

The Alcohol and Gaming Regulation Act

Repealed

by [Chapter A-18.011 of the *Statutes of Saskatchewan, 1997*](#)
(effective February 1, 2003).

being

[Chapter A-18.01 of the *Statutes of Saskatchewan, 1988-89*](#)
(effective January 2, 1989) as amended by the [Statutes of
Saskatchewan, 1989-90, c.15; 1993, c.45; 1994, c.S-18.2 and 31;](#)
[1998, c.9; 2000, c.35; 2001, c.8; and 2002, c.C-11.1 and 41.](#)

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER A-18.01

An Act respecting the Control of the Distribution and the Consumption of Beverage Alcohol and the Regulation of Gaming in Saskatchewan

PART I Interpretation

Short title

1 This Act may be cited as *The Alcohol and Gaming Regulation Act*.

1993, c.45, s.4

Interpretation

2 In this Act:

(a) **“authority”** means the Liquor and Gaming Authority continued pursuant to section 3;

(a.1) **“beer”** means a beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt or hops or of any similar product in drinkable water and not containing more than 8.5% alcohol by volume;

(b) **“beverage alcohol”** means a substance that:

- (i) may be used as a food or beverage; and
- (ii) is intoxicating;

and includes:

(iii) beer, spirituous, fermented and malt liquor and wine;

(iv) any combinations of food or beverages or either of them containing a substance that is intoxicating;

(c) **Repealed.** 1993, c.45, s.5.

(c.1) **“certificate of registration”** means a certificate of registration granted pursuant to section 98.8;

(d) **“commission”** means the Liquor and Gaming Licensing Commission established pursuant to section 12;

(e) **“container”** means a bottle or other receptacle or container used for holding beverage alcohol and includes a jug, keg, cask, barrel or can;

(f) **“dentist”** means the holder of a valid and subsisting licence issued pursuant to *The Dental Profession Act, 1978*;

(f.1) **“endorsement”** means an endorsement to a permit granting additional rights with respect to the sale of beverage alcohol;

(g) “**franchise**” means a franchise for the sale of beverage alcohol granted by the authority pursuant to section 105;

(g.1) “**gaming employee**” means a person who for compensation or the promise of compensation is employed by a person licensed pursuant to section 207 of the *Criminal Code*, the Saskatchewan Gaming Corporation or a gaming supplier in the conduct and management of a lottery scheme in any capacity, but does not include:

- (i) subject to the regulations, a person licensed pursuant to section 207 of the *Criminal Code*; or
- (ii) any person who:
 - (A) acts as a bona fide volunteer for a person licensed pursuant to section 207 of the *Criminal Code* in the conduct and management of a lottery scheme;
 - (B) does not have a financial interest in any gaming services being supplied to a person licensed pursuant to section 207 of the *Criminal Code*; and
 - (C) is not employed by a registrant;

(g.2) “**gaming establishment**” means any premises in which a lottery scheme is licensed to operate;

(g.3) “**gaming services**” means:

- (i) the sale, rental, lease, gift, exchange or loan of any gaming establishment;
- (ii) the sale, rental, lease, gift, exchange, loan, printing, publication, distribution or manufacturing of any gaming supplies including any lot, card, ticket, paper, slip, symbol, token, coin, machine, device, equipment or game; or
- (iii) the provision of:
 - (A) gaming employees; or
 - (B) promotional, financial or management services;

(g.4) “**gaming supplier**” means a person who for compensation or the promise of compensation, either alone or through a registered gaming employee or any employee or agent, supplies gaming services to another for the conduct and management of a lottery scheme, but does not include:

- (i) subject to the regulations, a person licensed pursuant to section 207 of the *Criminal Code*; or
- (ii) a landlord who has no interest in the conduct or management of the lottery scheme other than to provide the premises on which the lottery scheme is to be conducted;

(g.5) “**horse racing**” means any race in which horses participate that is a qualifying race or a race on which *pari-mutuel* betting is conducted;

(g.6) “**horse-racing licence**” means a licence issued pursuant to clause 10.1(2)(c);

- (g.7) **“horse-racing registration”** means a registration granted pursuant to clause 10.1(2)(e);
- (h) **“justice”** means a justice of the peace or a judge of the Provincial Court of Saskatchewan;
- (i) **“licence”** means, except where otherwise provided, a licence issued pursuant to section 207 of the *Criminal Code*, but does not include a horse-racing licence;
- (j) **Repealed.** 1994, c.31, s.3.
- (k) **“licensee”** means a person who holds a licence and who is named in the licence;
- (k.1) **“local authority”** means a local authority specified by the Lieutenant Governor in Council pursuant to section 207 of the *Criminal Code* for the issuance of licences pursuant to that section;
- (k.2) **“lottery scheme”** means a lottery scheme within the meaning of section 207 of the *Criminal Code*;
- (l) **“manufacturer”** means a brewer or distiller duly licensed by the Government of Canada or a wine manufacturer duly conforming to the laws of Canada;
- (l.1) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (m) **“minor”** means a person who is under 19 years of age;
- (n) **“municipality”** means:
- (i) an urban municipality as defined in *The Urban Municipality Act, 1984*;
 - (i.1) a city as defined in *The Cities Act*;
 - (ii) a hamlet as defined in *The Rural Municipality Act*;
 - (iii) a northern municipality established pursuant to *The Northern Municipalities Act*; or
 - (iv) a rural municipality within the meaning of *The Rural Municipality Act*;
- (o) **“officer”** means a police officer, constable or enforcement officer and includes any person appointed pursuant to section 8;
- (p) **“permit”** means a permit issued pursuant to this Act or the regulations for the possession, sale, keeping for sale, use, importation or manufacture of beverage alcohol;
- (p.1) **“permitted premises”** means the premises for which a permit is issued, except premises referred to in a permit to:
- (i) sell or consume beverage alcohol at a special occasion; or
 - (ii) manufacture alcohol;
- (q) **“permittee”** means a person to whom a permit is issued pursuant to this Act or the regulations;

(r) **“pharmacist”** means the holder of a valid and subsisting licence issued pursuant to *The Pharmacy Act*;

(s) **“physician”** means a duly qualified medical practitioner;

(t) **“public place”** means:

(i) a place or building to which the public has or is permitted to have access;

(ii) a park, playground, cinema, outdoor theatre or other place of public resort or amusement;

(iii) a highway, road, street, lane or other thoroughfare;

(iv) any unoccupied land or building;

(v) in relation to a person who enters occupied land or an occupied building without the consent of the occupant, the land or building so entered;

(vi) a conveyance or a vehicle while it is at, in or on any place, building, thoroughfare or land that by virtue of this clause is a public place;

(vii) a club premises that does not hold a valid permit;

but does not include:

(viii) a trailer, camper, mobile home, tent or combination of them; or

(ix) a moored vessel;

that is bona fide and actually occupied and is used as a private place in accordance with section 107;

(t.01) **“racetrack”** means any place in Saskatchewan where any form of horse racing is or may be carried on and includes the track, grounds, stables, grandstands, parking areas, offices and adjacent places used in connection with horse racing;

(t.1) **“registrant”** means a person who is required pursuant to this Act to be registered as:

(i) a gaming supplier; or

(ii) a gaming employee;

(t.2) **“reviewable endorsement”** means an endorsement prescribed in the regulations as being subject to review by the commission;

(u) **“sale”** includes:

(i) the exchange, barter and traffic of beverage alcohol; and

(ii) the selling, supplying or distributing to any person by any means of beverage alcohol;

(u.1) **“Saskatchewan Gaming Corporation”** means the Saskatchewan Gaming Corporation established pursuant to *The Saskatchewan Gaming Corporation Act*;

(v) **“store”** means a store established by the authority;

- (w) “**vehicle**” means vehicle as defined in *The Highway Traffic Act*;
- (x) “**wine**” means an alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar, including honey and milk.

1988-89, c.A-18.01, s.2; 1989-90, c.15, s.3; 1993, c.45, s.6; 1993, c.45, s.42; 1994, c.31, s.3; 1994, c.S-18.2, s.36; 2000, c.35, s.3; 2002, c.C-11.1, s.366.

PART II

The Liquor and Gaming Authority CONTINUATION AND COMPOSITION

Authority

- 3(1) The Liquor Board is continued as a body corporate to be known as the Liquor and Gaming Authority consisting of the persons appointed as members by the Lieutenant Governor in Council.
- (2) Every member of the authority holds office at pleasure and, notwithstanding the expiry of any term designated by the Lieutenant Governor in Council for the member, continues to hold office until his or her successor is appointed.
- (3) The Lieutenant Governor in Council may create a seal for the authority.
- (4) A board of directors of the authority, consisting of those persons who are appointed to constitute the authority pursuant to subsection (1), shall manage the affairs and business of the authority.
- (5) The Lieutenant Governor in Council may designate one of the members of the board of directors as chairperson and another member as vice-chairperson.
- (6) Where the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson or, in the absence of the vice-chairperson, any other member may act in the place of the chairperson.
- (7) All acts performed by the vice-chairperson or a member pursuant to subsection (6) have the same force and effect as if they had been performed by the chairperson.
- (8) The Lieutenant Governor in Council may fix the number of members of the board of directors that shall constitute a quorum for the transaction of business at meetings of the board of directors.
- (9) The authority shall:
 - (a) pay to the members of the authority the remuneration determined by the Lieutenant Governor in Council; and
 - (b) reimburse members of the authority for travelling and living expenses at rates established by the Public Service Commission.
- (10) The authority may do any act or thing pursuant to this Act by way of a resolution of the board of directors.

1993, c.45, s.6.

Committees of the board of directors

- 4(1) The board of directors may, from time to time:
- (a) appoint from its number an executive committee; and
 - (b) delegate to the executive committee any powers that it considers necessary for the efficient conduct of the affairs and business of the authority.
- (2) A member of the executive committee holds office until he or she:
- (a) is removed by the board of directors; or
 - (b) has ceased to be a member of the board of directors.
- (3) The executive committee may exercise any powers of the board of directors that are delegated to it by resolution of the board of directors, subject to any restrictions contained in the resolution.
- (4) The executive committee shall:
- (a) fix its quorum at not less than a majority of its members;
 - (b) keep minutes of its proceedings; and
 - (c) submit to the board of directors, at each meeting of the board of directors, the minutes of the executive committee's proceedings during the period since the most recent meeting of the board of directors.
- (5) The board of directors may, from time to time:
- (a) appoint any advisory committees that it considers necessary for the efficient conduct of the affairs and business of the authority;
 - (b) prescribe the duties of any committee appointed pursuant to clause (a); and
 - (c) fix the remuneration and allowances for expenses of members of any committee appointed pursuant to clause (a).

1993, c.45, s.6.

Head office

- 5 The head office of the authority is to be at any place in Saskatchewan designated by the Lieutenant Governor in Council.

1993, c.45, s.6.

Conflict of interest

- 6(1) No member or employee of the authority shall, as owner, part owner, partner, member of a syndicate, shareholder, agent or employee, whether for his or her own benefit or in a fiduciary capacity for another person:
- (a) be directly or indirectly interested or engaged in any business or undertaking dealing in beverage alcohol;
 - (b) be a registrant, licensee, holder of a horse-racing licence, holder of a horse-racing registration or permittee;
 - (b.1) be directly or indirectly interested or engaged in any business or undertaking that is associated with the Saskatchewan Gaming Corporation;

- (c) be directly or indirectly interested or engaged in any business or undertaking with a registrant, licensee or permittee or any business or undertaking that is associated with a registrant, licensee or permittee;
 - (d) be directly or indirectly interested or engaged in any business or undertaking dealing in gaming services;
 - (e) be directly or indirectly interested or engaged in any business or undertaking dealing in horse racing or racetracks; or
 - (f) be directly or indirectly interested or engaged in any business or undertaking with a holder of a horse-racing licence or holder of a horse-racing registration or any business or undertaking that is associated with a holder of a horse-racing licence or holder of a horse-racing registration.
- (2) The authority may waive the provisions of subsection (1) with respect to an employee where it appears to the authority that the interest of the employee will not affect his or her ability to carry out his or her duties.

1993, c.45, s.6; 1994, c.31, s.4; 1994, c.S-18.2, s.36.

Authority to administer Act

- 7(1) The authority shall administer this Act.
- (2) The authority is responsible to the minister in the performance of its responsibilities and the exercise of its powers.

1993, c.45, s.6.

Employees

- 8(1) The authority shall appoint a person to be the chief executive officer of the authority who shall have supervision over and direction of the work of the staff of the authority.
- (2) The authority may:
- (a) employ persons required for the administration of its responsibilities pursuant to this Act, the regulations and the rules of horse racing and may determine their respective powers, duties, conditions of employment and remuneration;
 - (b) engage the services of experts and persons having special technical or other knowledge;
 - (b.1) be directly or indirectly interested or engaged in any business or undertaking that is associated with the Saskatchewan Gaming Corporation;
 - (c) appoint persons or categories of persons for the purpose of enforcing all, or any provision, of this Act, the regulations and the rules of horse racing with respect to all, or any geographic area, of Saskatchewan;
 - (d) appoint any person to conduct investigations for the purposes of this Act, the regulations and the rules of horse racing;

(e) delegate to any employee of the authority any or all of its powers, including the power to issue, grant, refuse, suspend or cancel permits, horse-racing licences and certificates of registration and the power to assess penalties pursuant to section 23.1.

1993, c.45, s.6; 1994, c.31, s.5; 1994, c.S-18.2, s.36; 1998, c.9, s.3.

POWERS AND RESPONSIBILITIES

Responsibilities

9 The authority is responsible for the regulation and control of:

- (a) the manufacture of beverage alcohol in Saskatchewan;
- (b) the importation of beverage alcohol into Saskatchewan;
- (c) the possession, sale and delivery of beverage alcohol in Saskatchewan by any person other than a person to whom a permit has been issued;
- (d) lottery schemes in Saskatchewan;
- (e) horse racing and racetracks in Saskatchewan.

1993, c.45, s.6; 1994, c.31, s.6.

Powers

10(1) In accordance with this Act and the regulations, the authority may:

- (a) with the approval of the Lieutenant Governor in Council:
 - (i) purchase or sell any land;
 - (ii) purchase, construct or sell any buildings;
- (b) lease any land, building, furnishings or equipment;
- (c) purchase or dispose of any furnishings, equipment and supplies;
- (d) lease to another person any land, buildings, furnishings, equipment or supplies;
- (e) cause any property owned or leased by it to be insured against loss from any cause;
- (f) enter into agreements with any person, agency, organization, association, institution or body;
- (f.1) develop, promote or support activities or programs that are designed to encourage responsible consumption of beverage alcohol or responsible participation in gaming;
- (f.2) subject to subsection (1.1), make grants to any person, agency, organization, association, institution or body for the purposes mentioned in clause (f.1), on any terms and conditions that the authority considers appropriate;

- (g) perform any other duties that may be designated by the Lieutenant Governor in Council;
 - (h) do any other things the authority considers advisable or necessary for the purpose of carrying this Act into effect.
- (1.1) The authority shall obtain the approval of the Lieutenant Governor in Council before making any grant pursuant to clause (1)(f.2) that is greater than \$50,000 in any fiscal year of the authority.
- (2) In accordance with this Act and the regulations, the authority may:
- (a) purchase, import and have in its possession and sell beverage alcohol, and furnish stocks of beverage alcohol to stores, franchises and permittees;
 - (b) determine the location, construction, accommodation, furnishings, equipment, operation and management of its stores, franchises and warehouses;
 - (c) determine the places in which its stores, franchises and warehouses are to be established and have the general control, management and supervision of those stores and warehouses in Saskatchewan;
 - (d) determine the days and hours that stores and franchises shall be kept open for the sale of beverage alcohol;
 - (e) where it has established a store or franchise, close the store or revoke the franchise for any reason it considers sufficient;
 - (f) fix the prices at which any class, variety or brand of beverage alcohol may be sold by the authority and provide for the making and distribution of price lists for each class, variety or brand of beverage alcohol to be kept for sale pursuant to this Act;
 - (g) limit the area where a franchise may sell beverage alcohol to a permittee.
- (3) The authority may act as a registrant.
- (4) With the approval of the Lieutenant Governor in Council, and in accordance with any directions that the Lieutenant Governor in Council may prescribe, the authority may conduct and manage lottery schemes for the Government of Saskatchewan:
- (a) within Saskatchewan; or
 - (b) within Saskatchewan and another province of Canada in accordance with any agreement entered into pursuant to subsection (5).
- (5) With the approval of the Lieutenant Governor in Council, the authority may, on behalf of the Government of Saskatchewan, enter into any agreement with the government of another province of Canada for the purpose of clause (4)(b).
- (6) For the purpose of conducting lottery schemes for the Government of Saskatchewan pursuant to subsection (4), the authority may:
- (a) with respect to any premises in which it conducts a lottery scheme, determine:
 - (i) the location and construction of the premises;
 - (ii) the furnishings and equipment to be used in the premises; and
 - (iii) the operation and management of the premises;

- (b) control, manage and supervise the premises in which it conducts a lottery scheme;
 - (c) with respect to a lottery scheme conducted and managed by the authority, enter into agreements with any person:
 - (i) for the conduct of operations; or
 - (ii) for the provision of services;
 - (d) subject to the regulations:
 - (i) determine the lottery schemes and games, operations and devices to be used with respect to a lottery scheme conducted by the authority;
 - (ii) determine the consideration to be paid by persons participating in the lottery scheme; and
 - (iii) determine the kinds and amounts of prizes available to participants in the lottery scheme.
- (7) The authority may:
- (a) become a shareholder or member in any corporation to which a licence is issued;
 - (b) appoint persons to act as directors of a corporation mentioned in clause (a);
 - (c) participate in any way it considers advisable in the affairs of a corporation mentioned in clause (a); and
 - (d) enter into agreements or arrangements with a corporation mentioned in clause (a).

