



CHATHAM ISLANDS COUNCIL

CONTROL OF ALCOHOL IN PUBLIC PLACES BYLAW 2023

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Pursuant to Section 147 of the Local Government Act 2002, the Chatham Islands Council makes this bylaw.

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History of Changes

Date	Version	Council Adoption	Description
1/12/2018	1.0	1/12/2018	Initial Bylaw
July 2023	2.0	20 July 2023	Reviewed

1. Title, Purpose and Commencement

This bylaw shall be known as the Chatham Islands Council Control of Alcohol in Public Places Bylaw 2023 and is made for the control of alcohol consumption in public places in and around Waitangi as shown on the attached map.

The bylaw includes a process to obtain prior written permission from the Chatham Islands Council to authorise activities that would otherwise breach the bylaw. The Chatham Islands Council will erect signage to communicate the terms of the bylaw to the public.

This bylaw shall come into force on 15 December 2023.

2. Acts Prohibited

The following acts are prohibited in the places, described in Schedule A, during the specified days and times listed in Schedule B.

2.1 The consumption of alcohol in a public place

2.2 The possession of alcohol in a public place

2.3 The bringing of alcohol in a public place

2.4 Consumption of alcohol in a vehicle in a public place

3. Interpretation

Alcohol has the same meaning as in the Sale and Supply of Alcohol Act 2012 and generally means alcoholic beverages such as beer, wine, and spirits.

3.1 Offence means an offence under section 239 of the Local Government Act 2002 for breach of this bylaw

3.2 Public Place means a place –

3.2.1 That is under the control of Chatham Islands Council; and

3.2.2 That is open to or is being used by the public, whether or not there is a charge for admission; and includes

3.2.3 A road, whether or not the road is under the control of Council; and

3.2.4 Any part of a public place

3.2.5 Has the meaning given by Section 147 of the Local Government Act 2002.

4. Council Permission

4.1 Any person may apply to the Chatham Islands Council for prior written permission for any activity that would be in breach of any prohibition under this part of the bylaw

4.2 The process for obtaining the Chatham Islands Council's permission will be via the completion of the application form attached as Schedule C.

5. Exemptions

5.1 This bylaw does not prohibit in the case of alcohol, in an unopened bottle or container,

5.1.1 the transport of that liquor from premises that adjoin a public place during any period when, under the Sale and Supply of Alcohol Act 2012, it is lawful to sell liquor on those premises for consumption off the premises, provided the alcohol is promptly removed from the public place;

5.1.2 the transport of that alcohol from outside a public place for delivery to premises that adjoin the public place, provided the premises are licensed for the sale of alcohol under the Sale and Supply of Alcohol Act 2012;

5.1.3 the transport of that alcohol from outside a public place to premises that adjoin a public place-

5.1.3.1 by, or for delivery to, a resident of those premises or by his or her bona fide visitors; or

5.1.3.2 from those premises to a place outside the public place by a resident of those premises, provided the alcohol is promptly removed from the public place.

5.2 This bylaw does not apply where the sale or consumption of alcohol is authorised by any license granted under the Sale and Supply of Alcohol Act 2012 or any other exemption approved by Chatham Islands Council for specific public or civic events.

6. Enforcement – Powers of arrest, search and seizure

A member of the police may, without warrant,

6.1 For the purpose of ascertaining whether alcohol is present, search –

6.1.1 a container (for example, a parcel, package, bag, or case) in the possession of a person who is in, or entering, a public place

6.1.2 a vehicle that is in, or is entering, a public place:

6.2 Seize and remove alcohol and its container if the alcohol is in a public place in breach of a bylaw. Alcohol or a container seized under this section is forfeited to the Crown if the person from whom the alcohol or container is seized is convicted of breaching the bylaw.

6.3 Arrest a person whom the member of the police finds committing an offence:

6.4 Arrest a person who has refused to comply with a request by a member of the police –

6.4.1 to leave the public place; or

6.4.2 to surrender to a member of the police the alcohol that, in breach of the bylaw, is in that person's possession.

7. Conditions relating to power of search –

Before exercising the power of search in relation to a container or a vehicle, a member of the police must –

7.1 Inform the person in possession of the container or the vehicle, as the case may be, that he or she has the opportunity of removing the container or the vehicle from the public place; and

7.2 Provide the person with a reasonable opportunity to remove the alcohol or the vehicle, as the case may be, from the public place.

7.3 However, on specified dates or in relation to specified events, duly notified by Chatham Islands Council in accordance with part 8, section 170, subsection (3) of the Local Government Act, 2002, a member of the police may, immediately and without further notice, exercise the power to search a container or a vehicle.

8. Offences

Every person who breaches this bylaw commits an offence under Section 239 of the Local Government Act 2002 and is liable on conviction to a fine under Section 242 of the Local Government Act 2002

Attachments

Schedule A – Prohibited Places

Schedule B – Prohibited Times

Schedule C - Application Form – Bylaw Exemption

Schedule D – Map of Liquor Ban Area



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SCHEDULE A - Prohibited Places

All public places within the area shown on the maps at all times -

- 1) Waitangi Township
- 2) All public road reserves including paper roads reserves through, in and around Waitangi

SCHEDULE B - Prohibited Times

All public places and within the area shown on the map and described in Schedule A at any time of the day or night.



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SCHEDULE C - Application Form – Bylaw Exemption

Name of Applicant:

If a club, society, or organisation – Name of the person responsible for this application.

Describe the event or purpose for requesting this exemption

What area is to be subject to this exemption?

Which days / times will the exemption apply to?

**Signed
Applicant**



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SCHEDULE D – Map of Liquor Ban Area**

