

New Zealand.



ANALYSIS.

- |  |   |
|--|---|
| <p>Title.</p> <ol style="list-style-type: none"> <li>1. Short Title.</li> <li>2. Governor may alter or abolish districts.</li> <li>3. Districts may be amalgamated.</li> <li>4. Amendment as to New Zealand wine.</li> <li>5. Local body to appoint Returning Officer. Amended provisions as to holding of licensing meetings.</li> <li>6. Annual election of Assessors for Native licensing districts. Resignations.</li> <li>7. Assessors within new districts or to supply vacancies.</li> <li>8. Expenses of election to be paid by local bodies.</li> </ol> | <ol style="list-style-type: none"> <li>9. Eleven o'clock licenses.</li> <li>10. As to advertising quarterly licensing meetings.</li> <li>11. Quarterly licensing meetings dispensed with in certain cases.</li> <li>12. Local body to appoint Presiding Officer at poll.</li> <li>13. Expenses of poll to be paid by local body.</li> <li>14. Applications for renewal of license need not be advertised.</li> <li>15. Grant of licenses within mining districts, &amp;c.</li> <li>16. Temporary transfer of license to be registered. License not to be retained.</li> <li>17. Application of fees.</li> <li>18. Licenses in Ohinemuri validated.</li> </ol> |
|--|---|

1882, No. 63.

AN ACT to amend "The Licensing Act, 1881."

[15th September, 1882.]

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

1. The Short Title of this Act is "The Licensing Act Amendment Act, 1882." It shall be read subject to the interpretations of "The Licensing Act, 1881" (herein referred to as "the said Act").

2. The Governor may abolish and re-constitute any district constituted under the said Act, as well as alter or re-define the boundaries thereof.

Whenever any district is altered but not abolished, or the boundaries thereof re-defined, it shall not be necessary to make new appointments therein, but the Licensing Committee and all officers duly acting in the district before the alteration or re-definition thereof shall continue to act in and for the district as altered or re-defined.

3. On receipt of a petition from the ratepayers of any two or more licensing districts, signed by a majority of the ratepayers in each of such districts, praying that such districts may be amalgamated, the Governor may, by Proclamation, declare such districts to be amalgamated, and may abolish any district, or alter the boundaries or names of any districts for the purpose of giving effect to any such amalgamations.

In any such case the Governor shall make all necessary appointments and regulations for the due administration of the said Act within the new district until the advent of the next period for the election of a Licensing Committee under this Act.

Nothing herein contained shall authorize the amalgamation of any borough,

or any part thereof, or of any town district with any riding of a county or a road district.

Amendment as to  
New Zealand wine.

4. Subsection three of section three of the said Act shall be read as if the words "grown in New Zealand" had been originally inserted therein, instead of the words "of his own growth."

Local body to appoint  
Returning Officer.  
Amended provisions  
as to holding of  
licensing meetings.

5. Subsections two, three, six, nine, and fifteen of section thirteen of the said Act are hereby repealed, and in lieu thereof it is enacted as follows:—

- (1.) The local body having jurisdiction throughout any licensing district shall appoint the Returning Officer for such district in manner provided by "The Regulation of Local Elections Act, 1876;" and sections six to nine, both inclusive, of the Act last named shall apply in respect to every Returning Officer so appointed.
- (2.) Within licensing districts inside of counties as defined in the said Act, where more local bodies than one have jurisdiction throughout the districts, and within licensing districts outside of the counties aforesaid, where more local bodies than one have jurisdiction, the Governor shall appoint which of such local bodies shall, for the purposes of the said Act, be deemed to have authority throughout the licensing district, and shall make all necessary appointments and do all things required for the conduct of elections within the licensing district.
- (3.) The result of every election of a Licensing Committee shall be notified in manner provided by section thirty-five of "The Regulation of Local Elections Act, 1876," by the Returning Officer; who by the same notification shall appoint the time and place at which each Licensing Committee shall meet for the first time for the purpose of electing their Chairman, and such time shall be as soon as conveniently may be and within fourteen days from the time of such notification.
- (4.) All costs and expenses incident to the election of any Licensing Committee shall be paid by the local body having jurisdiction throughout the district where the election takes place.
- (5.) The Returning Officer appointing the time for the holding of licensing meetings shall also appoint the place, not being licensed premises, at which such meetings shall be respectively held; but if there be in the district any place used as a courthouse by the Resident Magistrate having jurisdiction in the district, then such meetings shall be held at such courthouse.
- (6.) The places at which licensing meetings are held need not necessarily be within the limits of the licensing district to which such meetings relate, if such meetings can be more conveniently, and no less effectually, held outside of such limits.
- (7.) The Council or Board respectively of every town district and road district which forms a part only of a licensing district, but receives a portion of the license fees accruing therein, shall be liable to contribute, in proportion to the amount so received, to the cost of administering the said Act within the licensing district of which it forms a part; and the local body charged with such administration shall be entitled to recover such contribution from the Councils or Boards liable respectively to pay the same.
- (8.) When, by failure of election or otherwise, the Governor nominates a Committee, he shall also appoint the time and place for the first meeting of such Committee, and such time shall be not later than twenty-one days after such nomination.

(9.) Whenever a license is lawfully granted at any time other than at the annual licensing meeting, such license shall continue in force only until the thirtieth day of June ensuing next after the granting thereof, and the fee to be paid for such license shall be a proportionate part of the fee payable in respect of an annual license of the same kind.