1993, c.45, s.6; 1994, c.31, s.7; 2002, c.41, s.5.

Rules of horse racing

10.1(1) The authority may make rules for the conduct of horse racing and may adopt by reference, in whole or in part, with any changes that the authority considers necessary, rules and procedures of horse-racing associations.

- (2) In accordance with this Act and the rules of horse racing, the authority may:
- (a) govern, direct, control, prohibit and regulate horse racing in any or all of its forms and the operation of racetracks in Saskatchewan;
 - (b) prescribe qualifications and conditions for horse-racing licences;
 - (c) grant horse-racing licences to persons who operate racetracks, racetrack officials, owners, veterinarians, trainers, drivers, jockeys, apprentice jockeys, grooms, jockeys' agents, jockeys' valets, exercise riders, farriers, hot walkers, pony riders, tradespersons and any other person in or about racetracks that the authority determines should be licensed;
 - (d) prescribe the qualifications and conditions for horse-racing registrations and require registration with the authority of colours, stable names, partnerships, authorized agents and anything else the authority considers appropriate;

- (e) register colours, stable names, partnerships, authorized agents and anything else prescribed by the authority;
 - (f) prescribe forms for horse-racing licences, horse-racing registrations and applications;
 - (g) fix and collect fees or other charges for horse-racing licences and horse-racing registrations;
 - (h) set dates for and prescribe the form of horse-race meetings;
 - (i) require approval by the authority of the appointment by a person or body other than the authority of racetrack officials and employees whose duties relate to the actual running of horse races and compel the discharge for cause of any official or employee;
 - (j) require persons licensed to operate racetracks to keep books of account in a manner satisfactory to the authority, and may inspect those books at any time;
 - (k) assist in the development of horse racing in Saskatchewan by sponsoring equine research and making grants or loans to any person on any terms that the authority considers appropriate;
 - (l) do any other things relating to horse racing in any or all of its forms or to the operation of racetracks that are authorized or directed by the Lieutenant Governor in Council.
- (2.1) The authority shall not issue a horse-racing licence to an applicant unless, in the authority's opinion, the applicant is of good character.
- (2.2) No holder of a horse-racing licence shall fail to meet the requirement of good character at any time during the term of the horse-racing licence.
- (3) The authority may authorize a steward, harness racing judge, employee of the authority or person appointed pursuant to subsection 8(2) to:
- (a) enforce this Act and the rules of horse racing; and
 - (b) conduct an investigation into any matter when a person has or is suspected of having contravened this Act or the rules of horse racing or acted in a manner that is prejudicial to the best interests of horse racing.
- (4) A person who is authorized to enforce the rules of horse racing and conduct investigations when a person has or is suspected of having contravened the rules of horse racing or acted in a manner that is prejudicial to the best interests of horse racing may:
- (a) conduct, on or near a racetrack, a search:
 - (i) of any holder of a horse-racing licence who is involved in or who, on reasonable grounds, is suspected of being involved in the matter being investigated; or
 - (ii) of any place, premises, vehicle or receptacle where there are reasonable grounds to believe that there is any thing that relates to the matter being investigated and, for the purposes of that investigation, seize that thing;

- (b) hold hearings relating to carrying out his or her duties and for that purpose may:
 - (i) summon any person by subpoena;
 - (ii) require that person to give evidence on oath; and
 - (iii) require that person to produce any documents and things that the person holding the hearing considers necessary; and
- (c) suspend or cancel the horse-racing licence of, or impose a fine or any other sanction on, any person who has contravened the rules of horse racing or acted in a manner that is prejudicial to the best interests of horse racing.
- (5) A decision made pursuant to clause (4)(c) is, for the purposes of this Act, a decision made by the authority.

1994, c.31, s.8; 2002, c.41, s.6.

Powers re licences

11(1) With respect to permits, the authority shall:

- (a) fix the price at which beverage alcohol may be sold by a permittee;
- (b) determine the land or buildings that constitute premises with respect to which a permit may be issued;
- (c) regulate and restrict the nature and conduct of entertainment at any place where a permit is, or is to be, issued.
- (2) Subject to this Act, the regulations and the rules of horse racing, the authority may:
 - (a) grant any application for a licence, permit, horse-racing licence, horse-racing registration or certificate of registration on any terms and conditions it considers expedient;
 - (a.1) grant endorsements to permits on any terms and conditions it considers appropriate;
 - (b) refuse any application for a licence, permit, endorsement, horse-racing licence, horse-racing registration or certificate of registration;
 - (c) refer an application for a licence, permit, reviewable endorsement, horse-racing licence or certificate of registration to the commission for a hearing pursuant to clause 16(1)(a) where it is of the opinion that it is in the public interest to conduct a hearing;
 - (d) determine the duration of licences, permits, endorsements, horse-racing licences, horse-racing registrations and certificates of registrations;
 - (e) assess a penalty pursuant to section 23.1 against a permittee or registrant;

- (f) at the time it assesses a penalty pursuant to clause (e):
 - (i) determine the date by which the penalty is to be paid in full; and
 - (ii) order that the permit or certificate of registration, as the case may be, is suspended for any period that the authority considers expedient if the permittee or registrant fails to pay the penalty in full by the date determined pursuant to subclause (i); and
- (g) suspend or cancel a licence, permit, endorsement or certificate of registration.

1993, c.45, s.6; 1994, c.31, s.9; 1998, c.9, s.4;
2000, c.35, s.4.

Agreements with Canada

11.1(1) In this section:

- (a) **“beverage alcohol”** means beverage alcohol brought into Saskatchewan from outside Canada;
 - (b) **“customs officer”** means an officer, as defined in the *Customs Act* (Canada), who is employed at a customs office in Saskatchewan.
- (2) The authority may enter into an agreement with the Government of Canada:
- (a) identifying the beverage alcohol or class of beverage alcohol to be covered by the agreement;
 - (b) appointing customs officers as agents of the authority to do the following on behalf of the authority:
 - (i) accept beverage alcohol;
 - (ii) collect and remit to the authority the mark-up set by the authority for the beverage alcohol accepted pursuant to subclause (i);
 - (iii) when the mark-up set by the authority has been paid, sell and release the beverage alcohol accepted pursuant to subclause (i) to the individual who brought the beverage alcohol into Saskatchewan from outside Canada;
 - (iv) when the mark-up set by the authority has not been paid, detain and release to the authority the beverage alcohol accepted pursuant to subclause (i);
 - (c) authorizing the payment on behalf of the authority of a refund of all or a part of the mark-up collected pursuant to subclause (b)(ii) to the individual who paid the mark-up;
 - (d) prescribing the circumstances and conditions governing a payment pursuant to clause (c);
 - (e) prescribing the manner in which and times at which a mark-up collected pursuant to subclause (b)(ii) must be remitted to the authority;

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- (f) respecting forms to be used in relation to beverage alcohol;
 - (g) respecting any other matter in relation to beverage alcohol.
- (3) For the purpose of this section, the authority may establish mark-ups on the resale price of beverage alcohol.

1993, c.45, s.6.

Commission

- 12(1)** A branch of the authority to be known as the Liquor and Gaming Licensing Commission is established to exercise the powers set out in this Act.
- (2) The commission consists of not less than three and not more than seven members to be appointed by the Lieutenant Governor in Council.
- (3) Every member of the commission holds office at pleasure and, notwithstanding the expiry of any term designated by the Lieutenant Governor in Council for the member, continues to hold office until his or her successor is appointed.
- (4) The authority shall:
- (a) pay to the members of the commission the remuneration determined by the Lieutenant Governor in Council; and
 - (b) reimburse members of the commission for travelling and living expenses at rates established by the Public Service Commission.
- (5) Any three or more members of the commission may sit as a panel of the commission and that panel may exercise or perform any powers or duties that the commission itself could exercise or perform.
- (6) Any number of panels may sit concurrently.
- (7) Two members of a panel constitute a quorum at any hearing conducted by a panel.
- (8) A decision or action of a panel is the decision or action of the commission.

1993, c.45, s.6.

Officers

- 13(1)** The Lieutenant Governor in Council shall designate one of the members of the commission to be the chairperson, one of the members to be the vice-chairperson and one of the members to be the secretary.
- (2) In the absence of the chairperson or in case of his or her inability to act or in the case of a vacancy in the office of chairperson, the vice-chairperson has the authority to act in place of the chairperson.
- (3) All acts performed by the vice-chairperson pursuant to subsection (2) have the same force and effect as if performed by the chairperson.
- (4) The secretary shall:
- (a) keep a record of all proceedings conducted before the commission;
 - (b) have custody and care of all records and documents pertaining to or filed with the commission;
 - (c) authenticate and cause to be published all orders made by the commission.

1993, c.45, s.6.

Certain interests prohibited

14 No member of the commission shall, as owner, part owner, partner, member of a syndicate, shareholder, agent or employee, whether for his or her own benefit or in a fiduciary capacity for another person:

- (a) be directly or indirectly interested or engaged in any business or undertaking dealing in beverage alcohol;
- (b) be a registrant, licensee, holder of a horse-racing licence, holder of a horse-racing registration or permittee;
- (b.1) be directly or indirectly interested or engaged in any business or undertaking that is associated with the Saskatchewan Gaming Corporation;
- (c) be directly or indirectly interested or engaged in any business or undertaking with a registrant, licensee or permittee or any business or undertaking that is associated with a registrant, licensee or permittee;
- (d) be directly or indirectly interested or engaged in any business or undertaking dealing in gaming services;
- (e) be directly or indirectly interested or engaged in any business or undertaking dealing in horse racing or racetracks; or
- (f) be directly or indirectly interested or engaged in any business or undertaking with a holder of a horse-racing licence or holder of a horse-racing registration or any business or undertaking that is associated with a holder of a horse-racing licence or holder of a horse-racing registration.

1993, c.45, s.6; 1994, c.31; 1994, c.S-18.2, s.36.

Non-liability of members

15 No action lies or shall be instituted for any loss or damage suffered by any person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of the following pursuant to or in the exercise or supposed exercise of any power conferred by this Act, the regulations or the rules of horse racing or in the carrying out or supposed carrying out of any decision or order made pursuant to this Act, the regulations or the rules of horse racing or any duty imposed by this Act, the regulations or the rules of horse racing:

- (a) the authority;
- (b) any member of the authority;
- (c) the commission;
- (d) any member of the commission;
- (e) any employee or other person acting under the instructions of the authority or the commission or under the authority of this Act, the regulations or the rules of horse racing.

1993, c.45, s.6; 1994, c.31, s.11.

Hearings**16(1)** The commission:

- (a) shall hold an oral hearing where the authority has received an application for a licence, horse-racing licence, permit, reviewable endorsement or certificate of registration and, in the opinion of the authority, it is in the public interest to conduct an oral hearing;
 - (b) shall, subject to subsection (1.1), hold an oral hearing where the authority has received an application for a permit or reviewable endorsement from an applicant who is qualified pursuant to section 45 or 46 or the regulations and the authority has received a written objection pursuant to subsection (10);
 - (c) shall hold a hearing where the authority has imposed terms or conditions on a licence, horse-racing licence, permit or reviewable endorsement that are unsatisfactory to the applicant or refused an application for a licence, horse-racing licence, horse-racing registration, permit, reviewable endorsement or certificate of registration and the applicant applies for a review in accordance with section 17;
 - (d) shall hold an oral hearing where the authority proposes to suspend or cancel a licence, permit, reviewable endorsement or certificate of registration and the licensee, permittee or registrant, as the case may be, applies for a hearing in accordance with section 18;
 - (e) shall hold an oral hearing in accordance with section 21 where the authority has suspended a licence, permit, reviewable endorsement or certificate of registration pursuant to that section;
 - (f) shall hold a hearing where the authority has imposed terms and conditions on a certificate of registration pursuant to subsection 98.8(4) and the registrant applies for a hearing in accordance with that section;
 - (f.1) shall hold a hearing where a horse-racing licence has been suspended or cancelled or a fine or other sanction has been imposed on any person who has contravened the rules of horse racing or who has acted in a manner that is prejudicial to the best interests of horse racing and the applicant applies for a review in accordance with section 17;
 - (g) may rehear any application for the issuance, suspension or cancellation of a licence, horse-racing licence, permit or certificate of registration or imposition of any sanction for contravention of the rules of horse racing or acting in a manner that is prejudicial to the best interests of horse racing;
 - (h) shall hold an oral hearing where a permittee or registrant has applied for a hearing in accordance with section 23.1.
- (1.1) The commission shall not hold an oral hearing where a person has filed a written objection pursuant to subsection 49(3) and the commission, after considering the grounds for the objection, determines, in its absolute discretion, that those grounds:
- (a) are frivolous or vexatious; or
 - (b) are prescribed in the regulations as grounds for which a hearing is not to be held.

- (2) Where an oral hearing is to be held pursuant to this Act, the commission shall give the person with respect to whom the oral hearing is to be held written notice of the oral hearing indicating the time and place at which the oral hearing is to be held.
- (3) The notice to be given pursuant to subsection (2) shall:
- (a) with respect to a hearing to be held pursuant to clause (1)(a), (b), (c), (f) or (f.1), be given in accordance with subsection (11);
 - (b) with respect to a hearing to be held pursuant to clause (1)(d) or (h), be given in accordance with subsection (12);
 - (c) with respect to a hearing to be held pursuant to clause (1)(e), be given in accordance with section 21.
- (4) Subject to subsections (5) and (6), the commission may regulate its own practice and procedures for the conduct of hearings.
- (5) Oral hearings conducted pursuant to this Act are to be open to the public.
- (6) Notwithstanding subsection (5), the commission may exclude the public from any part of an oral hearing where the commission is of the opinion that admitting the public would unduly violate the privacy of, result in financial loss or gain to or prejudice the competitive position of any person.
- (7) Every person:
- (a) who is the subject of an oral hearing shall be given an opportunity to be heard and may be represented by counsel at that person's expense;
 - (b) who, in the opinion of the commission, is an interested party may appear at an oral hearing but only with the permission of the commission.
- (8) The commission has all the powers conferred or that may be conferred on commissioners pursuant to *The Public Inquiries Act*.
- (9) Where a hearing is to be conducted pursuant to clause (1)(a), the notice given by the commission pursuant to subsection (2) shall indicate the grounds on which the authority considers the hearing to be advisable.
- (10) Notwithstanding clause (7)(b) and subject to subsections (1.1) and (10.1), every person who has filed a written objection with the authority pursuant to subsection 49(3) at least five days before the date of the oral hearing shall be given an opportunity to be heard at the oral hearing and to make written representations.
- (10.1) Where the commission holds an oral hearing pursuant to clause (1)(b), a person who has filed a written objection shall not be given the opportunity to be heard or make written representations where the commission, after considering the grounds for the objection, determines, in its absolute discretion, that those grounds:
- (a) are frivolous or vexatious; or
 - (b) are prescribed in the regulations as grounds for which a person is not to be given the opportunity to be heard or make written representations.

- (11) A notice mentioned in clause (3)(a) shall be sent by ordinary mail.
- (12) A notice mentioned in clause (3)(b) shall be served by:
 - (a) personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
 - (b) registered mail addressed to the address for service indicated by the applicant in the application for the review or hearing.
- (13) A notice sent by ordinary or registered mail is deemed to have been delivered on the seventh day after the date of its mailing unless the person to whom it is sent establishes to the satisfaction of the commission that, through no fault of that person, the person did not receive it or received it at a later date.

1993, c.45, s.6; 1994, c.31, s.12; 1998, c.9, s.5;
2000, c.35, s.5.

Review of refusal

17(1) Within 15 days after being notified of the decision, an applicant may apply, in the manner described in subsection (1.1), for a review by the commission of a decision of the authority to:

- (a) impose terms or conditions on a licence, horse-racing licence, permit or reviewable endorsement;
 - (b) refuse to issue a licence, horse-racing licence or permit or to grant a horse-racing registration, reviewable endorsement or certificate of registration; or
 - (c) suspend or cancel a horse-racing licence or impose a fine or other sanction on a person who has contravened the rules of horse racing or acted in a manner that is prejudicial to the best interests of horse racing.
- (1.1) An application for a review pursuant to subsection (1) or 98.8(5) is commenced by:
- (a) filing an application for review with the commission;
 - (b) where the applicant wishes an oral hearing, requesting a date and time for the oral hearing; and
 - (c) paying the prescribed fee.
- (2) The application for review mentioned in clause (1.1)(a):
- (a) shall be substantially in the form prescribed in the regulations; and
 - (b) may be accompanied by any other information that the applicant wishes the commission to consider.

- (3) The commission is not required to hold an oral hearing unless the applicant, at the time of filing the application for review, requests an oral hearing.
- (4) On a review conducted pursuant to this section, the commission may consider:
 - (a) any information submitted by the applicant;
 - (b) any information considered by the authority in making its decision; and
 - (c) where an oral hearing is held, any information given or representations made at the oral hearing.
- (5) Where an applicant who requests an oral hearing fails to appear at the oral hearing without the prior approval of the commission:
 - (a) the applicant is deemed to have waived the applicant's right to an oral hearing; and
 - (b) the commission shall consider the application on the basis of the material mentioned in clauses (4)(a) and (b).

1993, c.45, s.6; 1994, c.31, s.13; 2000, c.35, s.6.

