

## REMOTE SALE OF ALCOHOL

Extracts from the Sale and Supply of Alcohol Act 2012 and the Sale and Supply of Alcohol Regulations 2013

### **Sale and Supply of Alcohol Act 2012**

#### **Section 18 Off-licences: sale for delivery and sales at distance**

- (1) The holder of an off-licence not endorsed under section 40 can sell alcohol on or from the premises the licence is issued for and deliver it somewhere else.
- (2) The holder of an off-licence endorsed under section 40 can sell alcohol from the premises the licence is issued for and deliver it somewhere else.

#### **Section 40 Off-licences for remote sellers of alcohol**

- (1) The licensing authority or licensing committee concerned must, when directing that an off-licence should be issued, direct that it should be endorsed to indicate that this section applies to it if (and only if), when applying for it, the holder asked for it to be endorsed under this section.
- (2) Sections 56 and 57 do not apply to an off-licence endorsed under this section.

#### **Section 49 Remote sales exempted from trading hours restrictions**

- (1) A remote sale of alcohol may be made at any time on any day.
- (2) Subsection (1)—
  - (a) overrides the restrictions on sales imposed by sections 46 and 48; but
  - (b) is subject to the restrictions on delivery imposed by sections 48 and 59(1).

#### **Section 48 Sale on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day restricted: off-licences**

The holder of an off-licence must ensure that—

- (a) no alcohol is sold on or delivered from the premises on Good Friday, or Christmas Day, or before 1 pm on Anzac Day; and
- (b) no alcohol is sold on or delivered from the premises at any time on Easter Sunday unless it is grape wine or fruit or vegetable wine made—
  - (i) on the premises; or
  - (ii) from produce harvested from land on which the premises are situated.

#### **Section 59 Requirements relating to remote sales by holders of off-licences**

- (1) The holder of an off-licence must ensure that any alcohol sold by remote sale is not delivered to the buyer (or to any other person on the buyer's behalf) at any time after 11 pm on any day and before 6 am on the next day.
- (2) Subsection (1) applies whether the alcohol is delivered by the seller or by some other person.

- (3) The holder of an off-licence must take reasonable steps to verify that the buyer of any alcohol that the holder sells by remote sale (and, if a person other than the buyer is to receive it, to verify that the receiver) is not under the purchase age.
- (4) The holder of an off-licence takes reasonable steps to verify that the buyer of any alcohol that the holder sells by remote sale is not under the purchase age if he or she complies with a procedure declared by regulations made under this Act to be a reasonable procedure for the purposes of complying with subsection (3).
- (5) The holder of an off-licence who sells alcohol by remote sale via the Internet must comply with any regulations made under this Act requiring information to be visible on the holder's website when people browse, enter, or otherwise access it.
- (6) The holder of an off-licence who sells alcohol by remote sale by mail order must comply with any regulations made under this Act requiring information to be published in the holder's catalogues.
- (7) The holder of an off-licence who sells alcohol by remote sale by telephone must comply with any regulations made under this Act requiring information to be given to callers.

## **Sale and Supply of Alcohol Regulations 2013 - Remote sales**

### **Regulation 14 Reasonable steps to verify that people not under purchase age**

- (1) The procedures described in subclauses (2) to (4) are reasonable procedures for the purposes of complying with section 59(3) of the Act (which requires the holder of an off-licence to take reasonable steps to verify that the buyer of any alcohol that the holder sells by remote sale (and, if a person other than the buyer is to receive it, to verify that the receiver) is not under the purchase age).
- (2) In the case of an order made using an internet site, the procedure is to—
  - (a) ask the prospective buyer to declare, by ticking an on-screen box, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—
    - (i) once when the prospective buyer first enters the internet site; and
    - (ii) again, immediately before the sale of any alcohol is completed; and
  - (b) refuse to sell alcohol to the prospective buyer unless, on both occasions, he or she declares that he or she is 18 years of age or over (and, where a prospective receiver is involved, also declares that the prospective receiver is 18 years of age or over).
- (3) In the case of a telephone order, the procedure is to—
  - (a) ask the prospective buyer to declare, orally, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—
    - (i) once when the conversation concerned begins; and
    - (ii) again, immediately before the conversation is completed; and
  - (b) refuse to sell alcohol to the prospective buyer unless, on both occasions, he or she declares that he or she is 18 years of age or over (and, where a prospective receiver is involved, also declares that the prospective receiver is 18 years of age or over).

- (4) In the case of an order made on a physical order form, the procedure is to—
- (a) ensure that the form—
    - (i) requires the prospective buyer to sign the form at a place at or near its end; and
    - (ii) contains 2 requests for the prospective buyer to declare, by ticking a box, that he or she is 18 years of age or over (and, where a prospective receiver is involved, that the prospective receiver is also 18 years of age or over)—
      - (A) one at the beginning of the form; and
      - (B) the other, immediately before the place on the form where the prospective buyer is required to sign it; and
  - (b) refuse to sell alcohol to the prospective buyer unless he or she has ticked both boxes and signed the form.

**Regulation 15 Information to be provided by remote sellers**

- (1) The holder of an off-licence that sells alcohol by remote sale using an internet site must display on the internet site in a prominent place—
  - (a) the information stated in subclause (4); and
  - (b) either a legible image of the licence, or a clearly identified link to such an image.
- (2) The holder of an off-licence that sells alcohol by remote sale using catalogues must publish in every catalogue the information stated in subclause (4).
- (3) Every holder of an off-licence that sells alcohol by remote sale must ensure that there is printed on every receipt issued for alcohol sold remotely the information stated in subclause (4).
- (4) The information is the holder's name and licence number, and the date on which the licence expires.