

**LIQUOR ACT**

R-024-2022

Registered with the Chief Legislative Counsel

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**KUGLUKTUK LIQUOR RESTRICTION REGULATIONS**

The Minister, under sections 11, 49 and 70 of the *Liquor Act* and every enabling power, makes the annexed *Kugluktuk Liquor Restrictions Regulations*.

Definitions

1. In these regulations,

"community" means all that portion of Nunavut that lies within a radius of 25 kilometers from the Kugluktuk Hamlet Office;

"two-week import and purchase period" means the two-week period beginning every other Sunday and ending on the second Saturday that follows it.

Declaration of restricted area

2. The community is declared to be a restricted area.

Import and purchase limit

3. (1) During each two-week import and purchase period, a person must not import into or purchase in the community more than

- (a) 1.775 litres of spirits; and
- (b) either
  - (i) 48 containers of 355 millilitres or less of beer or other liquor with no more than 8% alcohol by volume; or
  - (ii) 3.75 litres of wine.

Offence

(2) A person who contravenes subsection (1) is liable on summary conviction,

- (a) in the case of a first offence, to a fine of \$500;
- (b) in the case of a second offence, to a fine of \$1,000; and
- (c) in the case of a third or subsequent offence, to a fine of not less than \$1,000 and not exceeding \$5,000 or to imprisonment for a term not exceeding 30 days or to both.

Sequence of convictions only

(3) For the purposes of subsection (2), the only question to be considered is the sequence of convictions and no consideration may be given to the sequence of commission of offences or whether any offence occurred before or after any conviction.

Defense

- (4) A person is not guilty of an offence under subsection (2) if
- (a) the contravention occurred due to the receipt of more than one shipment of liquor during a two-week import and purchase period, whether those shipments arrived together or at separate times;
  - (b) each shipment of liquor contained less than the amounts of liquor listed in paragraphs (1)(a) and (b); and
  - (c) the person demonstrates that they had taken reasonable measures to arrange for the shipments of liquor to arrive in the community at times that would not have resulted in a contravention of that subsection.

Additional imports or purchases

(5) For greater certainty, the prosecution has the burden of proving the existence of any additional imports or purchases that would rebut a defence under subsection (4).

Definition

4. (1) In this section, "cumulative orders" means the combined amount of liquor that
- (a) a person purchases or orders from a liquor store or a licensed premises; and
  - (b) a person is authorized to import under a liquor import permit.

Limit on sales and liquor import permits

(2) The Minister, a vendor, an Agent, a licence holder or a person authorized by the Minister must not knowingly sell liquor or issue a liquor import permit to a person in the community if, as a result, the cumulative orders of the person would exceed the amounts listed in paragraphs 3(1)(a) and (b) during a two-week import and purchase period.

Transitional – first period

5. (1) The first two-week import and purchase period begins on the day these regulations come into force.

Transitional – existing orders and permits

- (2) These regulations do not apply to liquor
- (a) that was ordered from a liquor store before the coming into force of these regulations but delivered after the coming into force of these regulations; or
  - (b) that is imported under the authority of a liquor import permit that was issued before the coming into force of these regulations.

Coming into force

6. These regulations come into force on the first Sunday following the day on which they are published in the *Nunavut Gazette*.