Suspension or cancellation

- 18(1)** Subject to section 21, where the authority proposes to suspend or cancel a licence, permit, reviewable endorsement or certificate of registration, it shall give notice to the licensee, permittee or registrant, as the case may be, of the action it intends to take.
- (2) A licensee, permittee or registrant who receives a notice pursuant to subsection (1) may, within 15 days after it is served with the notice, apply for a review by the commission by:
 - (a) filing an application for an oral hearing with the commission; and
 - (b) paying the prescribed fee.
 - (3) The application for a hearing mentioned in clause (2)(a):
 - (a) shall be substantially in the form prescribed in the regulations; and
 - (b) may be accompanied by any other information that the applicant wishes the commission to consider.
 - (4) At a hearing conducted pursuant to this section, the commission may consider:
 - (a) any information submitted by the applicant;
 - (b) any information considered by the authority in making its decision; and
 - (c) any information given or representations made at the oral hearing.
 - (5) Where an applicant fails to appear at an oral hearing without the prior approval of the commission:
 - (a) the applicant is deemed to have waived the applicant's right to an oral hearing; and
 - (b) the commission shall consider the application on the basis of the material mentioned in clauses (4)(a) and (b).

(6) At a hearing conducted pursuant to this section, the commission may suspend or cancel a licence, permit, reviewable endorsement or certificate of registration where the commission is satisfied that:

- (a) the licensee, permittee or registrant has violated this Act, the regulations, any terms and conditions to which the licence, permit, reviewable endorsement or certificate of registration is subject or an order of the authority or the commission; or
- (b) it is not in the public interest that the licence, permit, reviewable endorsement or certificate of registration remain outstanding.

(7) Where the authority has given notice to the licensee, permittee or registrant in accordance with subsection (1) and the licensee, permittee or registrant does not apply for a review pursuant to subsection (2), the authority may suspend or cancel the licence, permit, reviewable endorsement or certificate of registration in accordance with the terms of the notice.

1993, c.45, s.6; 2000, c.35, s.7.

Powers

19 Where the commission holds a hearing pursuant to section 16 it may:

- (a) issue a licence, horse-racing licence or permit or grant a certificate of registration, reviewable endorsement or horse-racing registration on any terms and conditions it considers appropriate;
- (b) refuse to issue a licence, horse-racing licence or permit or grant a certificate of registration, reviewable endorsement or horse-racing registration;
- (c) suspend a licence, permit, reviewable endorsement or certificate of registration for the period of time it considers expedient;
- (d) direct a refund of any fees paid for a review pursuant to section 17 or a hearing pursuant to section 18;
- (e) revoke the suspension of a licence, permit, reviewable endorsement or certificate of registration, on those terms and conditions that it considers expedient;
- (f) cancel a licence, permit, reviewable endorsement or certificate of registration;
- (g) suspend or renew a licence, permit, reviewable endorsement or certificate of registration for any period of time that it considers expedient;
- (g.1) amend, vary or repeal and substitute any terms and conditions imposed or impose new terms and conditions on a licence, horse-racing licence, permit, reviewable endorsement or certificate of registration;
- (g.2) confirm the decision to cancel or suspend a horse-racing licence or to impose a fine or other sanction on a person who has contravened the rules of horse racing or acted in a manner that is prejudicial to the best interests of horse racing, or substitute its own decision.
- (h) on a rehearing pursuant to clause 16(1)(g), review, rescind, change, alter or vary any order made by the commission;

- (i) in the case of a hearing pursuant to section 23.1:
 - (i) assess a penalty in accordance with section 23.1 up to the amount proposed in the written notice provided pursuant to subsection 23.1(3) or in any other amount within the limits prescribed by the regulations; and
 - (ii) at the time it assesses a penalty pursuant to subclause (i):
 - (A) determine the date by which the penalty is to be paid in full; and
 - (B) order that the permit or certificate of registration, as the case may be, is suspended for the period proposed in the written notice provided pursuant to subsection 23.1(3) or for any period that the commission considers expedient if the permittee or registrant fails to pay the penalty in full by the date determined pursuant to paragraph (A).

1993, c.45, s.6; 1994, c.31, s.14; 1998, c.9, s.6;
2000, c.35, s.9.

Finality of decision

20 Subject to clause 19(h), every decision or order of the commission is final, and no order, decision or proceeding of the commission shall be questioned or reviewed, restrained or removed by prohibition, injunction, certiorari or any other process or proceeding in any court.

1993, c.45, s.6.

Immediate suspension

21(1) The authority may, by order, suspend a licence, permit, reviewable endorsement or certificate of registration for a period not exceeding seven days without giving notice to the licensee, permittee or registrant in accordance with subsection 18(1) where it considers the immediate suspension to be necessary in the public interest.

- (2) The authority shall serve on the licensee, permittee or registrant:
 - (a) a copy of the order made pursuant to subsection (1); and
 - (b) a notice fixing a time and place for an oral hearing by the commission pursuant to clause 16(1)(e) to determine whether a suspension imposed pursuant to subsection (1) should be extended, or whether the licence, permit, reviewable endorsement or certificate of registration should be cancelled.
- (3) An order made pursuant to subsection (1) takes effect immediately on being served on the licensee, permittee or registrant.
- (4) The time fixed for an oral hearing in the notice described in clause (2)(b) shall be prior to the expiration of the order made pursuant to subsection (1).
- (5) The commission may adjourn a hearing held pursuant to clause 16(1)(e) and extend an order made pursuant to subsection (1) to a date not later than the date it makes an order at the conclusion of the hearing held pursuant to clause 16(1)(e).

1993, c.45, s.6; 2000, c.35, s.9.

Terms and conditions

22 Every licence, horse-racing licence, horse-racing registration, permit, endorsement and certificate of registration is subject to all the terms and conditions imposed by this Act, the regulations, the rules of horse racing, the authority and the commission.

1994, c.31, s.15; 2000, c.35, s.10.

Compliance with terms and conditions

23 No holder of a licence, horse-racing licence, horse-racing registration, permit or certificate of registration shall fail to comply with any terms and conditions imposed on the licence, horse-racing licence, horse-racing registration, permit, endorsement or certificate of registration by this Act, the regulations, the rules of horse racing, the authority and the commission.

1994, c.31, s.16; 2000, c.35, s.11.

Administrative penalties

23.1(1) The authority or the commission may assess a penalty, within the limits prescribed in the regulations, of not more than \$10,000 against any permittee or registrant who fails to comply with any term or condition imposed on the permit, endorsement or certificate of registration by this Act, the regulations, the authority or the commission.

(2) No penalty is to be assessed by the authority or the commission more than three years after the date on which the failure to comply with any term or condition mentioned in subsection (1) first came to the knowledge of the authority.

(3) Before assessing a penalty against a permittee or registrant pursuant to subsection (1), the authority shall provide to the permittee or registrant a written notice:

- (a) setting out the facts and circumstances that, in the authority's opinion, render the permittee or registrant liable to a penalty;
- (b) proposing:
 - (i) the amount of the penalty that the authority considers expedient based on the authority's understanding of the circumstances; and
 - (ii) a specific period of suspension that the authority considers expedient if the permittee or registrant, as the case may be, is assessed a penalty in accordance with this section and fails to pay the penalty in full by the date determined at the time of the assessment;
- (c) advising the permittee or registrant that he, she or it may make representations to the commission respecting:
 - (i) whether or not a penalty should be assessed;
 - (ii) the amount of a penalty, if any; and
 - (iii) whether or not the permit or certificate of registration, as the case may be, should be suspended if the permittee or registrant fails to pay the penalty in full by the date determined at the time of the assessment;

- (d) informing the permittee or registrant that if he, she or it does not notify the commission within 15 days after receiving the written notice that he, she or it intends to make representations to the commission, the authority may:
 - (i) assess a penalty up to the amount proposed in the written notice;
 - (ii) determine the date by which the penalty is to be paid in full; and
 - (iii) order that the permit or certificate of registration, as the case may be, is suspended for a period up to that proposed in the written notice if the permittee or registrant fails to pay the penalty in full by the determined date;
- (e) informing the permittee or registrant that if he, she or it notifies the commission within 15 days after receiving the notice that he, she or it intends to make representations to the commission, the commission may, either following a hearing conducted pursuant to this section or where the permittee or registrant fails, without the prior approval of the commission, to appear at a hearing:
 - (i) assess a penalty up to the amount proposed in the written notice or in any other amount within the limits prescribed by the regulations;
 - (ii) determine the date by which the penalty is to be paid in full; and
 - (iii) order that the permit or certificate of registration, as the case may be, is suspended for the period proposed in the written notice or for any period that the commission considers expedient if the permittee or registrant fails to pay the penalty in full by the determined date.
- (4) A permittee or registrant who receives a written notice pursuant to subsection (3) may, within 15 days after receiving the written notice, apply for an oral hearing with the commission by:
 - (a) filing an application with the commission; and
 - (b) paying the prescribed fee.
- (5) The application for a hearing mentioned in subsection (4):
 - (a) is to be substantially in the form prescribed in the regulations; and
 - (b) may be accompanied by any other information that the applicant wishes the commission to consider.
- (6) At a hearing pursuant to this section, the commission may consider:
 - (a) any information submitted by the applicant;
 - (b) any information considered by the authority in determining that a penalty should be assessed; and
 - (c) any information given or representations made at the oral hearing.
- (7) Where an applicant fails to appear at an oral hearing without the prior approval of the commission:
 - (a) the applicant is deemed to have waived the right to an oral hearing; and
 - (b) the commission shall consider the application on the basis of the information mentioned in clauses (6)(a) and (b).

(8) Where the authority has provided written notice to a permittee or registrant in accordance with subsection (3) and the permittee or registrant does not apply for an oral hearing pursuant to subsection (4), the authority may:

- (a) assess a penalty up to the amount proposed in the written notice provided pursuant to subsection (3);
- (b) determine the date by which the penalty is to be paid in full; and
- (c) order that the permit or certificate of registration, as the case may be, is suspended for a period up to that proposed in the written notice provided pursuant to subsection (3) if the permittee or registrant fails to pay the penalty in full by the determined date.

(9) Where the authority assesses a penalty pursuant to subsections (1) and (8), the authority shall provide to the permittee or registrant who is penalized a written notice specifying the amount of the penalty, the date by which the penalty is to be paid in full and the period of suspension if the permittee or registrant fails to pay the penalty in full by the determined date.

(10) Where the commission assesses a penalty following a hearing conducted pursuant to this section or in the circumstances mentioned in subsection (7), the commission shall provide to the permittee or registrant who is penalized a written notice specifying the amount of the penalty, the date by which the penalty is to be paid in full and the period of suspension if the permittee or registrant fails to pay the penalty by the determined date.

(11) A written notice pursuant to subsection (3), (9) or (10) is to be served by:

- (a) personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
- (b) registered mail addressed to the most recent address of the permittee or registrant contained in the records of the authority or in the applicant's application for an oral hearing with the commission, as the case may be.

(12) A written notice sent by registered mail is deemed to have been received on the seventh day after the date of its mailing unless the permittee or registrant to whom the notice was sent satisfies the commission that the notice, through no fault of his, her or its own, was not received or was received at a later date.

(13) A penalty assessed pursuant to this section is a debt due to and recoverable by the Crown in right of Saskatchewan and may be recovered in any manner authorized by *The Financial Administration Act, 1993*.

(14) Notwithstanding any other provision in this Act or the regulations, a permittee or registrant has no right to a hearing, review or appeal where the authority or the commission suspends his, her or its permit or certificate of registration in accordance with this section.

When effective

24 A licence, horse-racing licence, horse-racing registration, permit or certificate of registration becomes effective on the date stated in the licence, horse-racing licence, horse-racing registration, permit or certificate of registration as the effective date, or if no effective date is stated, on the date of issue of the licence, horse-racing licence, horse-racing registration, permit or certificate of registration.

1993, c.45, s.6; 1994, c.31, s.17.

Fees

25(1) Every application for a licence, permit, endorsement or certificate of registration is to be accompanied by the fee prescribed in the regulations.

(2) Every licensee, permittee or registrant shall pay, in addition to the fee mentioned in subsection (1), any of the following sums that may be prescribed in the regulations:

- (a) any further sum on the issuance of the licence or permit or the granting of the endorsement or certificate of registration;
- (b) any periodic sum during the duration of the licence, permit, endorsement or certificate of registration.

1993, c.45, s.6; 1994, c.31, s.18; 2000, c.35, s.13.

Licence and certificate of registration not transferable

26(1) Every licence, horse-racing licence, permit and certificate of registration is to be issued in the name of the applicant.

(2) No certificate of registration, licence or horse-racing licence is transferable.

(3) Subject to sections 66 and 67, no permit is transferable to any other person or any other premises, and no permittee shall allow any other person to use the permit.

1993, c.45, s.6; 1994, c.31, s.19.

Licence, horse-racing licence, permit and certificate of registration property of authority

27 Every licence, horse-racing licence, permit and certificate of registration is the property of the authority, and if a licence, horse-racing licence, permit or certificate of registration is cancelled or suspended, the licensee, holder of the horse-racing licence, permittee or registrant shall return it to the authority immediately.

1994, c.31, s.20.

Investigations

28(1) The authority may make investigations through persons appointed by the authority pursuant to section 8 for the purpose of:

- (a) determining whether a licence, horse-racing licence or permit should be issued or a certificate of registration, endorsement or horse-racing registration should be granted;
- (b) determining whether a licence, horse-racing licence, horse-racing registration, permit, endorsement or certificate of registration should be suspended or cancelled;

- (c) inspecting alterations, renovations or the reconstruction of permitted premises where the authority has approved those alterations or renovations or that reconstruction;
 - (d) inspecting permitted premises or premises for which a licence, permit or endorsement has been granted for the purpose of ascertaining whether or not this Act, the regulations or the terms and conditions of the licence, permit or endorsement are being complied with;
 - (d.1) inspecting casinos established pursuant to *The Saskatchewan Gaming Corporation Act* to determine whether this Act and the regulations are being complied with;
 - (e) administering and enforcing this Act, the regulations and the rules of horse racing.
- (2) Every registrant, holder of a horse-racing licence, holder of a horse-racing registration, permittee and licensee and the Saskatchewan Gaming Corporation shall allow an officer access to his, her or its premises, books, records or other documents at all reasonable times for the purpose of making any inspection that the authority or the officer considers necessary.
- (3) Where any book, record or other document has been examined pursuant to subsection (2), the officer may make copies of the book, record or other document.
- (4) A document certified to be a copy made pursuant to this section is admissible in evidence, without proof of the office or signature of the person appearing to have certified the document, and has the same probative force as the original document.

1993, c.45, s.6; 1994, c.31, s.21; 1994, c.S-18.2, s.36; 2000, c.35, s.14; 2001, c.8, s.2.

Fees for inspecting Saskatchewan Gaming Corporation

28.01 Subject to the approval of the Lieutenant Governor in Council, the authority may charge the Saskatchewan Gaming Corporation any reasonable fees required to reimburse the authority for the costs the authority has incurred in exercising its powers and fulfilling its responsibilities pursuant to this Act with respect to the Saskatchewan Gaming Corporation.

1994, c.S-18.2, s.36.

PART III

Repealed. 1993, c.45, s.6.

PART IV

Permits

ISSUANCE AND CONDITIONS

1994, c.31, s.22.

28.1 Repealed. 1994, c.31, s.23.

Where prohibited

29(1) Subject to subsection (2) and section 31, the authority shall not consider any application for any type of permit, other than a permit allowing the sale and consumption of beverage alcohol at a special occasion, for any premises located in a municipality that has passed a bylaw prohibiting the operation of permitted premises in that municipality pursuant to section 30.

(2) The authority may, on any terms or conditions it considers advisable, issue or renew a permit with respect to any premises situated in:

- (a) the Northern Saskatchewan Administration District as continued by section 3 of *The Northern Municipalities Act*;
- (b) a provincial park or regional park established pursuant to *The Parks Act* or *The Regional Parks Act, 1979*;
- (c) an area that, in the opinion of the authority, is a summer or winter resort area; or
- (d) a national park of Canada, subject to any regulations made pursuant to the *National Parks Act* (Canada), as amended from time to time.

1988-89, c.A-18.01, s.29; 1993, c.45, s.41; 1994, c.31, s.24.

Municipal bylaws

30(1) Where the authority receives an application for a permit with respect to premises located in a municipality in which:

- (a) there are no permitted premises or no stores; and
- (b) a bylaw has not been passed in accordance with subsection (2);

the authority shall:

- (c) give notice to the municipality that it has received the application; and
- (d) publish in the Gazette and in a newspaper published or having general circulation in the municipality, a notice in the form prescribed in the regulations that it has received the application.

(2) Following the notice mentioned in subsection (1), the council of the municipality may elect or:

- (a) in the case of an urban municipality, may be required pursuant to *The Urban Municipality Act, 1984*;
- (a.1) in the case of a city that is incorporated or continued pursuant to *The Cities Act*, may be required pursuant to that Act;
- (b) in the case of a rural municipality, may be required pursuant to subsection (4);
- (c) in the case of a northern municipality, may be required pursuant to *The Northern Municipalities Act*;

to adopt a bylaw prohibiting the operation of permitted premises in the municipality.

(3) Where the council of the municipality elects to refer the bylaw to a vote of:

- (a) in the case of a city, town or village within the meaning of *The Urban Municipality Act, 1984*, the electors;

- (a.1) in the case of a city within the meaning of *The Cities Act*, the electors;
 - (b) in the case of a hamlet or rural municipality within the meaning of *The Rural Municipality Act*, the voters; or
 - (c) in the case of a northern municipality within the meaning of *The Northern Municipalities Act*, the electors;
- the council shall give notice of that election or requirement to the authority.
- (4) For the purposes of subsection (3), where a petition requesting the submission to the voters of a bylaw prohibiting the operation of permitted premises in the municipality, signed by the greater of 5% of the voters or 15 voters, is presented to the council of a rural municipality:
- (a) the council shall introduce a bylaw in accordance with the request of the petitioners within eight weeks after the presentation of the petition, and shall take the necessary steps to submit the bylaw to the voters; and
 - (b) subsections 88(2) to (6) of *The Urban Municipality Act, 1984* apply *mutatis mutandis* to that bylaw.
- (5) Where the authority receives notice pursuant to subsection (3), it shall not issue any permits in the municipality until it has determined that the bylaw was not adopted.

