



## ANALYSIS

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1967, No. 36

**An Act to amend the Licensing Trusts Act 1949, the Masterton Licensing Trust Act 1947, and the Invercargill Licensing Trust Act 1950** [6 October 1967]

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 and commencement**—(1) This Act may be cited as the Licensing Trusts Amendment Act 1967.

(2) This Act shall come into force on the ninth day of October, nineteen hundred and sixty-seven.

## PART I

## LICENSING TRUSTS

**2. This Part to be read with Licensing Trusts Act 1949—**  
This Part of this Act shall be read together with and deemed part of the Licensing Trusts Act 1949 (in this Part referred to as the principal Act).

**3. Variation of usual hours for sale of liquor in hotel and tavern premises—**(1) The principal Act is hereby amended by inserting, after section 34A (which was inserted by section 6 (1) of the Licensing Trusts Amendment Act 1962), the following section:

“34B. (1) In this section, unless the context otherwise requires,—

“ ‘Hotel or tavern premises’, or ‘premises’, means premises maintained by the Trust to which paragraph (a) or paragraph (b) of subsection (2) of section 34A of this Act applies:

“ ‘Usual hour’ means—

“(a) In relation to the opening of hotel or tavern premises, eleven o’clock in the morning:

“(b) In relation to the closing of hotel or tavern premises, ten o’clock in the evening:

“References to the opening or closing of premises are references to the opening or closing of those premises for the sale of liquor to the public on any day other than a day on which the premises are required to be closed for the sale of liquor.

“(2) Notwithstanding anything in this Act, but subject to the provisions of this section, the Trust may from time to time, if it is satisfied that it is in the public interest to do so, by resolution, fix hours other than the usual hours for the opening or closing of any hotel or tavern premises for the sale of liquor to the public.

“(3) Any such resolution may make provision for any one or more of the following, namely:

“(a) The closing of the premises before the usual hour of closing:

“(b) The opening of the premises before the usual hour of opening:

“(c) The opening of the premises after the usual hour of opening:

“(d) The closing of the premises for any period or periods during the day.

“(4) No such resolution shall provide for the keeping open of the premises for the sale of liquor to the public for more than eleven hours on any day.

“(5) Any such resolution may—

“(a) Make different provision for different periods of the year or for different weekdays in every week of the year or of any such period; or

“(b) Make provision to take effect for particular periods only, or for particular weekdays in every week of the year or of any such period.

“(6) In any such resolution the Trust shall specify the times of day at which the premises are to be closed and opened, and any period or periods for which the premises are to be closed during the day.

“(7) Any such resolution may relate to—

“(a) All hotel or tavern premises in the Trust district or in any specified part of, or area or locality or place in, the district; or

“(b) Any one or more hotel or tavern premises.

“(8) Before passing any such resolution the Trust shall—

“(a) Give public notice (within the meaning of the Sale of Liquor Act 1962) of its intention to consider the resolution, setting out in the notice the terms of the proposed resolution and a statement to the effect that written representations may be made to the Trust, by persons residing in the Trust district, within thirty days after the first publication of the notice:

“(b) Consider all such representations so made.

“(9) In determining whether it is in the public interest to pass a resolution under this section the Trust shall have regard to the requirements of the public and to such other matters as it considers relevant.

“(10) Forthwith after the passing of a resolution under this section the Trust shall cause notice in writing of the resolution to be sent to the Secretary for Justice, who shall as soon as practicable cause notice of the terms of the resolution to be published in the *Gazette*.

“(11) The resolution shall take effect on the day after the date of publication of the said notice in the *Gazette*.

“(12) On the taking effect of the resolution, and while it continues in force, the provisions of this Act, and such of the provisions of the Sale of Liquor Act 1962 as are applicable

to the Trust and to the premises to which the resolution relates, shall be read subject to the provisions of the resolution and to such modifications as are necessary to give effect to it.

“(13) While any resolution is in force under this section in respect of any premises, the times fixed by the resolution shall be set out on a notice fixed in a conspicuous place on the premises.”

(2) The First Schedule to the principal Act (as set out in the First Schedule to the Licensing Trusts Amendment Act 1962) is hereby amended by adding to clause 1 the following paragraph:

“(g) Section 221A.”

**4. Maximum hours for sale of liquor in booth premises—**Section 32 of the principal Act (as substituted by section 4 of the Licensing Trusts Amendment Act 1962) is hereby amended—

- (a) By omitting from paragraph (a) of subsection (7) the word “six”, and substituting the word “ten”;
- (b) By adding to the same paragraph the words “and not being more than eleven hours on any day”.

## PART II

### MASTERTON LICENSING TRUST

**5. This Part to be read with Masterton Licensing Trust Act 1947—**This Part of this Act shall be read together with and deemed part of the Masterton Licensing Trust Act 1947 (in this Part referred to as the principal Act).

**6. Variation of usual hours for sale of liquor in hotel and tavern premises—**(1) The principal Act is hereby amended by inserting, after section 34A (which was inserted by section 15 (1) of the Licensing Trusts Amendment Act 1962), the following section:

“34B. The provisions of section 34B of the Licensing Trusts Act 1949 (which was inserted by section 3 (1) of the Licensing Trusts Amendment Act 1967) shall apply to the Trust as if the reference in subsection (1) of the said section 34B to section 34A of the Licensing Trusts Act 1949 were a reference to section 34A of this Act.”

(2) The Third Schedule to the principal Act (as set out in the Second Schedule to the Licensing Trusts Amendment Act 1962) is hereby amended by adding to clause 1 the following paragraph:

“(g) Section 221A.”

**7. Maximum hours for sale of liquor in booth premises—**Section 32 of the principal Act (as substituted by section 13 of the Licensing Trusts Amendment Act 1962) is hereby amended—

(a) By omitting from paragraph (a) of subsection (7) the word “six”, and substituting the word “ten”:

(b) By adding to the same paragraph the words “and not being more than eleven hours on any day”.

### PART III

#### INVERCARGILL LICENSING TRUST

**8. This Part to be read with Invercargill Licensing Trust Act 1950—**This Part of this Act shall be read together with and deemed part of the Invercargill Licensing Trust Act 1950 (in this Part referred to as the principal Act).

**9. Variation of usual hours for sale of liquor in hotel and tavern premises—**(1) The principal Act is hereby amended by inserting, after section 35A (which was inserted by section 24 (1) of the Licensing Trusts Amendment Act 1962), the following section:

“35B. The provisions of section 34B of the Licensing Trusts Act 1949 (which was inserted by section 3 (1) of the Licensing Trusts Amendment Act 1967) shall apply to the Trust as if the reference in subsection (1) of the said section 34B to section 34A of the Licensing Trusts Act 1949 were a reference to section 35A of this Act.”

(2) The Second Schedule to the principal Act (as set out in the Third Schedule to the Licensing Trusts Amendment Act 1962) is hereby amended by adding to clause 1 the following paragraph:

“(g) Section 221A.”

**10. Maximum hours for sale of liquor in booth premises—**Section 33 of the principal Act (as substituted by section 22 of the Licensing Trusts Amendment Act 1962) is hereby amended—

- (a) By omitting from paragraph (a) of subsection (7) the word "six", and substituting the word "ten":
- (b) By adding to the same paragraph the words "and not being more than eleven hours on any day".

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**This Act is administered in the Department of Justice.**

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