

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE, 22ND SEPTEMBER, 1904.]

[RECOMMENDED FOR THE CONSIDERATION OF CERTAIN AMENDMENTS, CLAUSES EIGHT AND ELEVEN FURTHER AMENDED AND PROGRESS REPORTED, 23RD SEPTEMBER, 1904.]

Rt. Hon. R. J. Seddon.

LICENSING ACTS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

Title.

AN ACT to amend the Licensing Acts.

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

Short Title.

1. The Short Title of this Act is "The Licensing Acts Amendment Act, 1904"; and it shall form part of and be read together with the Licensing Acts as defined by "The Alcoholic Liquors Sale Control Act Amendment Act, 1895."

Interpretation.

2. In this Act, if not inconsistent with the context,—

"Amendment Act of 1893" means "The Alcoholic Liquors Sale Control Act, 1893"; and "Amendment Act of 1895" means "The Alcoholic Liquors Sale Control Act Amendment Act, 1895":

"Elector" means a person entitled to vote at a parliamentary general election in a district:

"Electoral Act" means "The Electoral Act, 1902":

"Electoral poll" means the poll taken under "The Electoral Act, 1902," for the purposes of a parliamentary general election:

"Licensing Acts" includes this Act:

"Principal Act" means "The Licensing Act, 1881."

Struck out.

Question whether licenses to be granted to be submitted to vote.

3. (1.) At the licensing poll to be taken next after the passing of this Act, and at every subsequent licensing poll, there shall be committed for the determination of the electors the following questions:—

(a.) Whether licenses shall be granted in the district.

(b.) Whether no licenses shall be granted in the district.

(2.) Such questions shall be submitted to the electors in the manner prescribed by the Amendment Act of 1895, as amended by this Act.

(3.) The Minister shall provide the Returning Officer of each licensing district with a sufficient quantity of uniform voting-papers in the form numbered (1) in the *First* Schedule hereto, of any colour other than white, in perforated books.

(4.) Such voting-papers shall be numbered consecutively, commencing with the number one in each district, according to the approximate number of electors in the district.

(5.) The voter shall strike out on his voting-paper such one of the proposals as he thinks fit, and his vote shall be deemed to be given in favour of the proposal that he does not strike out.

(6.) If the voter strikes out both proposals, or fails to strike out either of them, the voting-paper shall be void, and he shall not be deemed to be a voter who has recorded his vote:

Provided that a voting-paper shall not be rejected as informal merely on the ground of the imperfection of the mark of the voter if he has made it obvious how he intended to vote.

Counting the votes.

4. At the close of the poll the Returning Officer shall count the voting-papers, and, after rejecting all void and informal votes, shall ascertain and determine the result of the licensing poll in the manner provided by this Act.

5. The form in the Third Schedule to the Amendment Act of 1895 of declaration of the result of the licensing poll is hereby repealed, and the form numbered (2) in the *First* Schedule hereto substituted in lieu thereof.

Form of declaration of poll.

6. (1.) Where, on the taking of any such licensing poll in a district where licenses then exist, the number of valid votes recorded in favour of no licenses being granted in the district is not less than three-fifths of all the valid votes recorded, the proposal that no licenses shall be granted in the district shall be deemed to be carried, but not otherwise.

Effect of a poll in a district where licenses exist.

(2.) If such proposal is carried, it shall not be necessary to elect a Licensing Committee for that district, and it shall not be lawful to grant or renew any publicans' license, New Zealand wine license, accommodation license, bottle license, packet license, wholesale license, conditional license, or charter for any club therein until after another poll has been taken.

(3.) If such proposal is not carried, the number of licenses existing at the date of the poll shall continue, subject to the power of refusing to renew licenses objected to on any of the grounds mentioned in subsections one to four of section eighty-one of the principal Act, and to the provisions of the Licensing Acts relating to forfeiture or increase of licenses.

