

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
30th August, 1893.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. Seddon.

ALCOHOLIC LIQUORS SALE CONTROL.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p style="text-align: center;"><i>Licensing Districts.</i></p> <p>3. Electoral districts of colony constituted ordinary licensing districts.</p> <p>4. Registrar to remove names in case of death, or on request, or for disqualification.</p> <p>5. Licenses may be granted when population suddenly increased.</p> <p style="text-align: center;"><i>Licensing Committee.</i></p> <p>6. Who may be member of a Licensing Committee.</p> <p>7. Constitution of Licensing Committees.</p> <p>8. "Elector" substituted for "ratepayer" in Licensing Acts.</p> <p>9. Where more than one local body exists, authority decided by Governor.</p> <p>10. Costs and expenses of elections and of taking polls, how to be paid.</p> <p>11. Opinion of member not to disqualify.</p> <p style="text-align: center;"><i>Alterations of Licensing Law.</i></p> <p>12. Amendment of law as to licenses.</p> <p style="text-align: center;"><i>As to Increase of Licenses.</i></p> <p>13. No increase of licenses to be allowed until after census taken, and then only on certain conditions.</p>	<p style="text-align: center;"><i>As to Renewals of Licenses.</i></p> <p>14. New licenses to be granted subject to vote of electors.</p> <p>15. Returning Officer to appoint day for taking poll.</p> <p>16. Taking of poll.</p> <p>17. Declaration of result of poll. When proposal deemed to be carried.</p> <p>18. Taking of poll with respect to publicans' licenses.</p> <p style="text-align: center;"><i>As to Reductions in number of Licenses.</i></p> <p>19. Determination of electors to be carried out.</p> <p>20. Poll in new districts.</p> <p>21. Convictions to be indorsed on license.</p> <p>22. Granting of licenses in opposition to determination of electors declared void.</p> <p>23. Local authorities may supplement loss of revenue from license fees by increase of general rates.</p> <p>24. If licensed premises closed by electors, licensee acquitted of his lease.</p> <p>25. Determination of transfer of immediate license, how notified.</p> <p style="text-align: center;"><i>Clubs to be subject to Licensing Acts.</i></p> <p>26. Clubs to be subject to all provisions of Licensing Acts.</p> <p style="text-align: center;"><i>Prohibited Persons.</i></p> <p>27. Prohibited persons.</p> <p style="text-align: center;"><i>Repeals.</i></p> <p>28. Repeals. Schedules.</p>
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A BILL INTITULED

AN ACT to give the People greater Control over the Granting and Refusing of Licenses under "The Licensing Act, 1881." Title.

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 Alcoholic Liquors Sale Control Act, 1893." It shall be read together with "The Licensing Act, 1881." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.
"District" means a licensing district constituted under this Act :

“Elector” or “electors” means an elector or electors on the roll of electors for the time being in force for the election of members of the House of Representatives :

“The principal Act” means “The Licensing Act, 1881” :

“The Licensing Acts” or “the said Acts” means the principal Act together with “The Licensing Act Amendment Act, 1882,” and “The Triennial Licensing Committees Act, 1889,” “The Licensing Act 1881 Amendment Act, 1889,” and this Act. 5

Licensing Districts.

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Electoral districts of colony constituted ordinary licensing districts.

3. The electoral districts for the time being in existence, constituted for the representation of the people in the House of Representatives, are hereby constituted ordinary licensing districts under the principal Act; and the rolls of electors of members of the House of Representatives, also for the time being in existence for the said electoral districts, shall be the roll of electors for the purposes of the Licensing Acts. 15

All parts of the colony now being outside of any electoral district are special licensing districts wherein the provisions of sections fourteen to sixteen of the principal Act shall apply. 20

All Native licensing districts constituted under the principal Act, and all areas of Native land proclaimed under section twenty-five thereof, wherein the sale of liquors is totally prohibited, as the same respectively are existing at the time of the commencement of this Act, shall continue in force as if this Act had not been passed, subject that the Governor may at any time or from time to time alter or abolish any such district or area. 25

Registrar to remove names in case of death, or on request or for disqualification.

