

## Alcohol licensing infosheet

# BYO endorsements for restaurants

### What is it?

Restaurants can apply for an on-licence allowing for only BYO. This is an on-licence endorsed under s37 of the Sale and Supply of Alcohol Act 2012. This endorsement needs to be requested by the applicant.

The District Licensing Committee or ARLA should direct that an on-licence be endorsed only when the holder asks for it to be endorsed (and they are satisfied that the holder carries on the business of a restaurateur on the premises for which it is to be issued).

Section 15 governs what a s37 endorsement permits:

#### **15 On-licences: BYO restaurants**

*On any premises an on-licence endorsed under section 37 is held for (the restaurant), the licensee—*

*(a) can—*

*(i) let any person who is in the restaurant to dine to consume any alcohol brought there by that person or by any other person who is there to dine with him or her; and*

*(ii) let the person who brought the alcohol there to remove any of it from the restaurant if the container it is in is sealed or resealed; and*

*(b) can sell and supply, for consumption in the restaurant by any person who is there to dine, any food or hot drink containing not more than 14.33% alcohol by volume; and*

*(c) can let people consume alcohol.*

Full on-licences allow for BYO but you may wish to confirm with an applicant whether they will allow BYO and what measures they have in place to manage it.

On-licences endorsed under s37 may be exempt from appointing a duty manager. If, after your inquiries into the application, you believe it is appropriate for a duty manager to be appointed and/or on duty at specific times you can request the licence be issued subject to either or both of the following conditions:

- a. a condition requiring the appointment of 1 or more managers in accordance with Part 2 of the Act.
- b. a condition requiring a manager to be on duty on specified days and times.

## **Health Promotion, Health New Zealand | Te Whatu Ora**

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For more information visit [alcohol.org.nz](https://alcohol.org.nz)