1988-89, c.A-18.01, s.30; 1993, c.45, s.41; 1994, c.31, s.25; 2002, c.C-11.1, s.366.

Public transportation

- 31(1)** Notwithstanding section 30, the authority may issue permits to persons engaged in the business of providing public transportation with respect to any railway car, limousine, airplane, bus, ship or vessel that does not solely operate within one municipality.
- (2) Subsection (1) does not apply to a permit allowing the sale and consumption of beverage alcohol at a special occasion.

1994, c.31, s.26.

Types of permitted premises

- 32** Subject to the other provisions of this Act and the regulations, the authority may issue permits for the sale of beverage alcohol with respect to any place, premises, railway car, limousine, airplane, bus, ship or vessel approved by the authority.

1994, c.31, s.27.

33 to 36 Repealed. 1993, c.45, s.8.

Posting

- 37** Every permittee shall keep the permit posted in a prominent position in the permitted premises.

1994, c.31, s.28.

38 Repealed. 1993, c.45, s.8.

Maximum number

39 The Lieutenant Governor in Council may prescribe the maximum number of permits of each class of permits.

1994, c.31, s.29.

Licences continue as permits

40 Subject to this Act and the regulations:

- (a) a licence in good standing issued pursuant to Part IV of *The Alcohol Control Act* or *The Alcohol and Gaming Regulation Act* is continued in force as a permit to the date of expiry; and
- (b) where a reduction in the number of permits is made pursuant to section 39, all permits in force on the day of reduction continue and may be renewed by the authority.

1994, c.31, s.30.

Renewal of existing permits

41 Subject to this Act and the regulations, a permit mentioned in section 40 may be renewed from time to time, and interim permits and new permits may be issued for any premises licensed when *The Alcohol and Gaming Regulation Amendment Act, 1994* comes into force.

1994, c. 31, s.31.

Price lists to be posted

42 Every permittee shall post in a prominent place on the permitted premises a price list showing all prices for beverage alcohol fixed by the authority.

1994, c.31, s.32.

APPLICATIONS

Suitability of premises

43(1) No applicant or permittee is entitled to obtain or keep a permit unless:

- (a) on applying for the permit and on any alteration, renovation or reconstruction of the permitted premises, the applicant or the permittee, as the case may be, files with the authority evidence satisfactory to the authority that the premises to which the application or permit relates conform to applicable building, fire, health and safety standards; and
- (b) in the authority's opinion, the premises mentioned in clause (a):
 - (i) are and will remain suitable for the business to be conducted in the premises; and
 - (ii) are and will be managed in accordance with this Act and the regulations.

(2) Notwithstanding any other provision of this Act, the authority has no duty to inspect or to require the inspection of permitted premises to ensure compliance with this Act or any other Act.

2002, c.41, s.9.

Application

44(1) An application for a permit must be:

- (a) in the form determined by the authority; and
 - (b) submitted to the authority with a statutory declaration:
 - (i) of the applicant, if the applicant is an individual;
 - (ii) of an officer of the corporation, if the applicant is a corporation; or
 - (iii) of:
 - (A) each partner of the partnership, if the applicant is a partnership; and
 - (B) an officer of the corporation, if a partner of the partnership is a corporation.
- (2) The statutory declaration mentioned in subsection (1) shall state:
- (a) that the applicant is lawfully authorized to conduct the business to be carried on in the premises to which the permit relates;
 - (a.1) that the applicant:
 - (i) is the owner or lessee of the premises to which the permit relates; or
 - (ii) is lawfully entitled to possession of the premises to which the permit relates;
 - (b) that the applicant is not disqualified pursuant to this Act from applying for or holding a permit;
 - (c) that the applicant has complied with the requirements of this Act and the regulations;
 - (d) that the applicant is not bound by an agreement to sell any particular kind, class or brand of beverage alcohol;
 - (e) that the premises to which the application relates are constructed and equipped in accordance with this Act and the regulations and are otherwise suitable for carrying on the business in a reputable way;
 - (f) **Repealed.** 1994, c.31, s.34.
 - (g) that the applicant is of good character and whether he has been convicted in the three years preceding his application of:
 - (i) a contravention of this Act, any previous *Liquor Act* or *Liquor Licensing Act* or any Act of any other province of Canada relating to the control of beverage alcohol; or
 - (ii) an offence under any Act of the Parliament of Canada that involves, directly or indirectly, beverage alcohol or a drug; and

- (h) whether or not:
 - (i) the applicant has accepted any money or consideration from a manufacturer or an agent of a manufacturer, and if so, giving full details;
 - (ii) any manufacturer or any officer, director, shareholder, employee or agent of a manufacturer has an interest in the ownership or management of the premises to which the application relates, and if so, whether or not that person has assisted the applicant financially in any way, and if so, giving full details.
- (3) When an application is made for renewal of a permit, subsection (1) does not apply unless the authority, in its discretion, otherwise directs.
- (4) Clause (2)(h) does not apply with respect to an application concerning a train.
- (5) The authority, in its discretion, may require an applicant for a permit to pay, before a permit is issued, any liquor consumption tax not paid by the preceding permittee of the premises that are the subject matter of the application.

1988-89, c.A-18.01, s.44; 1993, c.45, s.41; 1994, c.31, s.34; 2002, c.41, s.10.

Qualifications of applicant

45 A permit may be issued by the authority to a person who is not a minor.

2002, c.41, s.11.

Evidence of good character

45.1 The authority shall not issue a permit to an applicant unless, in the authority's opinion, the applicant is of good character.

2002, c.41, s.11.

Qualifications of other applicants

46(1) The authority may issue a permit to an applicant who otherwise complies with the requirements of this Act and the regulations and is:

- (a) a partnership, if each partner is qualified pursuant to:
 - (i) sections 45 and 45.1; or
 - (ii) clause (b) or (c);
- (b) a corporation without share capital:
 - (i) that is incorporated, established or continued by or pursuant to an Act or an Act of the Parliament of Canada;
 - (ii) that is lawfully authorized to carry on business in Saskatchewan;
 - (iii) that is not restricted from carrying on the business with respect to which the application is made; and
 - (iv) whose directors, officers, agents and employees who have responsibility for the operation or management of the corporation are qualified pursuant to sections 45 and 45.1;

- (c) a corporation:
 - (i) that is incorporated, established or continued by or pursuant to an Act or an Act of the Parliament of Canada;
 - (ii) that is lawfully authorized to carry on business in Saskatchewan;
 - (iii) that is not restricted from carrying on the business with respect to which the application is made;
 - (iv) with respect to which 20% or more of the issued voting or non-voting shares of the corporation are owned, directly or indirectly, by:
 - (A) an individual who is qualified pursuant to sections 45 and 45.1;
 - (B) a corporation in which any person who owns, directly or indirectly, 20% or more of the issued voting or non-voting shares of that corporation is qualified pursuant to sections 45 and 45.1; or
 - (C) a partnership in which each partner is qualified pursuant to:
 - (I) sections 45 and 45.1; or
 - (II) this clause or clause (b); and
 - (v) whose directors, officers, agents and employees who have responsibility for the operation or management of the corporation are qualified pursuant to sections 45 and 45.1;
 - (d) a municipality or regional park authority with respect to premises owned by it;
 - (e) a person who operates a commercial air service with respect to aircraft; or
 - (f) a railway corporation with respect to trains owned or operated by the railway corporation.
- (2) Subclause (1)(c)(iv) does not apply to a corporation with respect to which the shares are traded on a public exchange.

2002, c.41, s.11.

Certain interests prohibited

47(1) Subject to subsections (2) and (3), no permit shall be issued with respect to any premises in which a manufacturer, or any of its directors, officers, shareholders, employees or agents, has:

- (a) acquired any direct, indirect or contingent interest in the ownership or management of the business to which the application relates or in its property, chattels or equipment; or
- (b) assisted the applicant financially in any way;

and, in the opinion of the authority, the involvement of the manufacturer would cause the permittee to unduly discourage the sale or consumption of the products of other manufacturers.

(2) This section does not apply to trains or premises owned and operated by a railway company incorporated prior to the coming into force of this Act.

(3) This section does not apply to premises operated by a manufacturer who is a permittee and whose products are not sold by any person other than the manufacturer through premises for which the manufacturer holds a permit.

1988-89, c.A-18.01, s.47; 1993, c.45, s.41; 1994, c.31, s.37.

Special occasion permits

47.1 Notwithstanding any other provision of this Act, clause 44(1)(b), subsection 44(2) and sections 45.1, 46, 47, 47.2 and 49 do not apply to an application for a permit allowing:

- (a) the service of beverage alcohol at a special occasion; or
- (b) the sale and service of beverage alcohol at a special occasion.

2002, c.41, s.12.

Continuing qualification

47.2 No permittee shall fail to comply with the conditions set out in subsection 44(2) and in sections 45, 45.1, 46 and 47 for the term of the permittee's permit.

2002, c.41, s.12.

HEARINGS

48 Repealed. 1993, c.45, s.10.

Application

49(1) When an application for a permit or reviewable endorsement is received by the authority, the applicant shall publish a notice in a form acceptable to the authority that written objections to the granting of a permit or reviewable endorsement may be filed with the authority not more than two weeks from the date of publication of the notice.

(1.1) Subsection (1) does not apply to a permit allowing the sale and consumption of beverage alcohol at a special occasion or to an endorsement other than a reviewable endorsement.

(2) Where an applicant applies for a permit, the notice is to be published at least once each week for two successive weeks in a newspaper published:

- (a) in the municipality in which the proposed permitted premises are to be situated; or
- (b) in Saskatchewan and circulating in the municipality in which the proposed permitted premises are to be situated, if no newspaper is published in that municipality.

(2.01) Where an applicant applies for a reviewable endorsement, the notice is to be published at least once each week for two successive weeks in a newspaper published:

- (a) in the municipality in which the premises or proposed premises respecting the reviewable endorsement are or are proposed to be situated; or

(b) in Saskatchewan and circulating in the municipality in which the premises or proposed premises respecting the reviewable endorsement are or are proposed to be situated, if no newspaper is published in that municipality.

(2.1) The applicant shall provide the authority with a copy of the newspaper containing the notice.

(3) Every person who has filed a written objection with the authority shall state, in clear detail, the grounds for the objection in his written objection.

(3.1) Where a written objection is received pursuant to subsection (3), the authority shall not issue a permit or reviewable endorsement to the applicant except in accordance with an order of the commission.

(3.2) The onus of establishing that the commission should not issue a permit or grant a reviewable endorsement is on the person who files a written objection with the authority.

(4) Subject to subsection (4.1), the commission shall give every applicant for a permit or reviewable endorsement, and every person who files a written objection to the granting of a permit or reviewable endorsement, written notice of:

(a) the time and place of the hearing at which the application will be considered; and

(b) the grounds for the objection.

(4.1) No written notice pursuant to subsection (4) shall be given by the commission to a person who files a written objection where the commission, after considering the grounds for the objection, determines, in its absolute discretion, that those grounds:

(a) are frivolous or vexatious; or

(b) are prescribed in the regulations as grounds for which no written notice is to be given.

(5) A notice pursuant to subsection (4) is to be sent in accordance with subsection 16(11).

(6) **Repealed.** 1993, c.45, s.11.

1988-89, c.A-18.01, s.49; 1993, c.45, s.11 and 41;
1994, c.31, s.38; 2000, c.35, s.15; 2002, c.41,
s.13.

50 and 51 Repealed. 1993, c.45, s.12.

Restriction on cancellation

52 When a permit has been cancelled:

(a) no permit shall be issued for a period of at least one year to the person named as the holder of the permit;

(b) no permit shall be issued with respect to the premises described in the permit for a period of at least one month;

(c) if another permit is issued to that person and is cancelled, no permit shall be issued to him after that time.

1988-89, c.A-18.01, s.52; 1993, c.45, s.13; 1994,
c.31, s.39.

Return of beverage alcohol

53(1) Where a permit is cancelled, all beverage alcohol in the possession of a permittee shall be delivered to the authority by the permittee and the authority shall:

- (a) assess the condition of the beverage alcohol;
 - (b) repurchase at current prices the beverage alcohol found by the authority to be in good condition and capable of being sold by the authority; and
 - (c) make any orders respecting the disposal of beverage alcohol not repurchased that the authority, in its discretion, considers appropriate.
- (2) The authority may assess a fee for restocking beverage alcohol repurchased by it pursuant to subsection (1).
- (3) When a permit is suspended, all beverage alcohol in the possession of a permittee shall immediately be sealed by him in a manner satisfactory to the authority at the expense and risk of the permittee, to be kept on the premises or delivered to the authority, as the authority may direct.
- (4) When suspension of a permit is removed, beverage alcohol delivered to the authority under subsection (2) shall be returned to the permittee.
- (5) When a permit expires and is not renewed, all beverage alcohol in the possession of the permittee shall be delivered to the authority and the provisions of subsection (1) respecting the repurchase and disposition shall apply.

1988-89, c.A-18.01, s.53; 1993, c.45, s.14 and
42; 1994, c.31, s.40.

SPECIFIC PRIVILEGES**Authority of permittee**

54(1) A permittee may purchase beverage alcohol from the authority and keep beverage alcohol and, if authorized by the regulations, may sell beverage alcohol to persons who are not minors, subject to the restrictions and specifications mentioned in this Act and the regulations.

(2) Nothing in this Act is to be construed as authorizing the sale of beverage alcohol to minors.

1994, c.31, s.41.

Regulations re permits

54.1(1) The Lieutenant Governor in Council may make regulations respecting:

- (a) classes of permits and the rights, terms, conditions and obligations respecting each class of permit;
- (b) the powers of the authority to issue classes of permits;
- (c) the conditions under which the authority may issue certain permits or grant certain endorsements;

- (d) the power of the authority to set additional terms and conditions with respect to individual permits or endorsements or classes of permits or endorsements;
 - (e) the powers of the authority to suspend or cancel individual permits or endorsements;
 - (f) the fees for the application for permits or endorsements and for the issuance of permits or the granting of endorsements;
 - (g) the information required to be supplied by an applicant for a permit or endorsement and the forms to be used for the application.
- (2) The authority may:
- (a) issue permits, in accordance with the regulations, for the purchase, sale, manufacture, transport, import, export, consumption and possession of beverage alcohol;
 - (b) require any additional information from an applicant for a permit or endorsement in any form determined by the authority; and
 - (c) set any additional terms and conditions for individual permits or endorsements or classes of permits or endorsements that are allowed by the regulations.

1994, c.31, s.42; 2000, c.35, s.16.

55 to 61 Repealed. 1994, c.31, s.43.

62 Repealed. 1993, c.45, s.16.

SPECIAL CASES

63 to 65 Repealed. 1994, c.31, s.44.

If premises destroyed

66 Subject to this Act and the regulations, in the event of the destruction of permitted premises, the permit continues in effect for the premises constructed on the site of the destroyed premises or on any other site within the same municipality approved by the authority and occupied by the original permittee.

1994, c.31, s.45.

If permittee dies

67(1) Subject to this Act and the regulations, in the event of the death of a permittee who is an individual, a permit continues in force until it expires.

(2) Where a permittee who is an individual dies, the trustee, executor or administrator responsible for the estate of the deceased permittee, or a manager of the premises approved by the authority, enjoys all of the rights and is subject to all of the liabilities that would have pertained to the deceased permittee if the permittee had not died.

1994, c.31, s.46.

Improvement of facilities

68(1) The authority may, at any time, direct a permittee to install, repair, modernize or otherwise improve the facilities of the premises.

(2) Where a permittee fails to comply with a direction pursuant to subsection (1), the authority may suspend the permit, after giving the permittee an opportunity to be heard in accordance with section 18.

1993, c.45, s.19; 1994, c.31, s.47.

HOURS AND DAYS**Sale restricted**

69(1) No permittee shall sell beverage alcohol on the permitted premises except during the hours and on the days on which it may be lawfully sold pursuant to this Act and the regulations.

(2) No person shall consume beverage alcohol on permitted premises after any closing hour prescribed in the regulations, except during tolerance periods prescribed in the regulations for consumption of beverage alcohol served prior to the closing hour.

1988-89, c.A-18.01, s.69; 1994, c.31, s.48.

70 Repealed. 1994, c.31, s.49.

References to time

71 Where a regulation includes a reference to time, *The Time Act* does not apply to the application of that regulation to a railway car, limousine, airplane, bus, ship or vessel with respect to which a permit is granted pursuant to section 31.

1994, c.31, s.50.

72 Repealed. 1994, c.31, s.51.

Resolution re when a premises may be open

73 The authority may extend or restrict, by resolution, the days or hours that a permittee may open the permitted premises for the sale of beverage alcohol, and a copy of the resolution is to be given to all permittees affected by the resolution.

1994, c.31, s.52.

LICENSED PREMISES**Sale by glass or in open containers**

74(1) Any provision of this Act authorizing the sale of beverage alcohol by the glass shall be interpreted as permitting the sale of beverage alcohol in a glass or container of a type approved by the authority.

(2) No person shall, in any permitted premises, sell:

(a) beer in a container other than a glass or container of a type approved by the authority;

A-18.01**ALCOHOL AND GAMING REGULATION**

(b) any beverage alcohol other than beer, wine or other beverage alcohol prescribed by the regulations by the container.

1988-89, c.A-18.01, s.74; 1993, c.45, s.41; 1994, c.31, s.53.

Consumption on premises

75(1) Any beer or wine purchased in a permitted premises by the glass or open container may be consumed in that permitted premises or in any associated permitted premises adjoining the permitted premises in which it was purchased.

(2) Any beverage alcohol purchased in permitted premises, except beverage alcohol duly sold for consumption off premises, that is not consumed in the premises or in any adjoining permitted premises shall be left in the permitted premises by the purchaser and shall immediately be destroyed by the permittee.

1988-89, c.A-18.01, s.75; 1994, c.31, s.54.