4. For the purposes of this Act the Registrar of Electors under any law for the time being in force regulating the election of members of the House of Representatives shall, immediately after a general election, take the necessary steps to expunge from the electoral roll of the district — 30

The name of every person who requests, in writing, that his name shall be removed therefrom; and

The name of every person appearing on the annual list of deaths supplied to the Registrar by any Registrar of Births and Deaths of whose identity he shall be satisfied; and 35

The name of every person who is disqualified under “The Corrupt Practices Prevention Act, 1881,” and whose name appears on the illegal and corrupt practices list (if any) made out as provided in the last-mentioned Act; and 40

The name of every person whose conviction of any offence which creates a disqualification from being registered as an elector under any such law as aforesaid shall be duly certified to him; and 45

The name of every person whose registration in any other district shall be notified to him by the Registrar thereof; and

The name of every person who, not being a candidate at such election, and not being prohibited by law from 50

voting at such election, appears, from a comparison of the rolls used at such election not to have voted at the same.

5 But nothing herein contained shall affect the right of any elector whose name shall have been so expunged, from, at any time thereafter sending in a fresh claim for registration on such electoral roll under any of the laws for the time being in force regulating the registration of electors.

10 5. When the population of any riding of a county wherein the whole of "The Counties Act, 1886," is in force, or of any road district outside of any such county, has suddenly increased in a large degree, and a petition, signed by not less than one hundred residents thereof respectively, has been presented to the Governor, praying that power be granted to the Licensing Committee to issue a
15 publican's license or licenses therein, the Governor may, unless the determination of the electors has been previously made that no licenses shall be granted, by Order in Council, grant such authority, and thereupon publicans' licenses may be granted in the said riding or road district by the Committee, at the ratio of one licensed
20 house to every seven hundred persons residing within a radius of two miles from such licensed house.

Licenses may be granted when population suddenly increased.

Every such license shall continue in force until the annual meeting of the Licensing Committee next after a poll has been taken of the electors of the district as hereinafter provided in section
25 *fourteen*.

Licensing Committees.

6. Any duly-registered elector residing in any district shall be qualified to be elected for such district, except as follows:—

Who may be member of a Licensing Committee.

30 No person shall be qualified to be elected or to act as a member of a Licensing Committee—

Who is a brewer, wine or spirit merchant, maltster, distiller, importer for sale of or a dealer in fermented or spirituous liquors, or in partnership with any such person;

35 Who is the owner in fee or for any less estate of any licensed house.

40 *Except as hereinafter provided in section seven as to Resident Magistrates*, no person shall be qualified to be elected or to act as a member of a Licensing Committee during the time he holds a paid office under the Government of the colony, or under the Council or Board of any borough, county, road district, or town district.

7. The Licensing Committee for an ordinary licensing district shall be constituted as follows, that is to say,—

Constitution of Licensing Committees.

(1.) The Committee shall consist of—

45 *Nine The Resident Magistrate for the time being having jurisdiction at the place of meeting of the Licensing Committee, and eight other* persons, being residents within the district, to be elected by the electors of the district in manner provided by "The Regulation of Elections Act, 1881," or any Act passed in substitution thereof, in the
50 year one thousand eight hundred and ninety-four, and thereafter once in every third year only, on the days appointed for taking the poll of electors under section *sixteen* of this Act, and simultaneously therewith.

- (2.) The Returning Officer for such district under the Act last aforesaid shall be the Returning Officer for the purposes of this Act, and all provisions of the Act last named shall apply in respect to such Returning Officer for the aforesaid purposes. 5
- (3.) Every such election shall be conducted in the same manner as elections of members of the House of Representatives are conducted; but in case any election be disputed, the dispute shall be inquired into and determined by a Resident Magistrate under the provisions of sections forty-eight to fifty-seven of "The Regulation of Local Elections Act, 1876," which are hereby incorporated with this Act. 10
- (4.) The result of every election of a Licensing Committee shall be notified by the Returning Officer in like manner as he may be required to notify the result of an election of a member of the House of Representatives under any electoral law for the time being in force. 15
- (5.) In case any district shall fail or neglect to elect a Licensing Committee at the time appointed, the Governor shall in such case appoint the same; and every Committee so appointed, and every member thereof respectively, shall be deemed to have been elected under this Act. 20
- A Committee shall be deemed not to have been elected in any case where the whole number of such Committee is not elected. 25
- (6.) 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, or if there be more than one such Courthouse, then the meeting shall be held at such one of such Courthouses as the Resident Magistrate thinks fit. 30
- (7.) The places at which licensing meetings are held shall be within the limits of the licensing district to which such meetings relate. 35
- (8.) The actual cost of the travelling-expenses incurred by any member residing more than three miles from the place of meeting in attending a meeting of the Committee shall be paid him by the local authority liable to pay the same under section one hundred and nine of the principal Act, on the voucher for the same certified by the Chairman and the Clerk of the Licensing Committee. 40
- (9.) Every member of a Licensing Committee shall come into office on his election, and shall hold office for three years, or until the election of his successor. 45
- (10.) Any member of a Licensing Committee may, by writing under his hand addressed to the Governor, resign his office. 50

