

IN THE MOOT SUPREME COURT OF NEW ZEALAND

UNDER SALE AND SUPPLY OF ALCOHOL ACT 2012

BETWEEN MRS AND MR ADAMS
Appellants

AND POLICE
Respondents

SYNOPSIS OF SUBMISSIONS ON BEHALF OF THE APPELLANTS

Senior Counsel:
Junior Counsel:
Research Solicitor:
Team No: 2

College

MAY IT PLEASE THE COURT, COUNSEL FOR THE APPELLANT SUBMITS:

[1] That the word ‘sells’ is not applicable in the circumstances of this case, under section 233 of the *Sale and Supply of Alcohol Act, 2012*.

[1.1] The alcohol provided by the Appellants was by way of gift, which is an exception to the law under section 235, subsection 3b of the Act.

[1.2] Tickets were worded so as to exclude alcohol; it was promoted - and understood - that the event was B.Y.O.

Attorney-General v L D Nathan and Co Ltd [1990] 1 NZLR 129 (CA)

Police v Duane Ashford, Richard Collins and Martin Donnelly NZHC AP65-67/92

Browne v Police [1962] NZLR 801 at 804 (SC)

[1.3] There was neither a monetary price, nor a consideration of value in money's worth, attributed to the alcohol provided by the Appellants.

[1.3.1] Thus, there was no contractual relationship between the Appellants and the ball attendees.

Police v Ashford

Attorney-General v L D Nathan and Co Ltd

Malcolm v Police [1986] 2 CRNZ 66

[2] That the Appellants did not use the premises as a place of resort for the consumption of alcohol, as defined in section 235 of the *Sale and Supply of Alcohol Act, 2012*.

[2.1] The consumption of alcohol was not a substantial part of the event.

Police v MacDonald [2016] NZDC 2371 (DC)

Browne v Police [1962] NZLR 801 at 804 (SC)

Sale and Supply of Alcohol Act, 2012

[2.2] The consumption of alcohol was not encouraged by the appellants.

Police v MacDonald [2016] NZDC 2371 (DC)

[2.3] The consumption of alcohol was restricted and safety measures were put in place.

Police and MacDonald [2016] NZDC 2371 (DC)

Sale and Supply of Alcohol Act, 2012