Kinds of beer required

76(1) Subject to subsection (2), the authority may require any permittee to whom a permit for the sale of beer is issued to have available for sale in his or her permitted premises, in reasonable quantities at all times, one or more of the brands or kinds of beer produced by each permitted manufacturer in Saskatchewan other than a permitted manufacturer mentioned in subsection (2).

(2) This section does not apply to a manufacturer who is a permittee and whose products are not sold by any person other than the manufacturer through premises for which the manufacture holds a permit.

1994, c.31, s.55.

PART V**Permits**

1994, c.31, s.56.

77 and 78 Repealed. 1994, c.31, s.57.

Heading following s.78 Repealed. 1994, c.31, s.58.

79 Repealed. 1994, c.31, s.59.

MEDICAL USE**Certain professionals**

80(1) The authority may, on application and on payment of the prescribed fee, issue a medical use permit to:

- (a) a physician;
- (b) a pharmacist;

(c) a dentist;

(d) a veterinarian registered pursuant to *The Veterinarians Act, 1987*;

authorizing the purchase from the authority of beverage alcohol for use in the practice of his profession and in accordance with this Act and the regulations.

(2) The governing body of a hospital may, without a permit, purchase from the authority and keep on hand beverage alcohol, in an amount that is not greater than the maximum amount prescribed in the regulations, for the purposes of mixing and compounding or for medicinal purposes.

1988-89, c.A-18.01, s.80; 1993, c.45, s.41 and 42.

Physicians

81 A physician may prescribe beverage alcohol to patients or administer beverage alcohol to patients for medicinal purposes.

1988-89, c.A-18.01, s.81.

Pharmacists, dispensing

82(1) Except as provided in this Act and the regulations, no pharmacist shall sell or dispense beverage alcohol except on the prescription of a physician.

(2) All prescriptions for beverage alcohol shall be retained by the pharmacist and kept on file unless otherwise directed by the authority.

1988-89, c.A-18.01, s.82; 1993, c.45, s.41.

Pharmacists, compounding purposes

83 Any pharmacist may purchase from the authority and keep on hand and use beverage alcohol, of a kind and in a quantity that is specified in the regulations, for compounding purposes.

1988-89, c.A-18.01, s.83; 1993, c.45, s.42.

Certain persons may sell, etc.

84(1) In this section, “**apprentice**” means apprentice as defined in *The Pharmacy Act*.

(2) No person other than a person who holds a medical use permit pursuant to this Act or an apprentice under the immediate supervision of a pharmacist who holds a medical use permit shall prepare, compound, dispense or sell beverage alcohol for medicinal purposes.

1988-89, c.A-18.01, s.84.

Duties of holder

85 Every person to whom a medical use permit is issued shall purchase beverage alcohol only from the authority by written order specifying the kinds and quantities of beverage alcohol required.

1988-89, c.A-18.01, s.85; 1993, c.45, s.42.

MANUFACTURERS AND OTHERS

Mechanical arts

86 The authority may, on application and on payment of the prescribed fee, issue a non-consumptive use permit to:

- (a) a person engaged in Saskatchewan in a business which requires for mechanical, manufacturing, preserving or other purposes any liquid or compound which is or is capable of being used as beverage alcohol; and
- (b) any person who proposes to use a liquid or compound which is or is capable of being used as beverage alcohol for a purpose other than as a food or beverage.

1988-89, c.A-18.01, s.86; 1993, c.45, s.41; 1994, c.31, s.60.

Educational institutions

87 The governing authorities of educational institutions may purchase from the authority and keep on hand beverage alcohol, in an amount not greater than the maximum amount prescribed in the regulations, for the purposes of heating, testing, mixing, compounding and experimenting.

1988-89, c.A-18.01, s.87; 1993, c.45, s.42.

Issuance of permit

88 The authority may:

- (a) on application in the prescribed form, and payment of the prescribed fee; and
- (b) if satisfied that the applicant has complied with the Act and the regulations;

issue a permit, on any terms and conditions it sees fit to specify, to an educational institution that permits the serving of beverage alcohol but only in connection with mixology or bartending courses conducted by that educational institution.

1988-89, c.A-18.01, s.88; 1993, c.45, s.41.

Religious use

89 Subject to the regulations, the authority may issue a permit authorizing the import, purchase, sale or use of wine for sacramental purposes to:

- (a) a person engaged in the business of selling church supplies;
- (b) the authorities of a church or religious body; or
- (c) a priest, clergyman or minister.

1988-89, c.A-18.01, s.89; 1993, c.45, s.41.

Competition permit

90 Subject to the regulations, the authority may issue a permit authorizing:

- (a) the holder to display homemade wine or beer at the time and place specified in the permit;
- (b) the holder to carry and convey the homemade wine or beer to and from a competition;
- (c) the tasting by persons judging the competition of the homemade wine or beer mentioned in clause (a).

1988-89, c.A-18.01, s.90; 1993, c.45, s.41.

Return to manufacturer

91(1) Every manufacturer to whom a permit is issued shall, when requested by the authority, make a return to the authority respecting the manufacture, import, sale and delivery of beverage alcohol by the manufacturer.

(2) A request made by the authority pursuant to subsection (1):

- (a) is to be in writing;
- (b) is to state the period for which the information is included in the return; and
- (c) may require that the returns be made regularly with respect to those periods prescribed by the authority in the request.

(3) A return mentioned in subsection (1) is to contain:

- (a) those contents that may be prescribed in the regulations; and
- (b) any other information that the authority may require.

1988-89, c.A-18.01, s.91; 1993, c.45, s.42; 1994, c.31, s.61.

Samples

92(1) A manufacturer to whom a permit is issued shall, if required by the authority, furnish samples of any beverage alcohol then being sold by the manufacturer or that may be in the course of manufacture for sale in Saskatchewan.

(2) No holder of a permit shall fail to furnish samples when required to do so pursuant to this section.

1988-89, c.A-18.01, s.92; 1993, c.45, s.42; 1994, c.31, s.62.

Brewers association

93(1) In this section, “**brewers association**” includes:

- (a) the Saskatchewan Brewers Association Limited; and
- (b) any corporation that is owned by one or more brewers and is designated, for the purposes of this section, by the Lieutenant Governor in Council.

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(2) Subject to the other provisions of this Act and the regulations, the Lieutenant Governor in Council may authorize the authority to enter into a contract authorizing the brewers association to sell on behalf of the authority and deliver beer to:

- (a) a permittee for the purpose of sale by the permittee pursuant to the permittee's permit;
- (b) the holder of a franchise; or
- (c) a store.

(3) On the granting of an authorization in accordance with subsection (1), the brewers association shall sell or deliver beer only in accordance with this Act and the regulations and the standards prescribed by the authority.

1988-89, c.A-18.01, s.93; 1993, c.45, s.21 and 42; 1994, c.31, s.63.

94 Repealed. 1994, c.31, s.64.

GENERAL**Compliance required**

95 No person to whom a permit or authorization is granted pursuant to this Act shall manufacture, sell or deliver beverage alcohol except in accordance with this Act and the regulations made pursuant to this Act.

1988-89, c.A-18.01, s.95; 1993, c.45, s.22; 1994, c.31, s.65.

Records

96 Every person to whom a permit has been issued for the manufacture of beverage alcohol shall maintain records satisfactory to the authority showing:

- (a) the kind and quantities of beverage alcohol produced and imported by him;
- (b) the names of person to whom beverage alcohol was sold and delivered;
- (c) the date of each sale;
- (d) the kind and quantity sold; and
- (e) any other particulars that may be prescribed in the regulations.

1988-89, c.A-18.01, s.96; 1993, c.45, s.42; 1994, c.31, s.66.

Authority may verify records

97 The authority may, at all reasonable times, examine the books and records of any person to whom a permit has been issued for the manufacture of beverage alcohol required to make a return, and may otherwise verify the return.

1988-89, c.A-18.01, s.97; 1993, c.45, s.42; 1994, c.31, s.67.

Building to be available for inspection

98 Every premises operated by a person to whom a permit has been issued for the manufacture of beverage alcohol shall be constructed and equipped so that it does not facilitate any breach of this Act or the regulations and shall be open to inspection at all reasonable times by the authority or by a person appointed pursuant to subsection 8(2).

1994, c.31, s.68.

PART V.1
Licensed Lotteries

98.1 Repealed. 1994, c.31, s.69.

Terms and conditions of licences

98.11(1) Where licences, other than those mentioned in subsection 98.2(1), are issued, those licences are deemed to contain and are subject to the following terms and conditions:

- (a) the licensee shall ensure that, where premises are used in the conduct of the lottery scheme, those premises are:
 - (i) owned and occupied by the licensee; or
 - (ii) supplied by:
 - (A) a gaming supplier who holds a valid and subsisting certificate of registration; or
 - (B) a landlord who has no interest in the conduct or management of the lottery scheme other than to provide the premises on which the lottery scheme is to be conducted;
 - (b) the licensee shall ensure that, where gaming employees are used in the conduct of the lottery scheme, the gaming employees hold valid and subsisting certificates of registration;
 - (c) the licensee shall ensure that, where gaming services other than premises and gaming employees are used in the conduct of the lottery scheme, those services are supplied by a person who holds a valid and subsisting certificate of registration;
 - (d) the licensee shall ensure that:
 - (i) where premises are being used to conduct the lottery scheme, the licence is prominently posted in those premises; and
 - (ii) where premises are not being used to conduct the lottery scheme, the licence is available for inspection.
- (2) Clauses (1)(a) to (c) do not apply:
- (a) to the provision of gaming employees where those employees act as bona fide volunteers of the licensee in the conduct of the lottery scheme; and
 - (b) subject to the regulations, to the provision of gaming services other than gaming employees where those services are provided by a licensee.

1993, c.45, s.24.

Local authority licences

98.2(1) Licences issued by local authorities are deemed to contain and are subject to the following terms and conditions:

- (a) the licensee shall use the proceeds of the lottery scheme being conducted for charitable or religious purposes;
 - (b) the licensee shall ensure that the total amount of all prizes offered in the conduct of the lottery scheme does not exceed the lesser of:
 - (i) \$2,000; and
 - (ii) any lower amount that may be prescribed by the Lieutenant Governor in Council pursuant to the *Criminal Code* with respect to the lottery scheme for which the licence was issued; and
 - (c) the licensee shall not conduct more than one event per week.
- (2) Where a licensee who is issued a licence by a local authority breaches a term or condition of that licence, the licence is void.
- (3) Local authorities may charge the fees prescribed in the regulations for the issuance of licences.

1993, c.45, s.24.

Reports by local authorities

98.3 Every local authority that issues licences shall file with the authority, on or before April 1 in each year, a report with respect to its licensing activities for the previous year:

- (a) in the form required by the authority; and
- (b) containing any information that the authority may require, including:
 - (i) the name of each licensee who was issued a licence by the local authority;
 - (ii) the amount or value of the prizes awarded with respect to each licensed lottery scheme;
 - (iii) the revenue generated, expenses incurred and profit realized with respect to each licensed lottery scheme; and
 - (iv) the purpose for which the proceeds from each licensed lottery scheme were or are to be used.

1993, c.45, s.24.

Form and manner of reports

98.4(1) Subject to subsection (2), every licensee shall file a report with the authority:

- (a) in the form and manner required by the authority; and
- (b) containing any information the authority may require, including:
 - (i) the dates on which and the places at which lottery schemes were conducted by the licensee;

- (ii) the accounts relating to the conduct of the lottery scheme; and
- (iii) the disposition of the proceeds of the lottery scheme.

(2) Unless the authority otherwise requires, subsection (1) does not apply to a licensee whose licence was issued by a local authority.

1993, c.45, s.24.

Restriction on cancellation

98.5 When a licence or a certificate of registration has been cancelled:

- (a) no licence or certificate of registration shall be issued for a period of at least one year to the person named as the holder of that licence or certificate of registration;
- (b) if another licence or certificate of registration is issued to that person and is cancelled, no licence or certificate of registration shall be issued to that person after that time.

1993, c.45, s.24.

PART V.2
Registration

Authorization to work as gaming employee or act as a gaming supplier

98.6(1) No person shall work as a gaming employee or act as a gaming supplier unless he or she has been granted a certificate of registration by the authority that authorizes him or her to work as a gaming employee or act as a gaming supplier, as the case may be.

(2) Any person who seeks information from the authority as to whether a person has been registered pursuant to this Act is entitled to the information without delay and without payment of any fee.

1993, c.45, s.24.

Application to be registered

98.7 Any person who applies to the authority to be registered as a gaming employee or a gaming supplier shall:

- (a) apply in a form required by the authority; and
- (b) provide any information that the authority may require.

1993, c.45, s.24.

Requirements for registration

98.8(1) Where a person makes an application:

- (a) to be registered as a gaming employee, the authority shall not grant a certificate of registration to that person unless, in the opinion of the authority, the applicant:
 - (i) is of good character; and
 - (ii) has suitable training or experience;

- (b) to be registered as a gaming supplier, the authority shall not grant a certificate of registration to that person unless, in the opinion of the authority, the applicant:
 - (i) is of good character; and
 - (ii) is capable of supplying gaming services that are suitable for the conduct of lottery schemes.
- (2) Where the regulations require that a person be bonded, the authority shall not issue a certificate of registration to that person until he or she is bonded in accordance with the regulations.
- (3) Subject to subsections (1) and (2), the authority may:
 - (a) register and grant certificates of registration in the form provided by the authority to persons who have applied to be registered and set the terms and conditions of the registration of those persons;
 - (b) renew a certificate of registration granted pursuant to clause (a) and set the terms and conditions of that renewal.
- (4) The authority may amend, vary, or repeal and substitute any terms and conditions imposed pursuant to clause (3)(a) or (b) or impose new terms and conditions after a certificate of registration is granted or renewed, as the case may be.
- (5) A registrant may apply, within 15 days after being notified of a decision by the authority to impose terms and conditions on a certificate of registration pursuant to subsection (4), for a review by the commission of those terms and conditions.
- (6) Section 17 applies, with any necessary modification, to an application for a review pursuant to subsection (5).

1993, c.45, s.24.

Reports to be filed

98.9 Every person who is registered as a gaming supplier or as a gaming employee shall file a report with the authority:

- (a) in the form and manner required by the authority; and
- (b) containing any information the authority may require, including:
 - (i) in the case of a gaming supplier:
 - (A) the accounts relating to his or her business as a gaming supplier; and
 - (B) the names of those persons with whom the registrant has done business in his or her capacity as a gaming supplier; and
 - (ii) in the case of a gaming employee:
 - (A) the records and other documents relating to his or her employment as a gaming employee; and
 - (B) the names of those persons who have employed the registrant as a gaming employee.

1993, c.45, s.24.

PART V.3 Horse Racing

Saskatchewan Horse Racing and Breeding Advisory Board

98.91(1) The minister may appoint a board to be known as the Saskatchewan Horse Racing and Breeding Advisory Board, consisting of the persons appointed as members by the minister.

(2) The minister may designate one member of the board as chairperson and another member as vice-chairperson.

(3) The board may advise the minister or the authority with respect to any matter relating to horse racing or the operation of racetracks.

(4) The board shall advise the minister or the authority with respect to any matter referred to it by the minister or the authority.

1994, c.31, s.70.

PART VI Liquor Stores and Franchises

Authority may establish stores

99 Subject to section 100, the authority may, establish and operate stores for the sale of beverage alcohol in accordance with this Act.

1988-89, c.A-18.01, s.99; 1993, c.45, s.42.

Establishment of stores

100(1) When the authority intends to establish a store in a municipality in which a store is not already in existence, the authority shall:

- (a) give notice to the municipality of its intention to establish a store; and
 - (b) publish in the Gazette and in a newspaper published or having general circulation in the municipality, a notice in the form prescribed in the regulations of its intention to establish a store.
- (2) Following the notice mentioned in subsection (1), the council of the municipality may elect or:
- (a) in the case of an urban municipality, may be required pursuant to *The Urban Municipality Act, 1984*;
 - (a.1) in the case of a city that is incorporated or continued pursuant to *The Cities Act*, may be required pursuant to that Act;
 - (b) in the case of a rural municipality, may be required pursuant to subsection (4);
 - (c) in the case of a northern municipality, may be required pursuant to *The Northern Municipalities Act*;

to adopt a bylaw prohibiting the establishment of stores in the municipality.

(3) Where the council of the municipality elects or is required to refer the bylaw to a vote of:

- (a) in the case of a city, town or village within the meaning of *The Urban Municipality Act, 1984*, the electors;
- (a.1) in the case of a city within the meaning of *The Cities Act*, the electors;
- (b) in the case of a hamlet, or rural municipality within the meaning of *The Rural Municipality Act*, the voters; or
- (c) in the case of a northern municipality within the meaning of *The Northern Municipalities Act*, the electors;

the council shall give notice of that election or requirement to the authority.

(4) For the purposes of subsection (3), where a petition requesting the submission to the voters of a bylaw prohibiting the establishment of a store in the municipality, signed by the greater of 5% of the voters or 15 voters, is presented to the council of a rural municipality:

- (a) the council shall introduce a bylaw in accordance with the request of the petitioners within eight weeks after the presentation of the petition, and shall take the necessary steps to submit the bylaw to the voters; and
- (b) subsections 88(2) to (6) of *The Urban Municipality Act, 1984* apply *mutatis mutandis* to that bylaw.

(5) Where the authority receives notice pursuant to subsection (3), it shall not proceed with the establishment of the store until it has determined that the bylaw was not adopted.

(6) The authority may, on any terms or conditions it considers advisable, and without conducting a vote of the electors as required by this section, establish a store in:

- (a) the Northern Saskatchewan Administration District as continued by section 3 of *The Northern Municipalities Act*;
- (b) a provincial park or regional park established pursuant to *The Parks Act* or *The Regional Parks Act, 1979*;
- (c) an area that, in the opinion of the authority, is a summer or winter resort area; or
- (d) a national park of Canada, subject to any regulations made under the *National Parks Act* (Canada), as amended from time to time.