- 5 (11.) If any member of a Licensing Committee shall die, resign, become disqualified, or shall absent himself from two consecutive quarterly licensing meetings of such Committee, his office shall be vacant.
- 10 (12.) Every vacancy created as above mentioned is an extraordinary vacancy, and the Governor shall appoint some other person to supply the vacancy, who shall hold office only until the next election.
- 10 (13.) The members of a Licensing Committee retiring at the end of their term of office may be re-elected or reappointed.
- 10 (14.) The Governor shall, from time to time, appoint such person as he may think fit to be Clerk to the Licensing Committee of any one or more districts; and any such Clerk may be removed from office by the Governor.
- 15 (15.) The quorum of a Licensing Committee shall be five members.
- 15 (16.) Any Licensing Committee may act if a quorum exists, notwithstanding vacancies therein.
- 20 (17.) Every Licensing Committee shall, notwithstanding its term of office has expired, continue to act until its successors are elected or appointed and take office.
- 20 (18.) The members of the Licensing Committee shall hold their first meeting at the first quarterly licensing meeting occurring after their election. ~~and at such meeting shall elect~~

Struck out.

- 25 one of their number to be Chairman thereof (herein referred to as "the Chairman"), who shall have an original and casting vote, and shall hold such office during the continuance of the period for which such Committee was elected or appointed.
- 30 (19.) The Chairman shall sign on behalf of the Committee all certificates and other documents (if any) issued or recorded by it.
- 35 (20.) In case of the absence of the Chairman from any meeting of the Licensing Committee, the members present at such meeting shall elect one of their number to be Chairman, and such Chairman shall act only for the occasion for which he is so elected.

New subsection.

- 40 (19.) At every meeting of the Licensing Committee, the aforesaid Resident Magistrate, if present, shall be Chairman thereof, and in the event of his absence the members of the Licensing Committee shall elect one of their number to be Chairman thereof; and the Chairman of every such Licensing Committee shall have an original and a casting vote, and shall sign on behalf of the Committee all certificates and other documents, if any, issued or recorded by it.

8. The Licensing Acts shall henceforth be read, for all purposes of conducting elections or of taking a poll thereunder, as if the words "elector" and "electors" had been substituted for "ratepayer" or "ratepayers" wherever these latter occur therein.

"Elector" substituted for "ratepayer" in Licensing Acts.

- 50 9. Within licensing districts where more local authorities than one have jurisdiction throughout or within the district, the Governor shall appoint which of such local authorities shall, for the purposes of the Licensing Acts, be deemed to have authority throughout the licensing district, and which shall make all necessary appointments and do all things required for the conduct of elections, or the taking

Where more than one local body exists, authority decided by Governor.

of a poll of electors, and for the general administration of the Licensing Acts within the licensing district.

Costs and expenses of elections and of taking polls, how to be paid.

10. All costs and expenses incident to the election of any Licensing Committee, or of taking a poll of electors under this Act, and of the general administration of this Act, shall be paid by the local authority having jurisdiction throughout the district where the election or the poll takes place, subject to the following provision : 5

The Council or Board respectively of every borough, county, 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 Licensing Acts and this Act within the licensing district of which it forms a part ; and the local authority charged with such administration shall be entitled to recover such contribution from the Councils or Boards liable respectively to pay the same. 10 15

Opinion of member not to disqualify.

