

Factsheet for licensees: Extended trading hours for the Rugby World Cup 2023

Information for licensees on temporary changes to the Sale and Supply of Alcohol Act 2012 for extended hours during the Rugby World Cup 2023

Overview

Temporary amendments to the Sale and Supply of Alcohol Act 2012 (the Act) for the men's Rugby World Cup 2023 allow eligible on-licence and club-licence holders to extend their trading hours to televise live games from the tournament in France without the need to apply for special licences.

The amendments can be found in sections 45A-45H and schedule 4 of the Act. The approach is similar to that taken for the last two Rugby World Cup tournaments, with some improvements.

This factsheet provides information on eligibility for extended trading hours and your responsibilities as a licensee when using them.

Who can extend their hours?

You can extend your trading hours if:

- you hold a current club licence or an on-licence
- your main reason for extending your trading hours is to host customers to watch live games from the Rugby World Cup 2023
- your licence has not been varied or suspended under section 280 of the Act in the past year, and
- your licence has not been suspended or cancelled immediately before or during the Rugby World Cup 2023.

What must licensees do to extend their trading hours?

Notification

You must notify your territorial authority (city or district council) **and** the nearest Police station of the games you intend to be open for.

This notification must be in writing (either by post or email) and must **be received** by both parties at least seven calendar days before the games you intend to extend your trading hours for. We encourage you to make notifications as early as possible to give Police and others plenty of time to plan.

The notification can list multiple games. It also needs to outline the steps you will take to keep noise levels down (see the '*Noise management*' section).

Display notice

As soon as practicable after notifying the territorial authority and Police, you must display information about how your premises will use extended licensing hours, including details of how noise will be managed - in the same way as you normally display your alcohol licence. You must keep this information updated throughout the tournament.

Cancellation of notification

If you change your mind about opening for a game you have notified for, you must provide a cancellation of notification to your territorial authority and nearest Police station as soon as possible.

Templates and guidance

It is important that you fill in the relevant templates and provide all the information required. This will ensure that you meet your responsibilities under the Act, help minimise neighbourhood inconvenience and disruption, and help Police to do their job.

Your premises must keep noise levels down when screening after-hours games, and you must outline how you will do this in your notification (see the '*Notification*' section). In addition to the normal noise management conditions in your licence, you will be required to take extra measures to reduce noise, appropriate to your location and game times.

These include ensuring customers and staff do not:

- use the premises' open areas at all, even those normally used for smoking, or
- use audio equipment such as loudspeakers in open areas, or
- dispose of empty bottles or other rubbish or leave them for collection in open areas.

"Open area" is defined by the Smokefree Environments and Regulated Products Act 1990, s2(1) as a part of a premises that is not an internal area.

Concerns about noise will be reported to the territorial authority and Police, and it will be for their enforcement staff to determine the appropriate response.

When can premises open and sell alcohol for after-hours games?

If a game starts during your premises' usual permitted trading hours, you can remain open for the whole match.

If the first game starts less than two hours after your usual closing time, you do not have to close leading up to the game.

Your premises can otherwise open and sell alcohol from one hour before a game starts.

If a game starts more than two hours after the end of your premises' usual permitted trading hours, you must close at the usual time, then reopen one hour before the start of the game.

When must premises stop selling alcohol and close?

Premises must stop serving alcohol 30 minutes after the game ends (if this time is outside of your usual permitted trading hours and does not overlap with the lead-up time you are allowed to be open for a subsequent game).

If you hold an on-licence, you must ensure all patrons have left and the premises is closed one hour after the game ends (if this time is outside of your usual permitted trading hours and it does not overlap with the time you are allowed to be open for a subsequent game).

If you hold a club licence, you may remain open after the game ends, but you will not be able to sell alcohol until the usual permitted trading hours (or the time you are allowed to sell alcohol for a subsequent game).

How are premises affected by consecutive games?

If there are more than two hours between the games you have notified for, you need to follow the rules outlined above in the section '*When must premises stop selling alcohol and close?*'. Premises that are required to close one hour after a game ends, such as bars and taverns, can reopen one hour before the next game starts.