1988-89, c.A-18.01, s.100; 1993, c.45, s.42; 2002, c.C-11.1, s.366.

Establishment where no bylaw

101 Where the authority has not received a bylaw made pursuant to subsection 100(2) or a notice pursuant to subsection 100(3) within 60 days of giving notice pursuant to subsection 100(1), it may proceed with the establishment of the store in respect of which the notice was given.

1988-89, c.A-18.01, s.101; 1993, c.45, s.42.

References

102 In this Part, a reference to a store includes a reference to a franchise and, for greater certainty, a bylaw respecting the establishment of a store is deemed to be a bylaw respecting the establishment of a franchise, as the case may be.

1988-89, c.A-18.01, s.102.

Duty-free stores

103(1) The authority may establish and operate or authorize any person to establish and operate a duty-free store for the sale of beverage alcohol to persons who are not minors who are leaving Canada.

(2) The operation of stores established pursuant to subsection (1) is subject to this Act and to any conditions prescribed in the regulations or by the authority.

1988-89, c.A-18.01, s.103; 1993, c.45, s.25 and 42.

Duty-free purchases

104 A person who purchases beverage alcohol at a duty-free store shall transport the beverage alcohol out of Canada immediately without opening the package in which the beverage alcohol was received from the store.

1988-89, c.A-18.01, s.104.

Franchises

105(1) Subject to subsection (2) the authority may, subject to this Act, grant franchises to persons for the purpose of keeping for sale and selling beverage alcohol.

(2) The authority shall not grant a franchise if the municipality in which the franchise is to be located has adopted a bylaw pursuant to subsection 100(2).

(3) Subject to this Act and the regulations, the authority may enter into an agreement with any person for the establishment, maintenance or operation of a franchise.

(4) A holder of a franchise may, subject to any conditions that may be prescribed in the regulations, purchase from the authority and sell beverage alcohol.

(5) A franchise is subject to the provisions of this Act and the regulations relating to stores apply *mutatis mutandis*.

1988-89, c.A-18.01, s.105; 1993, c.45, s.42; 1994, c.31, s.71.

Return of beverage alcohol

106 A franchise may be revoked by the authority on those terms that the authority, in its discretion, may determine, and the authority may require the person who held the franchise to return to the authority, or to deliver to a place to be specified by the authority, all beverage alcohol in that person's possession as holder of a franchise.

1994, c.31, s.72.

PART VII
General Beverage Alcohol Control

Private place

107(1) Subject to subsection (2), “**private place**” in this Part includes:

- (a) the following places that are bona fide and actually occupied and used as a private residence:
 - (i) a house or building, or any part of a house or building;
 - (ii) a trailer, camper, mobile home, tent or any combination of them;
 - (iii) a cottage or cabin or similar construction designed for use on a seasonal basis;
 - (iv) a moored vessel;
 - (v) a private room or compartment on a train;
 - (vi) a private guest room in a hotel or motel;
 - (b) in the case of any place mentioned in subclause (a)(i), (ii) or (iii), the appurtenant land or in the case of a farm, the lands constituting the farm; and
 - (c) a place in a building if that place is not ordinarily open to the public and is not open to the public at the time that the beverage alcohol is consumed.
- (2) Clauses (1)(b) and (c) apply only to the owner or tenant, under a lease for a period of at least 30 days, of the place described in that clause, or to the family, employee or bona fide guest of that owner or tenant.

1988-89, c.A-18.01, s.107.

Public places

108(1) No person shall have, consume or give beverage alcohol in a public place or any place other than a private place or permitted premises except as allowed pursuant to this Act and the regulations.

- (2) A person who is not a minor may:
- (a) purchase beverage alcohol from a permittee or a store, duty-free store or franchise established by the authority;
 - (b) keep, consume or sell beverage alcohol pursuant to authority of a permit issued pursuant to this Act and the regulations;
 - (c) make and have in his own residence homemade wine or beer;
 - (d) import into Saskatchewan from outside Canada, on any occasion, beverage alcohol of a kind and amount permitted pursuant to an Act of the Parliament of Canada without payment of duty or tax;
 - (e) bring into Saskatchewan beverage alcohol legally purchased or acquired in any part of Canada other than Saskatchewan not exceeding the kind and quantity prescribed in the regulations;

(f) carry or transport beverage alcohol from the place at which it was lawfully obtained to a place where it may lawfully be had, kept or consumed or from that place to another place where beverage alcohol may be lawfully had, kept or consumed.

(3) A person who has been lawfully prescribed beverage alcohol pursuant to a medical use permit issued pursuant to this Act may have or consume beverage alcohol in any place where it is necessary for him to have or consume the beverage alcohol.

1988-89, c.A-18.01, s.108; 1993, c.45, s.42;
1994, c.31, s.73.

Common carriers

109 No common carrier or other person authorized to convey beverage alcohol pursuant to this Act shall:

- (a) open or break or allow to be opened or broken, a container containing beverage alcohol which is being conveyed by him; or
- (b) consume or permit any beverage alcohol to be consumed while the beverage alcohol is being conveyed by him.

1988-89, c.A-18.01, s.109.

Vehicles

110(1) Subject to subsection (2), no person by himself, his servant or agent shall have or keep or consume or give beverage alcohol in a vehicle.

(2) Subsection (1) does not render it unlawful to have beverage alcohol in a vehicle for the purpose of transporting the beverage alcohol from the place at which it was lawfully obtained to a place where it may be lawfully had, kept or consumed or from that place to another place where beverage alcohol may be lawfully had, kept or consumed.

(3) Subsection (2) does not apply with respect to beverage alcohol being transported in a vehicle used for carrying passengers for hire or gain unless the beverage alcohol is in the possession of a person who is a bona fide passenger in the vehicle.

(4) A person who contravenes this section is guilty of an offence and liable on summary conviction to:

- (a) a fine of not more than \$1,000;
- (b) imprisonment for a term of two months; or
- (c) both the fine and imprisonment described in clauses (a) and (b).

1988-89, c.A-18.01, s.110.

Minors

111(1) Subject to subsections (2) to (4), no person shall sell or give beverage alcohol to a minor.

(2) Subsection (1) does not apply to a parent, guardian or spouse who gives beverage alcohol in a private place to a minor who is his child, ward or spouse, as the case may be.

- (3) A physician, dentist or person under the direction of a physician or dentist may provide beverage alcohol to a minor for medicinal purposes.
- (4) A priest, clergyman or minister may, in the performance of religious ceremonies, provide wine to a minor.
- (5) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction, to:
 - (a) a fine of not less than \$200 nor more than \$2,500;
 - (b) imprisonment for a term of two months; or
 - (c) both the fine and imprisonment described in clauses (a) and (b).
- (6) A person may be convicted of contravening subsection (1) notwithstanding that the minor does not appear to be a minor.

1988-89, c.A-18.01, s.111.

Proof of age: premises

112(1) Where:

- (a) it appears or should reasonably appear to a permittee or employee of a permittee that a person present in the premises is a minor; and
 - (b) the premises are premises where a minor:
 - (i) is not entitled; or
 - (ii) may be entitled and the person is attempting to purchase beverage alcohol;
- the permittee or employee shall demand proof that the person is not a minor.
- (2) If a person is requested pursuant to subsection (1) and fails or refuses to produce proof satisfactory to the permittee that he is not a minor, the person shall, on request of the permittee or his employee, immediately leave the premises.
 - (3) Where a permittee or employee of a permittee demands proof that a person is not a minor and the person fails or refuses to produce proof satisfactory to the permittee or employee pursuant to subsection (1), the permittee or employee shall request the person to leave the premises immediately.
 - (4) Any person who fails to leave the premises on being requested to do so pursuant to subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.
 - (5) Any person who is required pursuant to this section to demand proof of age and fails to do so is guilty of an offence.
 - (6) Any person who knowingly provides a minor with false identification for the purpose of gaining entry to permitted premises is guilty of an offence.
 - (7) No permittee shall allow minors in permitted premises unless authorized by this Act, the regulations or the terms and conditions of the permit.

1988-89, c.A-18.01, s.112; 1994, c.31, s.74.

Proof of age: stores

113(1) Where a person wishing to purchase beverage alcohol from a store, franchise or duty-free store appears to be a minor, the manager or his employee may demand proof that the person is not a minor.

(2) Where a person is requested to provide proof of age pursuant to subsection (1) and the person fails or refuses to provide that proof, the manager or his employee shall refuse to sell any beverage alcohol to that person.

1988-89, c.A-18.01, s.113.

114 Repealed. 1994, c.31, s.75.**Minors restricted in permitted premises**

115(1) Subject to section 116:

(a) no person who is a minor shall act in any way in the sale, handling or serving of beverage alcohol in or about a permitted premises or any place covered by a permit issued for the sale and consumption of beverage alcohol at a special occasion; and

(b) no permittee or employee of a permittee shall allow any person, apparently or to the knowledge of the permittee or employee of the permittee, to act in the manner described in clause (a).

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

1994, c.31, s.76.

Exception for certain minors

116 Notwithstanding any other provision of this Act, a minor who is the son, daughter or spouse of the permittee or of the manager of the permitted premises may enter or remain in the permitted premises during the hours and on the days when the sale or consumption of beverage alcohol in the permitted premises is prohibited.

1994, c.31, s.77.

Restriction respecting minors

117(1) No person who is a minor shall:

(a) purchase or attempt to purchase beverage alcohol, directly or indirectly;

(b) except as authorized by this Act or the regulations:

(i) possess or consume beverage alcohol; or

(ii) be in or remain in a permitted premises; or

(c) present false identification when attempting to purchase beverage alcohol from a person lawfully authorized to sell beverage alcohol.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

1988-89, c.A-18.01, s.117; 1994, c.31, s.78.

Presence in premises during prohibited times

118 No person other than the permittee or his employee or agent shall enter or remain in a permitted premises during times when the sale or consumption of beverage alcohol on the premises is prohibited, except as authorized pursuant to this Act or the regulations.

1988-89, c.A-18.01, s.118; 1994, c.31, s.79.

Medicines, toiletries, etc.

119 Except as otherwise provided by this Act or the regulations, no provision of this Act prevents the sale:

- (a) by a pharmacist or the manufacturer of:
 - (i) any tincture, fluid extract, essence or medicated spirit containing alcohol prepared according to a recognized standard work on pharmacy;
 - (ii) medicine or other pharmaceutical compound or preparation; or
 - (iii) mixture, drug or medicine containing alcohol that is sold for purely medicinal purposes;
- (b) of a perfume, lotion, toilet water or similar preparation containing alcohol by a merchant or manufacturer;
- (c) of a candy, cake food flavouring or flavouring extract containing alcohol by a merchant or manufacturer;
- (d) of a cleaning, disinfectant, or industrial fluid containing alcohol by a merchant or manufacturer if the preparation, mixture or compound contains sufficient toxic agents, medication or other ingredients which prevent its use as an alcoholic beverage; or
- (e) of cooking wine by a merchant or manufacturer.

1988-89, c.A-18.01, s.119; 1994, c.31, s.80.

Regulations may limit quantities sold

119.1 The Lieutenant Governor in Council may limit, by regulation, the quantities of any item mentioned in clauses 119(b) to (e) that may be sold by any person mentioned in those clauses.

1994, c.31, s.81.

Denatured products

120 No person shall sell, distribute, obtain or consume for beverage purposes any of the products mentioned in section 119 or any preparation containing alcohol that has been denatured in accordance with the *Excise Act* (Canada), as amended from time to time, and the regulations made pursuant to that Act.

1988-89, c.A-18.01, s.120.

Restrictions on certain products

121(1) If the authority is of the opinion that the sale or other disposition of a medicine, compound, preparation or any other product is likely to result in the use of the medicine, compound, preparation or other product or an extract as, or in the making of, a beverage or food product capable of being used as beverage alcohol, the authority may issue an order to prohibit, restrict or regulate the sale or other disposition of the medicine, compound, preparation or other product or any extract thereof in Saskatchewan or any part of Saskatchewan.

(2) A copy of every order issued pursuant to subsection (1) shall be published in the Gazette and that publication constitutes notification to the manufacturer or vendor of the product to which the order relates.

(3) A person who contravenes an order made pursuant to this section is guilty of an offence.

1988-89, c.A-18.01, s.121; 1993, c.45, s.42.

Compounds producing beverage alcohol

122 Except as otherwise provided by this Act or the regulations, no person shall possess, sell or keep for sale any compound or preparation, whether in solid or liquid form, that by the addition of water or any liquid or other substance to the compound or preparation will produce beverage alcohol.

1988-89, c.A-18.01, s.122.

Maximum number of persons

123(1) No permittee shall allow the entry of a person into a permitted premises where the number of persons present in the premises is the maximum number of persons allowed to be present in the permitted premises.

(2) For the purposes of subsection (1), each area for which a maximum number of persons has been endorsed on the permit shall be considered to be a permitted premises.

1994, c.31, s.82.

Maximum number of seats

124 No permittee shall install or allow the installation of a number of tables or seats exceeding the number fixed by the authority for that permitted premises.

1994, c.31, s.83.

Refusal to admit entry

125(1) A permittee or an employee of an permittee may request any person to leave or forbid any person to enter a permitted premises.

(2) No person shall:

(a) remain in a permitted premises after he is requested to leave the permitted premises by the permittee or an employee of the permittee; or

(b) re-enter a permitted premises that he was requested to leave by the permittee or an employee of the permittee before the permitted premises next opens for business.

1988-89, c.A-18.01, s.125; 1994, c.31, s.84.

Reasons entry refused

126(1) The authority may request that a permittee who has:

- (a) requested a person to leave; or
- (b) forbidden a person to enter;

a permitted premises pursuant to subsection 125(1) furnish his reasons for doing so to the authority.

(2) Where the authority makes a request pursuant to subsection (1), the permittee shall provide written reasons to the authority within 10 days.

1988-89, c.A-18.01, s.126; 1993, c.45, s.41; 1994, c.31, s.85.

Quality and type

127 No permittee shall sell or provide, or permit to be sold or provided, any beverage alcohol of a kind which he is not lawfully authorized to sell or provide or which is of a quality not satisfactory to the authority.

1988-89, c.A-18.01, s.127; 1993, c.45, s.41;
1994, c.31, s.86.

Intoxicated persons

128 No person, including the permittee, shall sell or supply beverage alcohol to a person who appears to be intoxicated.

1988-89, c.A-18.01, s.128; 1994, c.31, s.87.

Intoxicated in public place

129 No person shall be in an intoxicated condition in a public place or in a permitted premises.

1988-89, c.A-18.01, s.129; 1994, c.31, s.88.

Disorderly conduct

130(1) No licensee, permittee or agent or employee of a licensee or permittee shall permit any riotous, quarrelsome, violent or disorderly conduct to take place on the permitted premises or the place described in a licence or permit.

(2) No person shall engage in any riotous, quarrelsome, violent or disorderly conduct in a permitted premises or in the place described in a licence or permit.

1988-89, c.A-18.01, s.130; 1994, c.31, s.89.

Entertainment

131(1) No permittee shall permit or allow any entertainment, game, sports or other activity on any premises with respect to which a permit has been issued that:

- (a) is unlawful;
- (b) may be detrimental to the orderly operation of the premises;
- (c) has been prohibited by the municipality in which the premises are located; or
- (d) is prescribed in the regulations.

(2) The authority may by order prohibit entertainment in any premises with respect to which a permit has been issued that does not conform to those standards that may be prescribed in the regulations by the Lieutenant Governor in Council.

(3) The authority may by order restrict or prohibit any:

- (a) gambling or gambling device;
- (b) contest or lottery; or
- (c) sale or purchase of lottery tickets;

on any premises with respect to which a permit has been issued.

(4) **Repealed.** 1994, c.31, s.90.

1988-89, c.A-18.01, s.131; 1993, c.45, s.26 and 41; 1994, c.31, s.90.

Prohibitions affecting stores, etc.

132(1) Subject to subsections (2) and (3), no manager of a store or franchise or his employee, and no permittee or his employee, shall:

- (a) purchase beverage alcohol for sale except:
 - (i) from the authority; or
 - (ii) in the case of a permittee, from a franchise designated by the authority for the purpose of selling beverage alcohol to permittees;
- (b) have on the premises beverage alcohol not supplied by the authority;
- (c) sell beverage alcohol not supplied by the authority;
- (d) adulterate or dilute beverage alcohol, or offer for sale adulterated or diluted beverage alcohol, except where the beverage alcohol has been mixed with other beverage alcohol supplied by the authority, or with water or mix of a kind and quantity approved by the authority;
- (e) sell or provide beverage alcohol to a person who is apparently a minor unless the person is in fact not a minor;
- (f) sell or supply beverage alcohol during prohibited hours or days.

(2) A permittee may, at the time of purchasing or leasing permitted premises, purchase from the vendor or former lessee of the permitted premises any beverage alcohol that the vendor or former lessee has for the purpose of sale pursuant to the vendor's or former lessee's permit at the date of termination of that permit;

(3) A permittee prescribed by the regulations may purchase beverage alcohol from permittees prescribed by the regulations.

1988-89, c.A-18.01, s.132; 1993, c.45, s.41 and 42; 1994, c.31, s.91; 1998, c.9, s.8.

Authority not to solicit gifts

133(1) No member or employee of the authority or employee of the Government of Saskatchewan shall solicit or receive directly or indirectly, any commission, remuneration or gift from any person having sold, selling or offering beverage alcohol for sale to the authority pursuant to this Act.

(2) No person selling or offering beverage alcohol for sale to, or purchasing beverage alcohol from, the authority, shall directly or indirectly offer to pay any commission, remuneration or gift to any member or employee of the authority or of the Government of Saskatchewan.

