submitted under these regulations by a permanent licensee or applicant for a permanent license with respect to whom a licensing matter has been referred to the Review Board.

(6) As set out in subsections 47(1) and (3) of the Act, in determining a licensing matter, the Review Board may, subject to the Act, but otherwise in the Review Board's discretion, do any of the following:

- (a) grant, renew and transfer licenses to sell liquor in accordance with the conditions of the licenses and of the Act and these regulations;

- (b) impose conditions on any license or rescind or amend existing conditions on a license in accordance with the Act and these regulations;

- (c) suspend all or any part of a license for such time that the Review Board considers appropriate;

- (d) cancel all or any part of a license.

Section 82A added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Referral of disciplinary matter

82B (1) The Review Board may determine its own rules respecting practice and procedure for a disciplinary matter that has been referred to it by the Executive Director under 47B(1)(b) of the Act.

(2) A permanent licensee may be represented by counsel in a disciplinary matter.

(3) Once a permanent licensee is notified that a disciplinary matter has been referred to the Review Board and given an opportunity to participate, the Review Board may proceed without the permanent licensee's participation without further notice to the licensee.

(4) A hearing by the Review Board to determine a disciplinary matter may be held as an oral hearing or through written submissions, as the Review Board considers appropriate.

(5) As set out in clauses 47E(2)(a) to (e) and subsection 47E(3) of the Act, in determining a disciplinary matter, the Review Board may, subject to the Act, but otherwise in the Review Board's discretion, do any of the following:

(a) impose conditions on a license;

(b) rescind or amend existing conditions on a license;

(c) suspend all or any part of a license for any period of time that the Review Board considers appropriate;

(d) cancel all or any part of a license;

(e) order, in accordance with the Act and these regulations, another remedy that the Review Board considers appropriate.

Section 82B added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Suspended licenses

83 (1) On suspending a license, the Executive Director must set the date that the suspension begins.
Subsection 83(1) replaced: O.I.C. 2011-419, N.S. Reg. 317/2011.

(2) The Executive Director may require that a notice be posted at a licensed premises for which the license is suspended that states that the license has been suspended by the Executive Director and giving the reason for the suspension.

Subsection 83(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Suspension of license on bankruptcy or receivership of permanent licensee

84 (1) The permanent license of a permanent licensee who goes into bankruptcy or receivership is suspended as of the date of the receiving order, the receivership appointment or receivership order, as the case may be.

(2) A permanent license that is suspended because the licensee goes into bankruptcy or receivership expires 12 months from the date the license is suspended unless one of the following occurs before the end of the 12 months:

(a) the license expires because the expiry date set out on the license passes;

(b) a transfer of the license is approved;

(c) the receiver, trustee or liquidator has applied to the Executive Director to approve the operation of the licensed premises under a permanent license held in trust by the receiver, trustee or liquidator and the Executive Director has approved the operation for a period of no longer than 6 months.

Clause 84(2)(c) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Suspension of license on foreclosure of licensed premises

85 (1) The license of a permanent licensee whose licensed premises is subject to foreclosure is suspended as of the date of the order for foreclosure and sale.

(2) A permanent license suspended because a licensed premises is subject to foreclosure remains suspended for no longer than 6 months, as determined by the Executive Director, after which the permanent license expires.

Subsection 85(2) amended: O.I.C. 2011-419, N.S. Reg. 317/2011.

Public Consultations

Form and manner of public consultation

85A(1) The Executive Director must provide public notice of a public consultation using at least 1 of the following methods:

- (a) newspaper;
- (b) mail distribution;
- (c) a method that provides reasonable notice to the public, as determined by the Executive Director.

(2) Public notice of a public consultation must be

- (a) publicly available for at least 5 business days; and
- (b) provided in

(i) the licensing area where the licensed premises is located, if a permanent license has already been granted, or

(ii) the licensing area where the proposed licensed premises is to be located, if a permanent license is being sought.

(3) Public notice of a public consultation must be in writing and include all of the following:

- (a) the reason for the public consultation;
- (b) the name of the permanent licensee or applicant for a permanent license whose licensed or proposed licensed premises is the subject of the public consultation;
- (c) the location of the licensed or proposed licensed premises that is the subject of the public consultation;
- (d) for a public consultation on an application for a permanent license, as required under subsections 49(8) and 49(12) of the Act, the approximate maximum number of persons that the proposed licensed premises may hold, in accordance with subsection 22(1);
- (e) a statement that any person may, by filing a notice with the Executive Director by the deadline set in the public notice,
 - (i) object to the application, if an application for a permanent license is the subject of the public consultation, or
 - (ii) comment on a matter that is the subject of the public consultation.