11. The fact that a member of a Licensing Committee has, prior to his election or at any time, expressed his views, or given any pledge, or expressed any opinion as to the licensing law or liquor traffic, shall not disqualify such member from sitting and acting as a member of the Licensing Committee ; nor shall the fact of any member of a Licensing Committee or any number of members having so pledged or expressed themselves render any decision or act of such Committee liable to be questioned or set aside. 20

Alterations of Licensing Law. 25

12. From and after the commencement of this Act,—

(1.) Any widow, and any wife who has obtained a protection order as mentioned in sections four and five of “The Licensing Act 1881 Amendment Act, 1889,” may hold a license under the Licensing Acts ; but, save as aforesaid, no woman, whether married or unmarried, shall hold a license under the authority of the said Acts. 30

Nothing in this provision shall apply to any married or unmarried woman who at the time of the commencement of this Act is the holder of a publican’s license ; but every such married or unmarried woman may continue to hold the said license and have the said license renewed from time to time, and may at any time make a lawful transfer of such license as if this section of this Act had not been passed. 35 40

(2.) Every application for a publican’s, or New Zealand wine, or accommodation, or bottle license, or for a transfer thereof (but not for any renewal thereof), shall be accompanied by a certificate signed by a Resident Magistrate, in the form in the *First* Schedule hereto, in respect of the fitness of the applicant to have such license. 45

(3.) The Licensing Committee may, at any annual or quarterly licensing meeting, grant to any holder of a publican’s license, on payment of an additional fee of *five* pounds, an extension of the time prescribed in the principal Act for the sale of liquors until eleven of the clock at night, on being satisfied of its being for the benefit and convenience of the public. 50

Such extension of license shall be granted by an indorsement on the certificate and license respectively : 55

No extension of license shall be granted until midnight, but every person holding such an extension of

Amendment of law as to licenses.

license at the time of the commencement of this Act shall hold the same until the thirtieth day of June, in the year one thousand eight hundred and ninety-four, but it shall not be renewed.

5 (4.) Subject as provided in section one hundred and fifty-four of the principal Act, all licensed premises in respect of which an extension of time for the sale of liquors until eleven of the clock at night has been granted shall be closed as follows, that is to say,—

10 (a.) On Saturday night from eleven of the clock until six of the clock on the following Monday morning.

(b.) On the nights of all other days, from eleven of the clock until six of the clock on the following morning.

15 (5.) 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.

20 (6.) Whenever a license is granted after the taking of a poll in any district, the licensee shall have the right of an annual renewal of such license for the two years succeeding the original grant thereof until the taking of the next poll, unless in the meantime his license becomes indorsed for any breach of law in respect of any of the offences mentioned in section *nineteen* of this Act.

25 In any such case, or if any objection under subsections one to four of section eighty-one of the principal Act be made to the renewal of the license, the Committee, in their discretion, may refuse to renew such license.

Section twenty-nine of the principal Act shall, after the commencement of this Act, be read and take effect subject to the provisions of this section.

35 (7.) Section seventy-one of the principal Act is amended by the insertion of the words "or by any two members of the Licensing Committee" after the words "Chairman of the Licensing Committee" in the two places where the latter words occur in the said section.

New subsection.

40 (8.) Section one hundred and sixty-six of the principal Act is hereby amended by the omission of the words "to be consumed on the premises" in the first paragraph thereof.

Prohibited Persons.

45 ²⁷ 13. No person against whom an order has been made under section one hundred and sixty-seven of "The Licensing Act, 1881," shall, during the currency of such prohibition order, purchase or procure any fermented or spirituous liquor from any licensed person within any district in which such prohibition order is in force. Any person committing a breach of this section shall be liable on conviction to a penalty not exceeding *ten* pounds, or in default thereof to be imprisoned with hard labour for a term not exceeding *three* months. Prohibited persons.

As to Increase of Licenses.

55 ~~13~~ 14. From and at any time after the commencement of this Act, except as provided in section *five*, there shall not be granted any increase in the number of licenses in any district until after the taking of the then next census. No increase of licenses to be allowed until after census taken, and then only on certain conditions.

If the results of any such census prove that the population of any district has increased by twenty-five per centum of the whole population thereof as existing at the previous census, then a proposal as to whether there shall be an increase of licenses granted or not shall be submitted to the electors for their determination; and section *sixteen* shall, *mutatis mutandis*, apply generally to the mode of taking the said poll, excepting that the voting-papers for such poll shall be in the form in the *Second* Schedule to this Act. 5

And if such proposal is carried by a majority of three-fifths in number of the total votes recorded at the poll, and such number of total votes recorded be not less than one-half of the total number of electors on the roll of the district, then, and in such case only, the Committee may grant additional licenses in such district at a rate not exceeding one license for every seven hundred people of such increase in the district. 15

As to Renewals of Licenses.