1988-89, c.A-18.01, s.133; 1993, c.45, s.42.

Breaking open container or tasting on store premises

134(1) No person shall:

- (a) open any bottle, box, carton or any other container or item containing beverage alcohol for the purposes of testing, tasting, sampling or drinking;
- (b) test, taste, sample or drink beverage alcohol;

on store, franchise or permitted premises except where permitted by the regulations and the authority.

(2) Nothing in this section permits the consumption of beverage alcohol by a minor.

1988-89, c.A-18.01, s.134; 1993, c.45, s.42;
1994, c.31, s.92.

Unauthorized purchase

135 No person shall purchase beverage alcohol from a person not authorized to sell beverage alcohol pursuant to this Act or the regulations.

1988-89, c.A-18.01, s.135.

Inducement to contravene

136 No person shall request or solicit a person to sell beverage alcohol to him in contravention of this Act or the regulations.

1988-89, c.A-18.01, s.136.

Restrictions re advertising

137(1) No person shall, for the purpose of promoting the sale or consumption of beverage alcohol, make any representation to the public:

- (a) by means of a newspaper publication or a radio or television broadcast; or
- (b) by any other means;

without the approval of the authority.

(2) No manufacturer shall employ his name or any trade mark that he is entitled to use for the purpose of advertising beverage alcohol or any other product, service, event or activity:

- (a) by means of a newspaper or a radio or television broadcast; or
- (b) by any other means;

without the approval of the authority.

- (3) Nothing in this section prevents:
- (a) the authority, a franchisee or a permittee from displaying products and the names of products offered for sale within their place of business; or
 - (b) a manufacturer from displaying his name or his trade mark on any building owned or leased by him.

1988-89, c.A-18.01, s.137; 1993, c.45, s.41 and 42; 1994, c.31, s.93.

Canvassing

138(1) No person shall canvass for, reserve, take or solicit orders for the purchase or sale of beverage alcohol or act as agent or intermediary for the sale or purchase of beverage alcohol or hold himself out as an agent or intermediary except where permitted by this Act and the regulations.

(2) No person shall directly or indirectly hold himself out as an agent or representative of a manufacturer unless he is registered with the authority.

(3) No manufacturer shall employ or engage a person to act as its agent or representative unless the person is registered with the authority.

1988-89, c.A-18.01, s.138; 1993, c.45, s.42.

Restrictions on permit applications

139 No person shall:

- (a) make application for a licence, certificate of registration or permit pursuant to this Act in the name of a fictitious organization;
- (b) make application for a licence, certificate of registration or permit for any purpose not authorized pursuant to this Act and the regulations;
- (c) use a fictitious name in applying for a licence, certificate of registration or permit pursuant to this Act; or
- (d) make application for a licence, certificate of registration or permit on behalf of a corporation, society, association, club or organization if the person is not, at the time of making the application, an officer or member of the corporation, society, association, club or organization.

1988-89, c.A-18.01, s.139; 1993, c.45, s.27.

False assertions in applications

140 No person shall knowingly make a false assertion respecting a fact, opinion, belief or knowledge in applying for a licence, certificate of registration or a permit pursuant to this Act.

1988-89, c.A-18.01, s.140; 1993, c.45, s.28.

Unlawful keeping, etc.

141(1) Except as expressly provided in this Act or the regulations, no person shall, by himself, his employee or his agent:

- (a) display beverage alcohol for sale;
- (b) keep beverage alcohol for sale; or
- (c) directly or indirectly sell or offer to sell beverage alcohol.

(2) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:

- (a) in the case of a first offence:
 - (i) to a fine of:
 - (A) not less than \$500 and not more than \$2,500 for an individual;
 - (B) not less than \$1,000 and not more than \$5,000 for a corporation;
 - (ii) imprisonment for not more than two months; or
 - (iii) both the fine and imprisonment described in subclauses (i) and (ii);
- (b) in the case of a second offence or subsequent offence:
 - (i) to a fine of:
 - (A) not less than \$1,000 and not more than \$5,000 for an individual;
 - (B) not less than \$2,500 and not more than \$10,000 for a corporation;
 - (ii) imprisonment for a term of not more than three months; or
 - (iii) both the fine and imprisonment described in subclauses (i) and (ii).

1988-89, c.A-18.01, s.141.

Penalties

142(1) A person who contravenes any provision of this Act or the regulations or who contravenes an order made by the authority or commission pursuant to this Act and for which no other penalty is specifically provided is guilty of an offence and liable on summary conviction to:

- (a) a fine of:
 - (i) not more than \$10,000 for an individual;
 - (ii) not more than \$50,000 for a corporation;
- (b) imprisonment for a term of not more than six months; or
- (c) both the fine and imprisonment described in clauses (a) and (b).

(2) For the purposes of subsection (1), “**other penalty**” does not include a penalty that has been or may be assessed by the authority or the commission pursuant to this Act.

1988-89, c.A-18.01, s.142; 1993, c.45, s.29 and 42; 1998, c.9, s.9.

PART VIII
Procedure

Arrest without warrant

143 Any officer may arrest, without warrant, any person who he finds committing an offence against this Act.

1988-89, c.A-18.01, s.143.

Power to demand names, etc.

144(1) Where an officer has entered premises and seized beverage alcohol, he may demand the name and address of any person found in the premises.

(2) Where a person mentioned in subsection (1):

- (a) fails or refuses to provide his name and address; or
- (b) provides a name and address that the officer has reasonable and probable grounds to believe is false;

the officer may apprehend that person without warrant and bring him as soon as possible before a justice.

1988-89, c.A-18.01, s.144.

Search with warrant

145(1) A justice may issue a warrant to search a place or premises named in the warrant and seize anything that may be evidence of an offence against this Act or the regulations or a breach of a term or condition of a certificate of registration on the oath of an officer that there are reasonable and probable grounds to believe that:

- (a) an offence against this Act or the regulations has occurred and that beverage alcohol is being kept for sale or disposal contrary to this Act or the regulations in the place or premises; or
- (b) an offence against this Act or the regulations or a breach of a term or condition of a certificate of registration has occurred and evidence of that offence or breach is likely to be found in the place or premises.

(2) An officer with a warrant issued pursuant to subsection (1) may:

- (a) enter and search any place or premises named in the warrant;
- (b) open and examine any trunk, box, bag, parcel, closet, cupboard or receptacle that he finds in the place or premises named in the warrant;
- (c) seize anything that may be evidence of an offence against this Act or the regulations or a breach of a term or condition of a certificate of registration; and
- (d) seize and remove any beverage alcohol and the containers in which it is found that may have been kept for sale or obtained in violation of this Act or the regulations.

1988-89, c.A-18.01, s.145; 1993, c.45, s.30;
1994, c.31, s.94.

Search with warrant re conveyance

145.1(1) In this section and in section 147, “**conveyance**” includes a vehicle, aircraft, boat or other means of transport.

(2) A justice may issue a warrant to search a conveyance named in the warrant and seize anything that may be evidence of an offence against this Act or the regulations on the oath of an officer that there are reasonable and probable grounds to believe that:

- (a) an offence against this Act or the regulations has occurred; and
 - (b) evidence of an offence is likely to be found in the conveyance.
- (3) An officer with a warrant issued pursuant to subsection (2) may:
- (a) enter and search any conveyance named in the warrant;
 - (b) open and examine any trunk, box, bag, parcel, closet, cupboard or receptacle that he or she finds in the conveyance named in the warrant;
 - (c) seize anything that may be evidence of an offence against this Act or the regulations;
 - (d) seize and remove any beverage alcohol and the containers in which it is found.

1994, c.31, s.95.

Search without warrant

146(1) In this section and in section 147, “**exigent circumstances**” means circumstances in which an officer has reasonable and probable grounds to believe that the delay necessary to obtain a warrant pursuant to section 145 or 145.1 would result in danger to human life or safety or the loss, removal or destruction of evidence.

(2) Subject to subsection (3), an officer may exercise any of the powers mentioned in subsection 145(2) or 145.1(3) without a warrant issued pursuant to that section if the conditions for obtaining the warrant exist and there are exigent circumstances.

(3) No officer shall enter a private place within the meaning of clause 107(1)(a) without a warrant issued pursuant to section 145 or 145.1 unless the occupant of the private place consents to the entry.

1988-89, c.A-18.01, s.146; 1994, c.31, s.96.

Search and seizure of conveyance

147(1) Repealed. 1994, c.31, s.97.

(2) An officer:

- (a) with a warrant issued pursuant to section 145 or 145.1; or
- (b) where conditions for obtaining a warrant exist but there are exigent circumstances;

may seize any conveyance in which he finds beverage alcohol that he believes, on reasonable and probable grounds, is intended for sale or has been purchased or obtained in violation of this Act.

(3) Where a conveyance is seized pursuant to subsection (2), the officer shall immediately notify the authority of the seizure and the circumstances under which the seizure occurred.

1988-89, c.A-18.01, s.147; 1993, c.45, s.42;
1994, c.31, s.97.

Conveyances

148(1) Where a conveyance is seized pursuant to section 147 and the owner or person in possession of the conveyance at the time it was seized is charged with the commission of an offence pursuant to this Act, a justice may order that the conveyance be held until the charge has been disposed of by the courts.

(2) Where an owner or person in possession mentioned in subsection (1) is convicted of an offence pursuant to this Act, other than an offence pursuant to section 128 or 129, the justice may, having regard to all of the circumstances and in addition to any other penalty imposed, order that the conveyance be forfeited to Her Majesty in right of Saskatchewan where he is satisfied that the conveyance was used in connection with the commission of the offence.

(3) An order pursuant to subsection (2) does not affect any interest of a party who has:

- (a) not participated in the commission of the offence; and
- (b) exercised reasonable care to satisfy himself that the conveyance was not likely to be used in connection with the commission of an offence pursuant to this Act.

1988-89, c.A-18.01, s.148.

Disposition of seized beverage alcohol

149(1) In this section, “**beverage alcohol**” means beverage alcohol and the container in which the beverage alcohol was present at the time the beverage alcohol was seized pursuant to this Act.

(2) Where beverage alcohol is seized pursuant to this Act, any person claiming to be the owner of the beverage alcohol may apply in writing to the authority, within 60 days after the seizure, for release to him of the beverage alcohol.

(3) An applicant who makes an application pursuant to subsection (2) shall:

- (a) set forth in the application the facts on which the claim is based; and
- (b) submit with the application, at the time he makes the application, an affidavit of a person having knowledge of the facts who, in the opinion of the authority, is credible.

(4) On receipt of an application pursuant to subsection (2), the authority may:

- (a) release the beverage alcohol to the applicant; or
- (b) if it is not satisfied that the beverage alcohol should be released, refuse to release the beverage alcohol.

(5) Where the authority has refused to release beverage alcohol to an applicant, the applicant may apply to a justice for an order releasing the beverage alcohol to the applicant.

(6) An applicant who proposes to make an application pursuant to subsection (5) shall give notice in writing of the proposed application to the authority prior to making the application.

1988-89, c.A-18.01, s.149; 1989-90, c.15, s.3;
1993, c.45, s.42.

Application to justice

150(1) Where an application has been made to a justice pursuant to section 149, the justice may:

- (a) where the owner or person in possession of the beverage alcohol at the time it was seized is charged with the commission of an offence pursuant to this Act, order that all or part of the beverage alcohol be held until the charge has been disposed of by the courts; or
- (b) in a case other than one described in clause (a), order that a hearing into the matter of the disposition of the beverage alcohol be held and fix a date for the hearing.

(2) Where an order is made pursuant to clause (1)(a), the applicant may reapply to a justice after the charge has been disposed of by the courts without further notice to the authority, and the justice may determine the matter of disposition of the beverage alcohol.

1988-89, c.A-18.01, s.150; 1993, c.45, s.42.

Authority may show cause

151 The authority may appear at a hearing held pursuant to section 150 and present evidence to show cause why all or any part of the beverage alcohol should be forfeited to Her Majesty in right of Saskatchewan.

1988-89, c.A-18.01, s.151; 1993, c.45, s.42.

Powers of justice

152 Where:

- (a) the owner or person in possession mentioned in section 150 is convicted of an offence pursuant to this Act, the justice may, having regard to all of the circumstances order:
 - (i) that all or any part of the beverage alcohol be forfeited to Her Majesty in right of Saskatchewan; or
 - (ii) that all or any part of the beverage alcohol be released to the applicant; or
- (b) the justice is satisfied that cause has been shown by the authority that all or any part of the beverage alcohol should be forfeited to Her Majesty in right of Saskatchewan, the justice shall order that all or that part, as the case may be, of the beverage alcohol be forfeited to Her Majesty in right of Saskatchewan.

1988-89, c.A-18.01, s.152; 1993, c.45, s.42.

Forfeiture

153(1) Unless within the time limited by section 149 for so doing the owner of the beverage alcohol applies to the authority, the beverage alcohol and the containers containing the beverage alcohol shall be immediately forfeited and shall be conclusively deemed to be forfeited to Her Majesty in right of Saskatchewan.

(2) A certificate of forfeiture issued by the authority shall, without proof of signature, be in all courts prima facie evidence that an application was not made within the time limited by section 149.

1988-89, c.A-18.01, s.153; 1993, c.45, s.31
and 42.

Alcohol shipped in fictitious name

154 If it appears to the justice that beverage alcohol was consigned to some person in a fictitious name, or was shipped as other goods, or was covered or concealed in a manner that would probably render discovery of the nature of the contents of the vessel, cask or container in which the beverage alcohol was contained more difficult, that fact is admissible in evidence as prima facie proof that the beverage alcohol was intended to be sold or kept for sale or to be kept in contravention of this Act, or was bought or obtained in contravention of this Act.

1988-89, c.A-18.01, s.154.

Disposal of beverage alcohol forfeited

155 All beverage alcohol forfeited to Her Majesty in right of Saskatchewan shall be sold or otherwise disposed of in accordance with any directions of the authority.

1988-89, c.A-18.01, s.155; 1993, c.45, s.42.

Schedule forwarded

156 When an officer seizes beverage alcohol pursuant to any provision of this Act, he shall immediately prepare a schedule of the beverage alcohol and forward the schedule to the authority.

1988-89, c.A-18.01, s.156; 1993, c.45, s.42.

Notice of certificates

157 No certificate which is allowed by this Act to be introduced in any proceeding or trial is to be received in evidence in that proceeding or trial unless, before that proceeding or trial, any person who is adversely affected by that certificate has received:

- (a) reasonable notice that the certificate will be introduced; and
- (b) a copy of the certificate.

1988-89, c.A-18.01, s.157.

Describing offences in information

158 In describing offences respecting the sale or other disposal of beverage alcohol or the keeping or the consumption of beverage alcohol in any information, summons, conviction, warrant or proceeding pursuant to this Act:

- (a) it is sufficient to state the sale, disposal, keeping or consumption of beverage alcohol simply, without stating the name or kind of beverage alcohol or the price of it or the name of any person to whom it was sold or disposed of or by whom it was consumed; and
- (b) it is not necessary to state the quantity of beverage alcohol sold, disposed of, kept or consumed except in the case of offences where the quantity is essential, and, in that case, it is sufficient to allege the sale or disposal of more or less than the quantity that the case requires.

1988-89, c.A-18.01, s.158.

Proof of previous convictions

159 A certificate of a previous conviction purporting to be under the hand of the convicting justice or the local registrar of Her Majesty's Court of Queen's Bench for Saskatchewan or other court officer to whose office the conviction has been returned is admissible evidence as prima facie proof of the facts stated in the certificate without proof of signature or official character.

1988-89, c.A-18.01, s.159.

Conviction for several offences

160(1) Convictions for several offences may be made pursuant to this Act although the offences have been committed on the same day, but the increased penalty or punishment imposed in this Act shall be incurred or awarded only in the case of offences committed on different days and after an information is laid for a first offence.

(2) Where the penalty that may be imposed on a conviction for a second or subsequent offence against this Act is greater than for a first offence, a conviction pursuant to any former *Liquor Act* or *Liquor Licensing Act* is deemed to be, as respects the imposition of the penalty, a first conviction for a like offence pursuant to this Act.

1988-89, c.A-18.01, s.160.

Proof of licence

161 A certificate issued by the authority stating that:

- (a) a licence, permit, horse-racing licence or certificate of registration has been issued; or
- (b) no licence, permit, horse-racing licence or certificate of registration has been issued;

is admissible in evidence as prima facie proof of the facts stated in the certificate without proof of the appointment or signature of the person purporting to have signed it.

1993, c.45, s.32; 1994, c.31, s.98.

Certificate of analyst

162(1) The authority may appoint any person as an analyst for the purpose of analyzing beverage alcohol pursuant to this Act.

(1.1) The authority may prescribe the form of the certificate of analysis to be issued by an analyst appointed pursuant to subsection (1).

(2) In every prosecution pursuant to this Act, a certificate of analysis purporting to be signed by a person appointed an analyst for the purpose of analyzing beverage alcohol is admissible in evidence as prima facie proof of the facts stated in the certificate and of the authority of the person issuing the certificate without proof of appointment or signature of the person purporting to have signed it.

(3) For the purposes of this Act, any liquid or substance that contains more than .5% by volume of alcohol is conclusively deemed to be intoxicating and a certificate of analysis made pursuant to this section stating that a liquid or substance contains more than 1% by volume of alcohol is admissible in evidence as prima facie proof that the liquid or substance is beverage alcohol.

1988-89, c.A-18.01, s.162; 1993, c.45, s.33.

Inference respecting beverage alcohol

163 The justice trying a case may, in the absence of evidence to the contrary, infer that any liquid or substance in question is beverage alcohol within the meaning of this Act from the fact that a witness describes it as beverage alcohol or liquor or by a name that is commonly applied to beverage alcohol.

1988-89, c.A-18.01, s.163.

