



ANALYSIS

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1958, No. 39

An Act to amend the Distillation Act 1908

[25 September 1958]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Distillation Amendment Act 1958, and shall be read together with and deemed part of the Distillation Act 1908 (hereinafter referred to as the principal Act).

2. Licence to distil or rectify and compound spirits—The principal Act is hereby amended by repealing section five, and substituting the following section:

“5. (1) Subject to the provisions of this Act, the Minister may from time to time, in his discretion, grant to any applicant under section four of this Act a licence—

“(a) To distil spirits or any specified spirit or any specified class or classes of spirits; or

“(b) To rectify and compound spirits or any specified spirit or any specified class or classes of spirits.

“(2) Every such licence shall specify the premises in which the distilling or rectifying and compounding of the spirits shall be carried on.

“(3) No such licence shall authorise the holder of it to have or use any still in any premises other than those specified in the licence.

“(4) Any such licence may relate to spirits intended for consumption in New Zealand, or to spirits intended for export, or to both.

“(5) Notwithstanding anything in the Licensing Act 1908, but subject to the provisions of this Act and to any conditions or restrictions specified in the licence, every such licence shall authorise the holder—

“(a) In the case of a licence to distil or to rectify and compound spirits intended for consumption in New Zealand, to sell spirits distilled or rectified and compounded pursuant to the licence to holders of licences to rectify and compound spirits under this Act or to holders of wholesale licences for the time being in force under the Licensing Act 1908:

“(b) In the case of a licence to distil or to rectify and compound spirits for the purposes of export, to export spirits distilled or rectified and compounded pursuant to the licence.

“(6) Nothing in this section shall apply to any wine-still licence under section twelve of this Act.”

3. Conditions of licence—Section six of the principal Act is hereby amended by adding the following subsection:

“(3) The Minister may, in his discretion, grant any licence under section five of this Act subject to such conditions and restrictions as he thinks fit relating to the sale, distribution, or export of any spirits to which the licence relates.”

4. Refusal, suspension, or revocation of licence—The principal Act is hereby amended by repealing section fourteen, and substituting the following section:

“14. (1) Without limiting the discretion conferred on the Minister by the foregoing provisions of this Act, it is hereby declared that in considering any application for a licence under section five of this Act to distil any spirit or spirits, or to rectify and compound any spirit or spirits, the Minister shall take into consideration—

“(a) The output at that time, and the possible future output, of every holder of any such licence for the time being in force; and

“(b) The economic circumstances of the distilling, rectifying, and compounding industry; and

“(c) The public interest—
and may, having regard to any such consideration as aforesaid, refuse to grant a licence to the applicant, notwithstanding that any other requirements of this Act may have been complied with by the applicant.

“(2) The Minister may refuse to renew any licence under this Act, or may at any time revoke any such licence, or suspend it for such period as he thinks fit, if proof is given to his satisfaction—

“(a) That any provision of this Act or of any requirement made under this Act has been contravened or has not been complied with; or

“(b) That any provision or condition of the licence has been contravened or has not been complied with; or

“(c) That the Chief Inspector or any other officer has been obstructed in or prevented from the performance of any part of his duty by the holder of the licence or by any person acting under the authority or by direction of the holder of the licence—

or if in his opinion, by reason of the local situation of the distillery in relation to any brewery, or any vinegar factory, or any cordial factory in which spirits are used in the manufacture of cordials, or in relation to any premises in which spirits are sold either wholesale or by retail, it is inexpedient that the licence should continue in force.

“(3) If the holder of any licence to distil spirits fails to distil at least five thousand gallons of proof spirits during any one year's continuance of the licence, the Minister may revoke the licence, or suspend it for such period as he thinks fit, or refuse to renew it except on and subject to such terms and conditions as he thinks fit.”

5. Consequential amendments and repeals—(1) The principal Act is hereby amended as follows:

(a) By inserting in section nine, after the word “licence”, the words “in form 3 in the Second Schedule to this Act”:

(b) By inserting in section ten, after the word “licence”, the words “in form 3 in the Second Schedule to this Act”.

(2) The Second Schedule to the principal Act is hereby amended by repealing forms 1 and 2.

(3) The Customs Acts Amendment Act 1931 is hereby amended by repealing Part IV.