6. Section nineteen of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:—

In every Native licensing district there shall be elected annually as many Assessors as there are Licensing Committees of ordinary licensing districts having jurisdiction within the Native licensing district.

Such annual election shall be held in the month of February in each year, and such Assessors shall be elected by a majority of the Maoris usually resident within the Native licensing district qualified to vote for Maori representatives in Parliament, in the same manner as the members of the House of Representatives for the Maori electoral districts are elected under "The Maori Representation Act, 1867," and its amending Acts, or under any Act which may hereafter be passed in substitution thereof.

Any Assessor may resign his office at any time by letter to the Governor.

7. Where a Native licensing district is newly constituted, or any vacancy occurs in any such district by the death or resignation of any Assessor, the Governor shall appoint the time, mode, and place of holding the necessary election of Assessors for such district in the manner hereinbefore prescribed.

The Governor may from time to time make all necessary appointments and regulations for the conduct of any such election under such Act.

The provisions of section twenty of the said Act shall apply in respect of all Assessors elected as in this Act is provided.

8. All expenses incident to the election of Assessors shall be defrayed in the same manner as provided with respect to the elective members of the Licensing Committees.

9. An extension of time for the sale of liquors until eleven o'clock at night may be granted by any Licensing Committee under the provisions of section thirty-seven of the said Act, on payment by the licensee of an additional fee of five pounds for the same.

10. It shall not be necessary henceforth to advertise in a newspaper the times of the quarterly licensing meetings, as required by section forty-one of the said Act, except in the case of the annual licensing meeting in June, of which advertisement shall be made as provided in the said section; but the required notices shall be posted as to all quarterly licensings meetings as heretofore.

In any case where the Clerk of any Licensing Committee shall have received no application for the grant, renewal, transfer, or removal of any license within twenty-one days before the day appointed for any quarterly or the annual meeting of the Committee, he shall send notice thereof to the Chairman and members of the Committee, and in any such case it shall not be necessary for any such meeting to be held.

11. Within districts where there are no licensed premises:

(1.) Where the ratepayers have declared that no licenses shall be granted therein, it shall not be necessary to hold any licensing meetings, or to issue any advertisements or notices relating to any licenses, so long as such decision of the ratepayers remains unaltered.

(2.) Where the ratepayers have declared that licenses may be granted therein, it shall not be necessary to hold any quarterly licensing meetings previous to the annual meeting to be held next after such decision is given.

Annual election of Assessors for Native licensing districts.

Resignations. Assessors within new districts, or to supply vacancies.

Expenses of election to be paid by local bodies.

Eleven o'clock licenses.

As to advertising quarterly licensing meetings.

Quarterly licensing meetings dispensed with in certain cases.

Local body to  
appoint Presiding  
Officer at poll.

**12.** The Presiding Officer at any poll of ratepayers to be taken under the said Act shall be appointed by the local body having jurisdiction throughout the district wherein such officer is to preside, and not by the Chairman as is provided in the forty-eighth section of the said Act.

Expenses of poll to  
be paid by local  
body.

**13.** Section fifty-three of the said Act is hereby repealed, and in lieu thereof it is enacted as follows:—

All costs and expenses incident to the taking of any poll of ratepayers under the said Act shall be paid by the local body having jurisdiction throughout the district wherein such poll is taken.

Applications for  
renewal of license  
need not be  
advertised.

**14.** All persons applying for the renewal of a license shall conform with the requirements of section fifty-six of the said Act, as if the application were for an original license, excepting as in the said section mentioned, and excepting also that it shall not be necessary to advertise such applications in the newspapers as is required in the said section.

Grant of licenses  
within mining dis-  
tricts, &c.

**15.** Section seventy-four of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:—

In any place or district where, owing to a sudden increase of population or otherwise, the necessity for the immediate grant of publicans' licenses exists, the Governor may appoint some person or persons to exercise a special authority in the granting of such licenses, and shall define the limits within which such authority may be exercised.

The persons so appointed may hear and determine at any time applications for publicans' licenses in respect of premises situate within such limits as aforesaid.

The license to be granted in the first instance under the provisions of this section shall be a conditional license, but the same fee shall be paid for the same as for a publican's license.

No license granted under the provisions of this section shall be renewed or transferred; but it shall be necessary for the licensee, in respect of the following year, to apply for a publican's license to the Licensing Committee of the district at the annual licensing meeting held in the month of June, in the same manner as if he were not a licensed person.

Temporary transfer  
of license to be  
registered.  
License not to be  
retained.

**16.** When a license having a temporary transfer indorsed thereon is deposited with the Clerk of the Licensing Committee, under the provision of section ninety-one of the said Act, the said Clerk shall enter the particulars of such transfer in the register of licenses, and return the license to the person entitled thereto, instead of retaining it as in the aforesaid section is provided.

Application of fees.

**17.** In section one hundred and nine of the said Act the words "out of such fees" are hereby repealed.

Licenses in Ohine-  
muri validated.

**18.** Whereas the Licensing Committee of the Ohinemuri District, in ignorance of the said district being comprised within a Native licensing district, have granted licenses without the aid of a Native Assessor, and it is expedient to validate such licenses: Be it therefore further enacted as follows:—

All licenses granted by the Licensing Committee of the Ohinemuri Licensing District at their licensing meeting held in the month of June last are hereby validated, and shall be deemed in all respects to have been granted in conformity to law, notwithstanding the absence of a Native Assessor at the time the said licenses were granted respectively.