7. (1.) Where, on the taking of any such licensing poll in a district where no licenses then exist, the number of valid votes recorded in favour of licenses being granted in the district is not less than three-fifths of all the valid votes recorded, the proposal that licenses shall be granted in the district shall be deemed carried, but not otherwise.

Effect of poll in a district where no licenses exist.

(2.) If such proposal is carried, a Licensing Committee shall be elected and licenses shall be granted in the manner and at the time prescribed by the Licensing Acts.

(3.) If such proposal is not carried, it shall not be necessary to elect a Licensing Committee for that district, and it shall not be lawful to grant or renew licenses therein until after another poll has been taken.

8. The result of every *valid* licensing poll (whether ~~now in force~~ or taken under this Act taken before or after the passing of this Act) shall have effect until superseded at a subsequent valid licensing poll.

Result of poll to have effect.

New clause.

8A. In any district where no licenses exist as the result of any licensing poll it shall not be lawful, so long as such result is in force, to grant or renew therein any publican's license, New Zealand wine license, accommodation license, bottle license, packet license, wholesale license, conditional license, or charter of any club.

Licenses not to be granted in no license district.

Struck out.

9. (1.) On the taking of the licensing poll next after the passing of this Act, and simultaneously therewith, a poll shall also be taken in each licensing district to determine the question—

Poll as to whether, in case "no license" is carried, liquor shall be allowed in the district.

Whether or not, in the event of "no license" being carried in the district, liquor shall or shall not (except for religious, medicinal, scientific, or manufacturing purposes)

be allowed in the district or in the possession of any person in the district, and whether or not the provisions of the *next succeeding* section shall be adopted in the district.

(2.) The voting-papers on such question shall be in the form numbered (1) in the *Second* Schedule hereto, and shall be different in colour to the voting-paper for the licensing poll and to the ballot-paper for the electoral poll. 5

(3.) The proposal that, in the event of "no license" being carried in the district, the provisions of the *next succeeding* section shall be adopted in the district shall be deemed to be carried if not less than three-fifths of all the valid votes recorded in the district at that poll were recorded in favour of such proposal, but not otherwise. 10

(4.) Notice of the result of the poll shall be given in the form numbered (2) in the *Second* Schedule hereto. 15

(5.) Except as provided in this section, all the provisions of the Licensing Acts relating to licensing polls shall, *mutatis mutandis*, apply to the poll taken under this section.

(6.) The provisions of the next succeeding section shall apply only in districts wherein it has been adopted as the result of a poll taken under this section, and for so long only as such result has effect. 20

Adoptive provisions
as to effect of
no-license vote.

10. (1.) Where the electors of any district have duly determined, in manner prescribed by this Act, that no licenses be granted therein, and so long as pursuant to such determination no licenses are in force therein, it shall not be lawful, except as hereinafter provided, for any person in that district to have any liquor in his possession after one month from the date when such determination comes into force. 25

(2.) Every person in whose possession any liquor is found contrary to this section is liable to a fine not exceeding *twenty* pounds; and all liquor so found, together with the receptacles wherein the same is contained, shall be forfeited; and the Minister may direct either that the liquor so forfeited shall be handed over to the Hospital Board or to the Trustees of the hospital in the district where the liquor was found, for the use and benefit of the patients, or that the same be sold and the proceeds paid to the said Hospital Board or Trustees. 30 35

(3.) Nothing herein shall prevent any person having in his possession any wine for religious purposes, or any liquor for any medicinal, scientific, or manufacturing purposes: Provided that the sale and storage of any such wine or other liquor shall be subject to such conditions as the Governor by regulations thinks fit to impose. 40

Effect of "No License."

Effect of
"no license."

11. (1.) From and after the date when "no license" comes into force in any district ~~in which it has not been decided that no liquor may go into the said district,~~ and so long as "no license" continues in force therein, the following provisions shall apply throughout that district:— 45

Struck out.