New licenses to be granted subject to vote of electors.

14 15. From and after the passing of this Act no publican's, accommodation, or bottle license now in force shall be renewed until the electors of the district shall have previously determined, in manner hereinafter provided,— 20

- (1.) Whether the present number of licenses is to continue;
- (2.) Whether the number of any such licenses is to be reduced;
- (3.) Whether any licenses are to be granted.

Returning Officer to appoint day for taking poll.

15 16. The Returning Officer of every licensing district shall appoint some one day within ~~the first ten days of~~ the month of March, one thousand eight hundred and ninety-four, and thereafter within ~~the same time in~~ the month of March in every third year, for the taking in all licensing districts throughout the colony of the poll to be taken under the provisions of this Act; and the Returning Officer in each licensing district shall give not less than fourteen days' notice of the day so appointed. 25 30

At such poll the questions set forth in section *fourteen* of this Act shall be submitted in the form set forth in the *Third* Schedule to this Act.

Taking of poll.

16 17. The poll shall be taken as follows:— 35

- (1.) The Returning Officer shall appoint such *person or persons* as he thinks fit to be his *deputy or deputies* to assist him at the taking of any poll as hereinafter provided.
- (2.) The Returning Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by any law for the time being in force regulating the election of members of the House of Representatives, for taking a poll at any election, and shall provide voting-papers and all things necessary for taking the poll. 40
- (3.) The voting-papers shall be printed in the form in the *Third* Schedule, setting forth the proposals mentioned in section *fourteen*, with respect to each particular kind of license which is to be put to the vote. 45
- (4.) The voter shall erase two of the said lines in each case, and his vote shall be deemed to be given in respect of each proposal according to the one of the said lines which he leaves un erased. 50

If the voter fails to erase two of the said lines as aforesaid, the ballot-paper shall be void.

- (5.) Each elector shall have only one vote, and the polling-booths in each district shall be the same as if it were an election under any such law as aforesaid. 55

All the provisions of that Act as regards taking a poll, and the penalties incurred in any respect in connection therewith, shall, *mutatis mutandis*, so far as they are applicable, and except as by this Act is otherwise provided, apply to the taking of any poll under this Act.

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17 18. As soon as conveniently may be after the result of the poll has been ascertained, the Returning Officer shall give public notice of the number of votes recorded for and against the several proposals as above provided, and shall declare the resolutions to be carried or re-
10 jected, as the case may be, and the determination or determinations shall be binding on the Licensing Committee.

Declaration of result of poll.

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(1.) If, on counting the votes, the Returning Officer finds that an absolute majority of the votes recorded are given in favour of the proposal that the number of licenses in the district shall continue as they exist, then such proposal shall be deemed to be carried, and the Returning Officer shall notify the Licensing Committee thereof, and the number of licenses shall continue as they are, *subject to the power of refusing to renew any licenses under the provisions of subsection six of section twelve.*

When proposal deemed to be carried.

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(2.) If, on counting the votes, the Returning Officer finds that an absolute majority of the votes recorded are given in favour of the proposal that the number of licenses in the district shall be reduced, then such proposal shall be deemed to be carried, and the Returning Officer shall notify the Licensing Committee thereof, and the number of licenses shall be reduced accordingly.

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(3.) If, on counting the votes, the Returning Office finds that a majority of three-fifths of the votes recorded are given in favour of the proposal that no licenses shall be granted in the district, then such proposal shall be deemed to be carried, and the Returning Officer shall notify the Licensing Committee thereof; and thereafter, except as provided in section *five*, no licenses shall be granted in the district until after another poll of electors has been taken therein.