Proof of contravention

164 In proving the purchase, sale or gratuitous or other disposal or consumption of beverage alcohol for the purposes of a proceeding relative to an offence pursuant to this Act, it is not necessary to show that money passed or that beverage alcohol was consumed, if the justice hearing the case is satisfied that a transaction in the nature of a sale or other disposal took place or that any consumption of beverage alcohol was about to take place.

1988-89, c.A-18.01, s.164.

Precise description unnecessary

165 In a prosecution for the sale or other disposal of beverage alcohol in contravention of this Act, it is not necessary that any witness depose directly to the precise description of the beverage alcohol sold or bartered or the precise consideration for the beverage alcohol.

1988-89, c.A-18.01, s.165.

PART IX
Property, Accounts and Finance

Moneys and property belong to Saskatchewan

166 All property, whether real or personal, and all moneys acquired, administered, possessed or received by the authority, and all profits earned in the administration of this Act and the regulations are the property of Her Majesty in right of Saskatchewan.

1988-89, c.A-18.01, s.166; 1993, c.45, s.42.

Agent of the Crown

166.1 The authority:

- (a) is for all its purposes an agent of the Crown and may exercise its powers pursuant to this Act only as an agent of the Crown;
- (b) has capacity to contract and to sue and be sued in its name with respect to any right acquired or obligation incurred by it on behalf of the Crown as if the right or obligation had been acquired or incurred on its own behalf;
- (c) may sue with respect to any tort, and may be sued with respect to any liabilities in tort, to the extent to which the Crown is subject by reason of *The Proceedings against the Crown Act*; and
- (d) may, on behalf of the Crown, contract in its name without specific reference to the Crown.

1993, c.45, s.34.

Insuring properties

167 The authority may cause any property mentioned in section 166 to be insured against loss by fire or from any other cause.

1988-89, c.A-18.01, s.167; 1993, c.45, s.42.

Bonding of employees

168 All persons employed by the authority who receive or disburse moneys in the course of their employment shall be bonded in those sums that may be required by the authority for duly accounting for moneys or goods which may come into their hands or under their control.

1988-89, c.A-18.01, s.168; 1993, c.45, s.42.

Loans

169(1) The authority may, with the approval of the Minister of Finance, borrow money from any bank governed by the *Bank Act* (Canada), as amended from time to time, on those terms and conditions and with those times of repayment that the authority thinks advisable and necessary.

(2) The Lieutenant Governor in Council may, from time to time, and on any terms and conditions as are deemed expedient, authorize the guarantee by the Minister of Finance, on behalf of the Government of Saskatchewan, of the repayment of all moneys borrowed by the authority pursuant to this section.

(3) A guarantee given pursuant to subsection (2) renders Saskatchewan liable for the repayment of the moneys so borrowed, and is conclusive evidence of the liability of Saskatchewan.

(4) The Minister of Finance is authorized to advance out of the consolidated fund sums that are necessary for the purpose of discharging, in whole or in part, all or any liabilities of the authority so guaranteed pursuant to subsection (2).

(5) Any moneys advanced pursuant to subsection (4) shall be repaid by the authority in those amounts and at those times that the Minister of Finance may decide, and until paid shall bear interest, for credit to the consolidated fund, at any rate that may be determined by the Minister of Finance.

1988-89, c.A-18.01, s.169; 1993, c.45, s.42.

Bank account

170 All moneys received by the authority for the purposes of or in the administration of this Act shall be deposited in a financial institution to be designated by the Minister of Finance to the credit of the authority.

1988-89, c.A-18.01, s.170; 1993, c.45, s.42.

All moneys payable to the authority

171(1) All moneys payable by any person pursuant to this Act as fees for the issuing of licences, horse-racing licences, horse-racing registrations permits or certificates of registration shall be paid to the authority and not to the commission, and all revenues derived from the sale of liquor or any other source pursuant to this Act shall be paid to the authority.

(2) All moneys in the hands of or standing to the credit of the authority and all property real and personal, controlled or possessed by or standing in the name of the commission, shall be transferred to the authority in that manner, and on those terms and conditions that Treasury Board may direct.

1988-89, c.A-18.01, s.171; 1993, c.45, s.35 and 42; 1994, c.31, s.99.

Expenses to be charged against receipts

172 The authority shall pay from the moneys received by it pursuant to this Act:

- (a) the expenses, debts and liabilities of the authority in carrying out its duties and exercising its powers pursuant to this Act;
- (b) the expenses, debts and liabilities of the commission in carrying out its duties and exercising its powers pursuant to this Act;
- (c) the salaries or remuneration of members of the authority and members of the Commission; and
- (d) with the approval of the Treasury Board, all other expenses relating in any manner to the matters referred to in this Act.

1988-89, c.A-18.01, s.172; 1993, c.45, s.42.

Treasury Board orders and directives

173 The Treasury Board may make orders and issue directives with regard to the financial conduct of the administration of this Act by the authority that it considers expedient.

1988-89, c.A-18.01, s.173; 1993, c.45, s.36.

Books and accounts

174(1) The fiscal year of the authority is the period commencing on April 1 in one year and ending on March 31 in the following year.

(2) The Provincial Auditor, or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint, shall annually, and at any other time that the Lieutenant Governor in Council may require, audit the accounts and financial statements of the authority.

1993, c.45, s.37.

Disposition of profits of the authority

175(1) The Treasury Board may at any time direct that all or any portion of the retained earnings of the authority be transferred to the consolidated fund.

(2) The authority shall pay to the Minister of Finance, on his requisition, the retained earnings directed to be transferred pursuant to subsection (1).

(3) The authority may from time to time advance to the Minister of Finance amounts on account of moneys payable to the Minister of Finance pursuant to subsection (1).

(4) The Treasury Board may at any time direct that a portion of the retained earnings of the authority may be set aside for the creation of a reserve fund to meet any loss that may be incurred, or to finance any anticipated extra-ordinary capital expenditure.

(5) Where the Treasury Board has not determined the disposition of the whole or any portion of the retained earnings of the authority, pursuant to subsections (1) or (4), the authority may:

(a) from time to time advance to the Minister of Finance amounts for deposit in the consolidated fund; or

(b) with the approval of the Investment Board, invest amounts in any of the classes of securities in which moneys may be invested pursuant to *The Financial Administration Act*.

1988-89, c.A-18.01, s.175; 1989-90, c.15, s.5;
1993, c.45, s.42.

Annual statement and report

176(1) In each fiscal year the authority shall, in accordance with *The Tabling of Documents Act, 1991*, prepare and submit to the minister:

(a) a report of the authority on its business for the preceding fiscal year; and

(b) a financial statement showing the business of the authority for the preceding fiscal year in any form that may be required by Treasury Board.

(2) The minister, in accordance with *The Tabling of Documents Act, 1991*, shall lay before the Legislative Assembly each report and statement received by him or her pursuant to subsection (1).

1993, c.45, s.38.

PART X General

Oath of office

177 Every member of the commission and every member and employee of the authority shall take the oath of office prescribed in the regulations.

1993, c.45, s.39.

Beverage alcohol to be sold for cash

178(1) Subject to subsections (2) and (3), all beverage alcohol sold in Saskatchewan shall be sold for cash.

(2) The authority may, with respect to sales that take place in a store or a franchise, accept or authorize the acceptance of a money order, bank draft, certified cheque or any other form of payment prescribed in the regulations.

(3) The authority may allow a permittee to accept a money order, bank draft, certified cheque or any other form of payment prescribed in the regulations in any sale of beverage alcohol by the permittee.

1988-89, c.A-18.01, s.178; 1993, c.45, s.41 and 42; 1994, c.31, s.100.

Regulations

179 For the purpose of carrying out the provisions of this Act according to their intent:

- (a) **Repealed.** 1993, c.45, s.40.
- (b) the Lieutenant Governor in Council may make regulations:
 - (i) prescribing the particulars to be provided by an applicant on an application for a licence;
 - (ii) determining the duration of licences or permits issued pursuant to this Act;
 - (iii) prescribing conditions respecting licences, permits or endorsements issued pursuant to this Act;
 - (iv) prescribing restrictions respecting authority of permittees to purchase, keep and sell beverage alcohol;
 - (v) prescribing the manner in which the restocking fee mentioned in subsection 53(2) is calculated;
 - (vi) and (vii) **Repealed.** 1994, c.31, s.101.

- (viii) respecting endorsements of rights and restrictions to be placed on permits;
- (viii.1) prescribing reviewable endorsements for the purpose of this Act;
- (viii.2) prescribing the grounds respecting an objection for the purposes of subsections 16(1.1), (10.1) and 49(4.1);
- (ix) respecting permits relating to premises which are destroyed;
- (x) respecting permits where any permittee has died;
- (xi) **Repealed.** 1994, c.31, s.101.
- (xii) prescribing and requiring returns by manufacturers;
- (xiii) authorizing the presence of persons in permitted premises;
- (xiv) **Repealed.** 1994, c.31, s.101.
- (xv) prescribing the area and seating capacity for permitted premises;
- (xvi) providing for the possession, sale and keeping for sale of beverage alcohol for compounding purposes;
- (xvii) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (xviii) prescribing:
 - (A) the fees for licences, permits, endorsements, applications for licences, permits and endorsements and any other fees required to be paid by licensees or permittees;
 - (A.1) the fees to be paid by applicants for certificates of registration;
 - (A.2) the fees payable for any goods, materials or services provided by the authority to any person;
 - (B) **Repealed.** 1994, c.31, s.101.
 - (C) the qualifications of club premises respecting permits issued to clubs pursuant to this Act;
 - (D) the quantities and manner of sale of beverage alcohol in closed containers;
 - (E) the maximum amounts and types of beverage alcohol which may be kept, dispensed, used or sold or prescribed by the holder of a medical use permit;
 - (F) the conditions respecting the purchase of beverage alcohol from the authority and sale of beverage alcohol by franchises;
 - (G) an oath of office for members of the commission and members and employees of the authority;
 - (H) the tolerance period for consumption of beverage alcohol served in a permitted premises prior to the closing hour;
 - (I) the days and hours during which beverage alcohol may be sold by a permittee;
 - (J) the days and hours during which a permittee may open his or her permitted premises;

- (xix) providing for the operation of a hospitality suite by a manufacturer;
- (xx) prescribing the amounts of beverage alcohol permitted to be kept by the governing body of a hospital without a permit;
- (xxi) prescribing the kinds of beverage alcohol which may be sold by the container by a permittee;
- (xxi.1) **Repealed.** 1994, c.31, s.101.
- (xxi.2) respecting any aspect or matter relating to the manufacture of beverage alcohol;
- (xxi.3) prescribing standards with which brewers associations that sell or deliver beer pursuant to section 93 must comply;
- (xxi.4) requiring registrants or categories of registrants to be bonded;
- (xxi.5) prescribing the circumstances in which a person to whom a licence is issued for the conduct and management of a lottery scheme is required to be registered as a gaming supplier or gaming employee;
- (xxi.6) prescribing:
 - (A) the lottery schemes that may be conducted and managed by the authority on behalf of the Government of Saskatchewan; and
 - (B) the games, operations and devices to be used in the conduct of the lottery schemes;
- (xxi.7) fixing a maximum number of gaming establishments or any category of gaming establishments that may operate in Saskatchewan or any part of Saskatchewan;
- (xxi.8) exempting any person or category of persons from this Act or any provisions of this Act;
- (xxi.9) prescribing penalties that may be assessed by the authority or the commission;
- (xxi.91) prescribing permittees for the purpose of subsection 132(3);
- (xxii) prescribing any other matter or thing required or authorized to be prescribed pursuant to this Act.

1988-89, c.A-18.01, s.179; 1989-90, c.15, s.3;
 1993, c.45, s.40 and 42; 1994, c.31, s.101; 1998,
 c.9, s.10; 2000, c.35, s.17.

Regulation of casinos

179.1(1) In this section, “**lottery scheme**” means a lottery scheme conducted and managed pursuant to clause 207(1)(a) of the *Criminal Code*.

- (2) The Lieutenant Governor in Council may make regulations:
 - (a) respecting lottery schemes conducted and managed by the Saskatchewan Gaming Corporation;
 - (b) governing the Saskatchewan Gaming Corporation’s conduct and management of lottery schemes;

- (c) prescribing the terms and conditions pursuant to which a gaming supplier may supply gaming services to the Saskatchewan Gaming Corporation;
- (d) respecting individuals participating in lottery schemes conducted and managed by the Saskatchewan Gaming Corporation, including prohibiting classes of individuals from participating in lottery schemes or from being in any place where lottery schemes or any class of lottery schemes are being conducted.

1994, c.S-18.2, s.36.

PART XI

Repeal And Coming Into Force

R.S.S. 1978, c.L-18 and c.L-21 repealed

180 *The Liquor Act* and *The Liquor Licensing Act* are repealed.

1988-89, c.A-18.01, s.180.

Coming into force

181 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1988-89, c.A-18.01, s.181. [Proclaimed in force effective January 2, 1989.]

Editorial Appendix

TRANSITIONAL APPLICATIONS ON REPEAL OF STATUTES

Sections 43 and 44 of *The Alcohol Control Amendment Act, 1993* provide as follows:

S.S. 1989-90, c.S-18.1 repealed

43 *The Saskatchewan Gaming Commission Act* is repealed.

1993, c.45, s.43.

Transition

44(1) Subject to subsection (2), The Liquor Licensing Commission and the Saskatchewan Gaming Commission are disestablished.

(2) Notwithstanding the disestablishment of The Liquor Licensing Commission and the Saskatchewan Gaming Commission pursuant to subsection (1):

- (a) any application for a licence, permit or certificate of registration received by one of the commissions prior to the date this section comes into force is to be considered an application pursuant to this Act;
- (b) any hearings commenced before either commission before the coming into force of this section may be continued before that commission;
- (c) subject to clause (d), the commissions continue in force and the members of the commissions continue to be members for the purpose of hearing and deciding the matters described in clause (b);

(d) the Lieutenant Governor in Council may remove persons who continue to be members of the commissions pursuant to clause (c) and may appoint other persons as members of the commissions; and

(e) the provisions of *The Alcohol Control Act* and *The Saskatchewan Gaming Commission Act*, as they existed on the day before the coming into force of this section, continue in force for the purpose of deciding matters described in clause (b).

(3) Notwithstanding the disestablishment of the Saskatchewan Gaming Commission and The Liquor Licensing Commission, the report and financial statement prepared by the authority pursuant to section 176 of *The Alcohol and Gaming Regulation Act* for the year in which the Saskatchewan Gaming Commission and The Liquor Licensing Commission are disestablished shall include information respecting the activities and business of the Saskatchewan Gaming Commission and The Liquor Licensing Commission for the year in which those commissions are disestablished.

(4) to (6) **Repealed.** 1994, c.31, s.104.

(7) The assets, liabilities, rights and obligations of The Liquor Licensing Commission and the Saskatchewan Gaming Commission immediately prior to the coming into force of this Act are transferred to, and become the assets, liabilities, rights and obligations of the Liquor and Gaming Authority.

(8) A licence, certificate of registration or permit issued by The Liquor Licensing Commission, the Liquor Board, the Saskatchewan Gaming Commission or a local authority prior to the day this Act comes into force that has not been cancelled or suspended prior to the day this Act comes into force continues in force until it expires or is cancelled or suspended pursuant to this Act.

1993, c.45, s.44; 1994, c.31, s.104.

Sections 102 and 103 of *The Alcohol and Gaming Regulation Amendment Act, 1994* provide as follows:

Transitional

102(1) Subject to subsection (2), the Horse Racing Commission is disestablished.

(2) Notwithstanding the disestablishment of the Horse Racing Commission:

(a) any application for a horse-racing licence or horse-racing registration received by the Horse Racing Commission prior to the date this section comes into force is to be considered an application to the authority pursuant to this Act;

(b) any hearings commenced before the Horse Racing Commission or a person to whom that commission has delegated its hearing powers before the coming into force of this section may be continued before that commission or that person;

(c) subject to clause (d), the Horse Racing Commission continues in force and the members of that commission continue to be members for the purpose of hearing and deciding the matters described in clause (b);

- (d) the Lieutenant Governor in Council may remove persons who continue to be members of the Horse Racing Commission pursuant to clause (c) and may appoint other persons as members of that commission; and
- (e) the provisions of *The Horse Racing Commission Act*, as they existed on the day before the coming into force of this section, continue in force for the purpose of deciding matters described in clause (b).
- (3) Notwithstanding the disestablishment of the Horse Racing Commission, the report and financial statement prepared by the authority pursuant to section 176 of *The Alcohol and Gaming Regulation Act* for the year commencing on April 1, 1994 and ending on March 31, 1995 shall include information respecting the activities and business of the Horse Racing Commission from January 1, 1994 to the date the commission is disestablished.
- (4) The assets, liabilities, rights and obligations of the Horse Racing Commission immediately prior to the coming into force of this Act are transferred to, and become the assets, liabilities, rights and obligations of the Liquor and Gaming Authority.
- (5) A horse-racing licence issued by or horse-racing registration granted by the Horse Racing Commission prior to the day this Act comes into force that has not been cancelled or suspended prior to the day this Act comes into force continues in force until it expires or is cancelled or suspended pursuant to this Act.
- (6) The rules of horse racing made by the Horse Racing Commission that are in force immediately before the coming into force of this section are continued until they are amended, repealed or replaced by the Liquor and Gaming Authority.

1994, c.31, s.102.

S.S. 1983, c.H-6.1 repealed

103 *The Horse Racing Commission Act* is repealed.

1994, c.31, s.103.

Editorial Appendix (Amendments)

The following table contains amendments to be proclaimed and/or effective at a future date, as follows: (Please refer to the Tables of Saskatchewan Statutes and Regulations for complete historical/archival information on this publication)

Amending Year	Chapter	Section	Effective
2002	c.41	s.3, 4, 7 and 8, s.s. 13(1) and s.14 to 23	never proclaimed