(a.) It shall not be lawful for any person to solicit ~~or receive~~ any order for ~~or supply or deliver or send~~ any liquor except as hereinafter provided.

5

New paragraphs.

(a.) Every person who gives any order (whether verbal or in writing) for any liquor intended to be sent or taken into the district shall notify the person to whom the order is given that the liquor is intended to be so sent or taken, and shall give to such last-mentioned person a statement in writing of his name and address and (where the order is given on account of any other person) the name and address of such other person.

(b.) Every person who sells any liquor in compliance with any such order shall, if so notified as aforesaid, or if aware that the liquor ordered is to be sent into a no-license district, furnish to some Clerk of a Magistrate's Court to be appointed by the Minister a statement in writing of the nature and quantity of the liquor so sent, and of the name and address of the person ordering the same, and of the person to whom it is sent; and all such statements shall be filed by the Clerk.

(c.) Every brewer, wine or spirit merchant, or other vendor of liquor shall keep a book in which he shall enter all orders received by him for the delivery of liquor in a no-license district, the nature and quantity of all liquor so delivered by him in compliance with any such order, and the address of the person ordering the same and of the person to whom the liquor is to be delivered.

(d.) All statements filed as aforesaid, and every such book as aforesaid, shall be open to inspection by any Magistrate, Inspector of Licensed Premises, or by any person appointed in that behalf by any Court before which proceedings under this section or under section thirty-three of the Amendment Act of 1895 have been taken, but save as aforesaid shall not be open to inspection by any person.

(e.) Every person who—

(i.) Being a resident in a no-license district, obtains, or who, acting on behalf of any such resident, obtains or orders liquor to be delivered to him in the no-license district, or to any such resident, without notifying the vendor or the vendor's agent that he is such a resident as aforesaid, or that the liquor is to be delivered to such a resident as aforesaid; or

(ii.) Sells any liquor to, or for delivery to, any such resident as aforesaid without making an entry of the sale in the book aforesaid, or without furnishing a statement to the Clerk of the Magistrate's Court as aforesaid; or

45

(iii.) Knowing that any liquor is being supplied in breach of this section, delivers such liquor to any resident as aforesaid—

is liable to a penalty for the first offence not exceeding *twenty* pounds, and for the second or subsequent offence to a penalty not exceeding *fifty* pounds, or if he be a licensee to a penalty not exceeding *fifty* pounds for a first offence and *one hundred* pounds for a second offence, and for a third or subsequent offence to a fine not exceeding *two hundred* pounds or his license may be cancelled. 5

(f.) Nothing in subparagraph (i) of the *last preceding* paragraph shall prevent any resident in a no-license district, when outside the no-license district, from obtaining for his own personal use, with right to take the same into the district if he chooses, liquor not exceeding one quart of spirits or wine or one gallon of beer in any one day, and it shall not be necessary for the vendor to enter or to notify such sale to the Clerk of the Court. 10

(g.) If the Clerk to the Magistrate's Court or any other person discloses any information supplied in any statement filed under paragraph (b) hereof, he shall, unless such disclosure be made in good faith for the purpose of detecting and punishing offenders, be liable to a fine not exceeding *twenty* pounds. 15

(h.) The foregoing provisions of this section are supplementary to and not in abrogation of those of section thirty-three of the Amendment Act of 1895. 20

(i.) The said section thirty-three is hereby amended by repealing the words "Inspector appointed under the Licensing Acts" in paragraph (d), and substituting in lieu the word "constable." 25

Provided that nothing herein contained shall prevent any duly registered pharmaceutical chemist within any electorate in which no-license exists from dispensing alcoholic liquors in medicinal quantities for medicinal purposes upon a prescription signed by a duly registered medical practitioner. 30

Struck out.

(b.) All liquor supplied or delivered or sent within the district shall be consigned to an officer of Customs or other officer appointed for the purpose by the Commissioner of Customs. 40

(c.) Liquor may be supplied through such officer to any person requiring the same for consumption only, but not for sale.