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(4.) If, on counting the votes, the Returning Officer finds that the number of votes recorded in favour of the proposal that no licenses be granted in the district does not amount to three-fifths of the total number of votes recorded at the poll, but yet that the votes given in favour of such proposal added to the number of votes given at the same poll in favour of the proposal that the number of licenses in the district shall be reduced, amount together to an absolute majority of the total number of votes recorded at the poll, then and in such case the proposal that the number of licenses in the district be reduced shall be deemed to be carried, and the Returning Officer shall notify the Licensing Committee thereof, and the number of licenses shall be reduced accordingly; but subject, in either of the above cases, as follows:—

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If the Returning Officer on counting the votes finds that the total number of votes recorded at the poll does not amount to one-half of the total number of electors on the roll, he shall declare the poll to be void, and the number of licenses in the district shall

continue as they were before such poll was taken until the taking of the next triennial poll, subject, however, to the provisions contained in subsection *six* of section *twelve* of this Act.

Taking of poll with respect to publicans' licenses.

18 19. In the case of a determination at a poll that no publicans' licenses shall be granted, then at the time for the next ensuing triennial poll a proposal as to whether there shall be any publicans' licenses granted or not shall be submitted to the electors for their determination; and section *sixteen* shall, *mutatis mutandis*, apply generally to the mode of taking the said poll, excepting that the voting-papers for such poll shall be according to the form in the *Fourth* Schedule to this Act. 5 10

And if such proposal be carried by a majority of three-fifths of the number of the votes recorded at the poll, then the Committee shall, at the next annual meeting, grant publicans' licenses in such district at a rate not exceeding one license to every seven hundred of the population of such district so far as such number can be ascertained from the last preceding census. 15

Provided that if the Returning Officer on counting the votes finds that the total number of votes recorded at the poll does not amount to one-half of the total number of electors on the roll, he shall declare the poll to be void, and no licenses shall be granted in the district. 20

As to Reductions in Number of Licenses.

Determination of electors to be carried out.

19 20. In the case of any determination at a poll taken under section *fourteen* being that the number of licenses is to be reduced, then the number of publicans' licenses, and of accommodation, or bottle licenses, shall be reduced by such a number, not exceeding one-fourth of the total number of the licenses of the same kind in the district, as the Licensing Committee shall think desirable, subject as follows, that is to say,— 25 30

In the case of publicans' licenses, those licenses which after the passing of this Act have been indorsed for breaches of the law in respect of selling liquors to children or to drunken persons, or of selling liquors on Sundays shall be the first to be reduced, and next those held in respect of premises which comprise little or no accommodation for travellers and lodgers beyond the bar. 35

Provided that in making any reduction of licenses the Committee shall make such reductions to extend over the whole district in such manner as they shall think equitable, having regard to the convenience of the public and the particular requirements of the several localities within such district. 40

Poll in new districts.

20 21. Where a district constituted under this Act or the principal Act has been abolished or altered, and has been constituted or divided into new districts, the poll in force *in such first-mentioned district* at the time of such abolition or alteration shall continue and remain in force in such new districts until the period arrives for taking the next triennial poll, and shall have the same force and effect as if such poll had been taken in such new districts. 45

Convictions to be indorsed on license.

21 22. Whenever a licensee is convicted of an offence under sections one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, and or one hundred and 50

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sixty-six of "The Licensing Act, 1881," which is indorsed on his license, such licensee shall be liable to the provisions of sections two hundred and five and two hundred and six of the principal Act, and such conviction or convictions shall be indorsed on any license afterwards issued to any licensee in respect of the same premises, and irrespective of any change or transfer of the license; and on a third indorsement within three years such licensed premises shall be absolutely closed, unless the Committee shall otherwise determine: *Provided that any licensed premises having run two consecutive years without indorsement shall be free of all prior indorsements.*

Notwithstanding anything in this or any other Act contained, no license whatever shall be issued to any applicant in respect of the premises in question for the space of five years from the date of the ~~third indorsement~~ closing of such premises.

22 23. Every license granted or renewed by any Licensing Committee in opposition to the determination of the electors of any district, unless as provided for by section five of this Act, shall be absolutely void and of no effect, and the holder of any such license shall be deemed to be an unlicensed person, and subject, notwithstanding such license, to all the penalties of the Licensing Acts provided in the case of unlicensed persons selling liquors.

Granting of licenses in opposition to determination of electors declared void.

Every member of a Licensing Committee who sanctions by his vote or otherwise the granting or renewal of any such license as last aforesaid in any district shall be liable to a penalty not exceeding fifty pounds in respect of every license so granted or renewed, and the said penalties may be recovered in a summary way by any elector of such district who may sue for the same.

Struck out.