If there are less than two hours between games, you can stay open but need to follow the rules for selling alcohol outlined in the section '*When must premises stop selling alcohol and close?*'.

Examples of how the opening and closing times for extended trading hours apply in different scenarios are at the end of this factsheet.

One-way door policies

One-way door policies do not apply one hour before, during, or one hour after the extended trading hours.

Conditions on the extended trading hours

During the 2023 Rugby World Cup, the amendments to the Act will override certain conditions related to restrictions on trading hours and one-way door policies.

However, you must comply with all other conditions that apply to your usual permitted trading hours such as any restrictions on types of drinks sold, or who the premises can sell and supply alcohol to.

Offences in the Act not overridden by the amendments still apply during extended trading hours (eg it remains an offence to serve intoxicated people).

Not displaying information about the extended trading hours alongside your other licensing information is also an offence under section 259 of the Act and punishable by a fine of up to \$5,000.

Licencees in breach of the conditions in the amendments to the Act could have their extended hours revoked immediately. This may happen if a Police officer or licensing inspector files an application for an order under section 280 of the Act such as to vary, revoke, suspend, or cancel a licence.

Examples of how opening and closing times apply in different scenarios

Example 1: game starts during and finishes outside permitted trading hours

You have notified for the Italy v Namibia game played on 9 September at 11:00pm.

The last period of permitted trading hours for your premises ends at 11:30pm.

Your premises can remain open during the game, which ends at 12:45am – but must stop selling alcohol at 1:15am.

If you have an on-licence, you must ensure that the premises is closed, and all patrons have left by 1:45am.

Example 2: game starts no more than 2 hours outside permitted trading hours

You have notified for the Japan v Argentina game played on 9 October at midnight.

The last period of permitted trading hours for your premises ends at 10:00pm.

As the game is to start no more than two hours after 10:00pm, your premises can remain open until the game starts at or about midnight and stay open during the game, which ends at 1:45am.

Your premises must stop selling alcohol at 2:15am.

If you have an on-licence, you must ensure that the premises is closed, and all patrons have left by 2:45am.

Example 3: game starts more than 2 hours outside permitted trading hours

You have notified for the Australia v Fiji game played on 18 September at 3:45am.

The last period of permitted trading hours for your premises ends at 5:00pm.

Your premises can open at 2:45am (one hour before the start of the game) and stay open during the game, which ends at 5:30am.

Your premises must stop selling alcohol at 6:00am.

Example 4: successive games

You have notified for the following three games played on 8 October:

- *the Wales v Georgia game to start at 2:00am*
- *the England v Samoa game to start at 4:45am, and*
- *the Ireland v Scotland game to start at 8:00am.*

The last period of permitted trading hours for your premises ends at 12:30am, and the opening time for permitted trading hours is 8:00am.

Your premises can remain open and sell, supply, and let people consume alcohol on the premises for 24 hours from 12:30am on 8 October (the end of the last period of permitted trading hours) until 12:30am on 9 October (the end of last period of permitted trading hours the following day), because:

- the first game starts no more than two hours after your premises' usual closing time*
- the gaps between the games mean that requirements to cease alcohol sales at 30 minutes after the games end do not apply because those times overlap with the times you are allowed to open for the next game (one hour before the game), and*
- the third game starts at your premises' opening time for permitted trading hours at 8:00am.*

Example 5: non-successive games

You have notified for the first and third, but not the second, of the following three games played on 8 October:

- the Wales v Georgia game to start at 2:00am*
- the England v Samoa game to start at 4:45am, and*
- the Ireland v Scotland game to start at 8:00am.*

The last period of permitted trading hours for your premises ends at 12:30am and the opening time for permitted trading hours is 8:00am.

As the game starts no more than two hours after the end of the last period of permitted trading hours, your premises can remain open from 12:30am to the end of the first game, at 3:45am.

Your premises must stop selling alcohol at 4:15am.

If you have an on-licence, you must ensure that the premises is closed, and all patrons have left by 4:45am.

Your premises can be open and sell alcohol again at 7:00am (one hour before the start of the third game).

The third game ends at 8:45am, which is within your premises' permitted trading hours, so you can remain open and sell alcohol until 12:30am on 9 October (the last period of permitted trading hours the following day).