

Chapter 9

AN ACT TO AMEND THE LIQUOR ACT

(Assented to June 15, 2006)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **The *Liquor Act* is amended by this Act.**
2. **Each provision listed in Column 1 of the Schedule is amended by striking out the word or words set out in the same row of Column 2 of the Schedule, wherever they appear, and substituting the word or words set out in the same row of Column 3 of the Schedule.**
3. **(1) The definition "liquor store" in subsection 1(1) is amended by**
 - (a) **striking out "or" in paragraph (b);**
 - (b) **striking out the semi-colon at the end of paragraph (c) and substituting ", or"; and**
 - (c) **adding the following after paragraph (c):**
 - (d) a place operated by the Commission to store liquor and fill orders for the purchase and delivery of liquor;
- (2) The English version of the definition "permit" in subsection 1(1) is amended by striking out "an imported liquor permit" and substituting "a liquor import permit".**
- 3.1. **(1) Subsection 6(2) is amended by striking out "Subject to this Act" and substituting "Subject to this Act and the regulations".**
 - (2) Subsection 6(3) is repealed and the following is substituted:**

Powers of Board

- (3) The Board may,
 - (a) subject to this Act and the regulations,
 - (i) issue, renew and transfer licences, and
 - (ii) after a hearing, cancel or suspend licences; and
 - (b) subject to this Act,
 - (i) generally advise the Minister on all matters of policy, legislation and administration relating to the sale, distribution and consumption of liquor, and
 - (ii) make rules or orders governing its proceedings.

4. Section 7 is repealed and the following is substituted:

Employees of Board

7. The employees of the Board are members of the public service.

5. (1) That portion of section 11 preceding paragraph (a) is amended by striking out "The Board" and substituting "The Commissioner, on the recommendation of the Minister,".

(1.1) Paragraphs 11(a), (c), (j) and (m) are amended by striking out "special occasion".

(2) Paragraph 11(o) is repealed and the following is substituted:

(o) respecting the forms required under this Part;

(3) Paragraph 11(q) is amended by striking out "within the powers of the Board".

5.1. (1) Subsection 13(1) is amended by striking out "Subject to this Act" and substituting "Subject to this Act and the regulations".

(2) Subsections 13(1.1) and (2) are amended by striking out "The Board" and substituting "Subject to this Act and the regulations, the Board".

6. Paragraph 15(1)(a) is repealed and the following is substituted:

(a) liquor import permits to authorize the importation of liquor into Nunavut and the possession and use of imported liquor;

7. Subsection 23(4) is amended by striking out "has been made, a judge of the Supreme Court" and substituting "has been made to the Nunavut Court of Justice, a judge of the Nunavut Court of Justice".

8. Paragraphs 51(1)(a), (b), (g), (i), (r) and (s) are repealed.

9. The following is added after section 51.1:

Application

51.2. (1) This section applies despite an order, resolution, declaration or regulation made under this Act.

Wine for sacramental purposes

(2) Where a church that is of a religion and denomination that normally uses wine for sacramental purposes conducts worship services within a restricted or prohibited area,

- (a) a religious leader of the church or a person authorized by him or her may possess the quantities of wine necessary for sacramental purposes; and
- (b) members of the church or congregation may consume wine in the normal course of worship.

Liquor for medicinal purposes

(3) A person may, within a restricted or prohibited area, possess and administer to a patient for medicinal purposes the type and quantities of liquor that are in normal use in professional practice if he or she is

- (a) a medical practitioner;
- (b) a registered nurse, a nurse practitioner or a temporary certificate holder as defined in section 1 of the *Nursing Act*;
- (c) a person authorized to provide nursing services under subsection 9(3) of the *Nursing Act*; or
- (d) a person authorized by a person mentioned in paragraph (a), (b) or (c).

Transportation of liquor

(4) A person may transport liquor within a restricted or prohibited area for a purpose mentioned in subsection (2) or (3) if no liquor is consumed or disposed of during transportation.

Liquor being transported

(5) A person may transport and possess liquor in an airport, harbour or dock within a restricted or prohibited area or on an aircraft or vessel travelling between a restricted or prohibited area and a place outside the area if

- (a) the liquor is being transported to a destination outside the area;
- (b) the liquor is in the original sealed container and the seal on the container remains unbroken;
- (c) no liquor is consumed or disposed of within the area; and
- (d) no liquor is removed from an aircraft or vessel transporting it.

9.1. Subsection 53(2) is amended by striking out "by the Board".

10. The English version of paragraph 54(c) is amended by striking out "imported liquor permits" and substituting "liquor import permits".

11. Subsection 56(4) is repealed and the following is substituted:

Employees of Commission

(4) The employees of a Commission are members of the public service.

12. Paragraph 65(a) is repealed and the following is substituted:

- (a) the purchaser or his or her authorized agent carrying it away with him or her, if the purchaser has purchased the liquor under
 - (i) a licence,
 - (ii) a special permit issued under paragraph 15(1)(c), or
 - (iii) a special occasion permit issued under subsection 15(4);

13. Subsection 67(1) is amended by striking out "A purchaser of liquor" and substituting "A purchaser of liquor under paragraph 65(a)".

14. (1) Section 75 is renumbered as subsection 75(1).

(2) That portion of subsection 75(1) preceding paragraph (a) is amended by striking out "may personally import into the Territories and lawfully possess" and substituting "may, without a permit, personally import into Nunavut and lawfully possess and use".

(3) Paragraph 75(1)(b) is amended by striking out "a liquor board, commission or similar body in a province or the Yukon Territory" and substituting "a retail outlet or liquor board, commission or similar body in a province or another territory".

(4) The following is added after subsection 75(1):

Liquor import permit

(2) A person who has been issued a liquor import permit under paragraph 15(1)(a) may, in accordance with this Act, the regulations and the terms and conditions set out in the permit, import into Nunavut and lawfully possess and use

- (a) liquor purchased from a retail outlet or liquor board, commission or similar body in a province or another territory; and
- (b) beer purchased from a brewery in a province or another territory.

15. (1) Sections 3, 6, 10, 12, 13 and 14 are deemed to have come into force April 1, 1999.

(2) Imported liquor permits issued before the amendments made by this Act come into force are deemed to have been liquor import permits issued in accordance with the amendments made by this Act.

SCHEDULE

Column 1 Provisions Amended	Column 2 Word or Words Struck Out	Column 3 Word or Words Substituted
<ul style="list-style-type: none"> • in subsection 1(1), the definition "club" • subsection 4(2) • paragraphs 16.5(1)(c) and 24(1)(b) • subsection 25(2) • paragraphs 48(2)(a), 54(b) and (i) and 56(1)(b) • subsection 63(1) • section 64 • paragraphs 65(b) and (c) and 66(c) • section 71 • subsection 80(2) • section 83 • in subsection 104(1), that portion preceding paragraph (a) 	"the Territories"	"Nunavut"
<ul style="list-style-type: none"> • in subsection 1(1), the definition "club" • section 64 	"the Yukon Territory"	"another territory"
<ul style="list-style-type: none"> • subsections 16.91(1) and (2) • section 20 • subsections 23(2) and (3) • subsections 110(3) and (5) 	"Supreme Court"	"Nunavut Court of Justice"
<ul style="list-style-type: none"> • section 27 • subsections 57 (1) and (2) and 58(1) • paragraph 61(5)(b) • subsections 62(2) • in subsection 108(3), that portion following paragraph (b) • subsection 108(4) 	"Government of the Northwest Territories"	"Government of Nunavut"

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