



ANALYSIS

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1963, No. 143

An Act to amend the Licensing Act 1908

[25 October 1963]

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 Licensing Amendment Act 1963, and shall be read together with and deemed part of the Licensing Act 1908 (hereinafter referred to as the principal Act).

2. New sections substituted in Licensing Amendment Act 1910—The Licensing Amendment Act 1910 is hereby amended by repealing section 9A (which section was inserted by section 6 of the Licensing Amendment Act 1949), and substituting the following sections:

“9A. Licensing Control Commission to review no-licence district after carrying of local restoration proposal—(1) If in accordance with section 9 of this Act the determination of the electors of the district is deemed to be in favour of the restoration of licences, the Licensing Control Commission established under the Sale of Liquor Act 1962 shall, as soon

as practicable, review the former no-licence district and determine what hotel, tourist-house, and tavern premises licences, and what wholesale licences, are necessary or desirable in that district or in any locality or place therein.

“(2) For the purposes of such review, the Commission shall hold a public sitting, of which public notice shall be given, and shall afford to all interested persons an opportunity to give evidence or make representations. The provisions of sections 46 to 51, 53, and 226 of the Sale of Liquor Act 1962 shall apply to the sitting.

“(3) For the purposes of this section, but subject to the provisions of this Act, the provisions of sections 75 to 79 of the Sale of Liquor Act 1962 shall apply, with all necessary modifications, as if the review were an inquiry under section 74 of that Act.

“9B. Poll to be taken on question whether licences should be offered to suburban Trusts—(1) If on such review as aforesaid the Commission is of opinion that it should authorise the issue of any hotel, tourist-house, or tavern premises licence, or of any wholesale licence, a poll of the electors residing in the former no-licence district shall be held, on a day to be fixed by the Commission, on the question whether all licences to be so authorised should be offered to suburban Trusts (hereinafter referred to as the Trust proposal).

“(2) The Trust proposal shall be deemed to be carried if the number of valid votes recorded for that proposal exceeds the number of valid votes recorded against it.

“(3) For the purposes of the poll the provisions of section 84 of the Sale of Liquor Act 1962 (except paragraphs (a) and (g) of subsection (1) of that section) shall apply.

“(4) Subject to the provisions of this section, the poll shall be deemed for the purposes of the principal Act to be a licensing poll, and the provisions of that Act shall apply accordingly, so far as they are applicable and with the necessary modifications.

“(5) Pending the final declaration of the result of the poll on the Trust proposal, nothing in section 11 of this Act shall apply in respect of any such licence as aforesaid.

“9c. Grant of licences if Trust proposal carried—If the Trust proposal is carried, the provisions of the Sale of Liquor Act 1962 shall apply subject to the following modifications:

“(a) In the application of that Act, the review under section 9A of this Act shall be deemed to be an inquiry to which section 78 of the Sale of Liquor Act 1962 applies:

- “(b) In the case of a hotel or tavern premises licence, public notice of the Commission’s intention to invite applications for the licence under this section shall be given in accordance with section 80 of that Act, and the provisions of that section and of sections 81 and 83 to 85 of that Act (which relate to an area poll) shall apply accordingly:
- “(c) In the case of a hotel, tavern, or tourist-house premises licence, the Commission shall, subject to the provisions of section 85 of that Act, cause public notice to be given inviting any local authority (within the meaning of subsection (2) of section 82 of that Act) to make application for the licence to be issued to a suburban Trust; and the provisions of section 86 of that Act shall apply to the notice, with all necessary modifications:
- “(d) In the case of a wholesale licence, the Licensing Committee shall, as soon as practicable after the receipt by it of the certificate of the Commission issued under section 113 of that Act, cause public notice to be given inviting any such local authority as aforesaid to make application for the licence to be issued to a suburban Trust; and the provisions of subsections (3) and (4) of section 86 of that Act shall apply to the notice:
- “(e) On the giving of any such notice, any such local authority as aforesaid may, within the time prescribed or allowed under section 87 or, as the case may require, section 114 of that Act, apply in accordance with that Act for the issue to a suburban Trust of any one or more of the licences; and nothing in section 97 or section 100 of that Act shall apply:
- “(f) If in respect of any such licence no such application is made within the time prescribed or allowed as aforesaid, the Commission or, as the case may require, the Licensing Committee, shall cause public notice to be given of that fact:
- “(g) On the giving of any notice under paragraph (f) of this section, any one hundred or more persons residing in the locality or area (as defined by the Commission under section 79 of that Act) within which the licence is proposed to be granted, being persons qualified as electors of any such local authority, may, within sixty days after the last publication of that notice, or within such further

time as the Commission or, as the case may require, the Licensing Committee may allow, apply in accordance with that Act for the issue of the licence to a suburban Trust. The application shall specify one of the applicants as the person on whom any notice or other document may be served, on behalf of the applicants, for the purposes of the Sale of Liquor Act 1962:

- “(h) Where any application is made under paragraph (e) or paragraph (g) of this section, the application shall be granted if it conforms to the standards defined by the Commission under section 79 of that Act, subject however to the provisions of that Act relating to objections and to compliance with the lawful requirements of the Commission:
- “(i) If in respect of any such licence no such application is made or granted, the Commission or, as the case may require, the Committee shall, in accordance with section 86 or section 114 of the Sale of Liquor Act 1962, cause public notice to be given of its intention to consider applications from other persons for the licence:
- “(j) The provisions of subsection (1) of section 82, subsections (3) and (4) of section 83, the proviso to subsection (1) of section 86, section 89, and subsection (5) of section 91 of the Sale of Liquor Act 1962 (which relate to Trust polls and applications on behalf of local Trusts) shall not apply:
- “(k) Subject to the provisions of this section, where any application for the issue of a licence to a suburban Trust is granted pursuant to this section, the provisions of the Licensing Trusts Act 1949 and of the Sale of Liquor Act 1962, and of any regulations made under either of those Acts, so far as they are applicable and with the necessary modifications, shall apply with respect to the suburban Trust as if it were a local Trust.”

3. Consequential amendments and repeals—(1) The Licensing Amendment Act 1910 is hereby further amended—

- (a) By omitting from subsection (1) of section 14 the words “section 9A”, and substituting the words “section 9B”:
- (b) By repealing form 2 in the Second Schedule:

- (c) By omitting from form 2 in the Third Schedule the words "section 9A", and substituting the words "section 9B".
- (2) Section 51 of the Statutes Amendment Act 1946 is hereby amended by omitting from subsection (3) (as amended by paragraph (a) of subsection (2) of section 7 of the Licensing Amendment Act 1949) the words "or section 9A".
- (3) Section 6 of the Licensing Amendment Act 1957 is hereby amended by omitting from paragraph (a) of subsection (1) the words "the Trust question under section 9A", and substituting the words "the Trust proposal under section 9B".
- (4) The following enactments are hereby repealed, namely:
- (a) Section 6 and paragraph (a) of subsection (2) of section 7 of the Licensing Amendment Act 1949:
- (b) Section 3 of the Licensing Trusts Act 1949:
- (c) So much of the Fifth Schedule to the Sale of Liquor Act 1962 as relates to section 9A of the Licensing Amendment Act 1910 and to form 2 in the Second Schedule to that Act:
- (d) Part IV of the Licensing Trusts Amendment Act 1962:
- (e) So much of Part I of the Fourth Schedule to the Licensing Trusts Amendment Act 1962 as relates to section 3 of the Licensing Trusts Act 1949.

This Act is administered in the Department of Justice.