Section 85A added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Notice of comment or objection

85B (1) A notice of comment or objection filed as part of a public consultation must be in writing and include all of the following:

- (a) the name, address and phone number of the person providing the comment or objection;
- (b) the name of the permanent licensee or applicant for a permanent license or the location of the licensed premises or proposed licensed premises that is the subject of the comment or objection;
- (c) the comment or objection.

(2) On receiving a comment or objection about a matter that is the subject of a public consultation, the Executive Director

- (a) must consider the comment or objection; and
- (b) may make inquiries, request documentation or hold a meeting for the purpose of determining the matter.

Section 85B added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Information from previous public consultation held in municipality

85C If a licensing matter on which the Executive Director is holding a public consultation has already undergone a public consultation or hearing in the municipality where the licensed premises or proposed licensed premises is located, the Executive Director may consider any information from that previous consultation or hearing in determining the matter under this Section [85E].

Section 85C added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Referring matter to Review Board before or after public consultation

85D(1) The Executive Director may refer a matter to the Review Board for determination either before or after any public consultation has taken place.

(2) If the matter is referred to the Review Board before any public consultation has taken place, in addition to determining the matter, the Review Board is responsible for any public consultation held respecting the matter.

(3) The Executive Director may assist in a public consultation held by the Review Board, as directed by the Review Board.

Section 85D added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Determination after public consultation

85E (1) After holding a public consultation for the purpose of determining whether to grant a license, in accordance with subsection 49(8) or 49(12) of the Act, the Executive Director must do one of the following:

- (a) grant the application for a permanent license, and impose any conditions on the license that the Executive Director determines, in accordance with the Act and these regulations;
- (b) refuse to grant the application for a permanent license;
- (c) refer the matter to the Review Board in accordance with subsection 47(3) of the Act.

(2) After holding a public consultation for the purpose of determining whether to impose, rescind or amend conditions on a permanent license in accordance with subsection 27(2) of these regulations, the Executive Director may

- (a) impose conditions on the license;

(b) rescind or amend existing conditions on the license; or

(c) refer the matter to the Review Board in accordance with subsection 47(3) of the Act.

Section 85E added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Documents

Service of documents and deemed receipt

85F (1) A document that is served under these regulations must be served

(a) in the case of an individual,

(i) personally,

(ii) by registered mail to the individual's most recent address known to the person sending the document, or

(iii) by facsimile or other electronic transmission that allows proof of successful transmission; or

(b) in the case of a corporation,

(i) personally on the recognized agent or a director, manager or officer of the corporation,

(ii) by registered mail to the registered office of the corporation or, for an extra-provincial corporation, to the office of its legal counsel in the Province, or

(iii) by facsimile or other electronic transmission that allows proof of successful transmission.

(2) Service under these regulations to a licensee who cannot be found in the Province may be effected by posting a copy of the document being served in a conspicuous place on the premises for which the license is held.

(3) Any document that is served by registered mail is deemed to have been received by the addressee 3 days after the date of the first attempt by the postal service to deliver the document, unless the addressee establishes that they did not, acting in good faith, through absence, incident, illness or other cause beyond their control, receive a copy of the document until a later date than the deemed date of receipt.

(4) Service by facsimile or other electronic transmission is deemed to have been received the day after it was sent or, if that deemed date of receipt is a Saturday or a holiday, on the next day that is not a Saturday or a holiday, unless the person being served establishes that they did not, acting in good faith, through absence, incident, illness or other cause beyond their control, receive a copy until a later date than the deemed date of receipt.

Section 85F added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Certified copy admissible in evidence

85G A copy of a document that purports to be certified by the Executive Director or an inspector as being a true copy of the original is admissible in evidence in any proceeding under the Act or these regulations.

Section 85G added: O.I.C. 2011-419, N.S. Reg. 317/2011.

Transitional Provisions

Military licenses

86 A military license held by a person on the day before these regulations come into force is deemed to be a class B club license and remains valid until its expiry date.

Annual special occasion licenses continued

87 (1) An annual special occasion license that is valid on the day before these regulations come into force remains valid.

(2) The Executive Director may vary the conditions of an annual special occasion license continued under subsection (1).

Section 87 amended: O.I.C. 2011-419, N.S. Reg. 317/2011.