23. It is hereby declared and enacted that, notwithstanding anything contained in any Act other than this Act, every local authority which loses any revenue from the diminution of licenses granted in the district under their jurisdiction by the result of any poll of electors taken under this Act shall be authorised to make up such deficiency in the revenue by a proportionate augmentation in the general rates to be levied by the said local authority in the said district, and may levy such additional rates notwithstanding that the maximum amount of general rates authorised by law to be levied in the district of such local authority may thereby be exceeded.

Local authorities may supplement loss of revenue from license fees by increase of general rates.

24. In the event of the house, with the appurtenances, formerly used as the licensed premises, being subject to a lease, or of a tenancy having more than three months unexpired at the date when such premises are closed as a result of a poll of the electors of the district, the lessee or tenant may, within one month after such closure, by notice in writing served on, or sent by registered letter through the General Post Office addressed to, his lessor or landlord, intimate his desire to determine the lease or tenancy of the premises; and if possession thereof be delivered up or vacated at the expiration of two months from the date of such closure, and if all rent and other outgoings in respect thereof be paid up to the date of the delivery or vacation, then the lease or tenancy shall be deemed to be determined as by effluxion of time.

If licensed premises closed by electors, licensee acquitted of his lease.

25. Every intermediate transferee of a lease which shall be determined, as mentioned in the last-preceding section, may within one month of such determination, by notice in writing delivered to or sent by registered letter through the General Post Office, ad-

Determination of transfer of immediate license, how notified.

dressed to his predecessor in title, intimate his desire to determine his leasehold estate or interest therein ; and if within one month after the service or posting of such notice such transferee shall tender a transfer and surrender thereof, and shall pay all rent due or accruing due and other outgoings apportioned up to the date of such tender, then the liability of such transferee shall cease, as if the leasehold estate or interest had been determined by effluxion of time. The provisions of this section shall apply to and enure for the benefit of all existing lessees or lessors holding title under the original landlord of such premises. 5 10

Clubs to be subject to Licensing Acts.

Clubs to be subject to all provisions of Licensing Act.

26. (1.) Every club to which a charter has been or may hereafter be granted by the Colonial Secretary under section two hundred and twenty-nine of the principal Act shall, from and after the commencement of this Act, be subject to inspection by the police and by any Inspector of licensed premises, and also to the provisions of subsections (one), (three), and (four) of section eighty-one, and of sections one hundred and forty-eight, one hundred and forty-nine, one hundred and eighty-four, and one hundred and eighty-five of the principal Act, and to all provisions thereof relating to the several matters in this section hereinbefore mentioned, in the same manner as if such club were a licensed house, and as if the aforesaid charter were a publican's license under the licensing Acts, and in the event of any proceedings being taken the secretary or other officer of such club shall be deemed to be the holder of such license ; and should a conviction be recorded, the Clerk of the Court in which the case is heard shall transmit to the Colonial Secretary a copy of such conviction. 15 20 25

(2.) No new charter shall be issued to any club by the Colonial Secretary except upon the application of not less than fifty persons and the recommendation of the Licensing Committee of the district wherein such club is situate. 30

(3.) Every charter of a club shall be subject to any determination of the electors at a poll of such district as to no licenses being granted in the district. 35

(4.) Subsection (f) of the aforesaid section two hundred and twenty-nine shall henceforth be read as if the word " June " had been enacted therein instead of the word " January."

Clause 27 transposed to stand after clause 12.

New clauses.

If licensed premises closed lessor may determine lease.

24. Where as a result of a poll of the electors of a district, for a reduction in the number of licenses in the district, any licensed premises are closed by reason of the license of the licensee of the said premises having been indorsed for breaches of the law, the lessor of such premises may, within fourteen days after such closing, give written notice to the lessee of his desire to terminate the lease, and the same shall, on the expiration of fourteen days from the giving of such notice, be deemed to be determined as by effluxion of time. 40 45

If licensed premises closed rent may be fixed by arbitration.

25. In the event of the licensed premises which a lessee is bound under his lease to keep as licensed premises being closed as a result of a poll of the electors of the district, or being closed by a Licensing Committee for a cause not arising from any act or default of the lessee, the following provisions shall apply :— 50

(a.) The lessee may, within fourteen days after such closing, give notice in writing to the lessor that he, the lessee, desires to have the rent in respect of the premises fixed by arbitration.

(b.) On receipt of such notice the rent shall within one month thereafter be fixed under "The Arbitration Act, 1890," by two arbitrators or their umpire, in manner thereby provided, and each party shall take all necessary steps under such Act for the purpose aforesaid; and such rent so fixed shall, from the date of closing the licensed premises, be the rent thenceforth payable under the said lease in lieu of the rent thereby reserved.

(c.) If any doubt or difficulty shall arise in or about the matters aforesaid, the same may be decided by a Judge of the Supreme Court on a summary application made by either party, and such Judge may also decide that any informality or irregularity prior to the fixing of such rent shall not affect the award.

26. The word "lessee" in the *two last-preceding* sections shall include an assignee of a lease, and the word "lessor" shall include the person for the time being entitled to the rents of the demised premises.

Interpretation of terms in sections 24 and 25.

Repeals.

27. The following sections and subsections of sections of the Licensing Acts are hereby repealed, that is to say:—

Repeals.

(1.) Sections five, six, seven, eight, eleven, thirteen, subsection five of section twenty-eight, sections thirty-seven, forty-five to fifty-one *inclusive*, section fifty-four, subsection five of section eighty-one, and the Second and Fourth Schedules of "The Licensing Act, 1881"; also all the words of section fifty-six of that Act in the last paragraph thereof, beginning with the words "Every application for a publican's"; and all the words of section one hundred and fifty-four thereof after the first subsection (b) and before the words "All such premises"; and all the words of section two hundred and twenty-nine before the first subsection (a) thereof.

(2.) Sections two, three, five, nine, twelve, thirteen and fifteen of "The Licensing Act Amendment Act, 1882";

(3.) Sections two, three, four, and six of "The Triennial Licensing Committees Act, 1889"; and

(4.) Sections two, three, and six of "The Licensing Act 1881 Amendment Act, 1889."

New Paragraph.

Notwithstanding such repeal, every licensing district existing at the time of the commencement of this Act, and the Licensing Committee of every such district shall continue in force and in office respectively, subject in all things to the provisions of this Act, until the coming into office of the first Licensing Committee elected under this Act.

Proviso.

Schedule.

SCHEDULES.

FIRST SCHEDULE.

MAGISTRATE'S CERTIFICATE.

I, the undersigned, Resident Magistrate do hereby certify that A.B. is a person of good fame and reputation, and fit and proper to have granted to him a publican's [or New Zealand wine, or an accommodation, or bottle] license.

Witness my hand this day of , one thousand eight hundred and

C.D.

Resident Magistrate.

SECOND SCHEDULE.

FORM OF VOTING-PAPER.

As to Increase of Licenses on Increase of Population.

I vote that the number of licenses in the district be increased.

I vote that the number of licenses in the district be not increased.

THIRD SCHEDULE.

FORM OF GENERAL VOTING-PAPER.

In respect of Publicans' Licenses.

I vote that the number of publicans' licenses continue as at present.

I vote that the number of publicans' licenses be reduced.

I vote that no publicans' licenses be granted.

In respect of Accommodation Licenses.

I vote that the number of accommodation licenses continue as at present.

I vote that the number of accommodation licenses be reduced.

I vote that no accommodation licenses be granted.

In respect of Bottle Licenses.

I vote that the number of bottle licenses continue as at present.

I vote that the number of bottle licenses be reduced.

I vote that no bottle licenses be granted.

Directions.

In each of the foregoing cases the voter is to strike out the proposal for which he does not vote by drawing a line through the same with a pencil.

He must be careful not to leave uncanceled more than one proposal in each case; otherwise the vote in such case will be void in respect of that particular proposal.

The ballot-paper so marked by or for the voter is to be dropped by him into the ballot-box.

The voter is not allowed to take his ballot-paper out of the polling-booth.

FOURTH SCHEDULE.

In respect of Publicans' Licenses.

I vote that publicans' licenses be granted.

I vote that no publicans' licenses be granted.

Directions.

In each of the foregoing cases the voter is to strike out the proposal for which he does not vote by drawing a line through the same with a pencil.

He must be careful not to leave uncanceled more than one proposal in each case; otherwise the vote in such case will be void in respect of that particular proposal.

The ballot-paper so marked by or for the voter is to be dropped by him into the ballot-box.

The voter is not allowed to take his ballot-paper out of the polling-booth.