(d.) Such liquor shall be supplied only in bottles or other receptacles duly closed and sealed in such manner that the liquor cannot be extracted therefrom without break- 45

ing the seal; and every such bottle or other receptacle shall have thereon a label setting forth the kind, quantity and quality, and price of the liquor contained therein.

5 (e.) Such officer shall not deliver any liquor to any person unless he is satisfied that it is *bona fide* required for consumption, and not for sale.

10 (f.) Every person who supplies, delivers, or sends any liquor, except as provided in this section, is liable to a fine not exceeding *fifty* pounds and not less than *twenty-five* pounds, or to imprisonment with or without hard labour for any term not exceeding *three* months and not less than *one* month.

15 (2.) This section is in substitution for section thirty-three of the Amendment Act of 1895, which section is hereby accordingly repealed. Repeal.

Change of Boundaries of Districts.

12. Whenever by reason of changes in electoral districts the whole or any part of the area of a licensing district (hereinafter called an "original district") becomes comprised within the boundaries of another licensing district (hereinafter called a "new district") the following provisions shall apply:—

Provision when changes made in electoral districts.

25 (a.) Until the Committee of the new district is duly constituted, the Committee of the original district shall continue to have jurisdiction throughout the whole of the *original* area thereof in like manner as if such district existed unchanged.

30 (b.) Until the first valid licensing poll in the new district comes into force therein the result of the licensing poll in force in the original district immediately prior to the change shall continue in force throughout the whole of the area thereof in like manner as if such district existed unchanged.

13. (1.) For the purposes of the first licensing poll in every such new district, the following provisions shall apply:—

How first licensing poll to be taken in new districts.

35 (a.) If the grant of licenses is prohibited throughout any area of the district containing more than half the population of the district, the ~~result of the poll shall be determined~~ taken under section ~~seven~~ *hereof* *twelve* of the Amendment Act of 1895, as if no licenses existed in the district:

40 Provided that if the result of such poll is that no licenses be ~~granted~~ *not restored* in the district, then, notwithstanding such result, every license of any description existing at the time of the taking of the poll shall, subject to the provisions of this Act relating to forfeiture for breaches of the law, continue in force until the expiration of the current term of such license *and shall then*

45 *lapse.*

(b.) In any other case the ~~result of the~~ poll shall be determined taken under sections ~~six hereof~~ three to nine of the Amendment Act of 1895, as if the grant of licenses were not prohibited in any part of the district.

(2.) For the purposes of this section the Governor shall, by notice in the *Gazette*, published not less than fourteen days before the day for taking the licensing poll, specify with respect to each such licensing district the section or sections under which the ~~result of the~~ poll shall be determined taken in that district, and the ~~result poll~~ shall be determined taken accordingly.

Disputed Polls.

Account of votes.

14. (1.) If the result of any licensing poll is disputed, on the ground that the count of the Returning Officer was incorrect,—

(a.) Any six electors may, within ~~three~~ seven days after public notice of such result, apply in writing to a Magistrate for a recount of the votes; and in case there is a doubt as to the application reaching the Magistrate within such seven days, the same may be telegraphed to such Magistrate:

(b.) Every such application shall be accompanied by a deposit of ten pounds:

(c.) The Magistrate shall, as soon as practicable after receiving the application and deposit as aforesaid, cause a recount of the votes to be made, and shall give at least two days' public notice of the time and place at which such recount will be made:

(d.) The recount shall be made in the presence of the Magistrate, or of an officer appointed by him for the purpose, and shall, as far as practicable, be made in the manner provided in the case of the original count, and the provisions of the Electoral Act relating to the secrecy of the ballot shall apply to such recount:

(e.) If on the recount the Magistrate finds that the result of the poll as determined by the Returning Officer was incorrect, he shall order the Returning Officer to give an amended public notice of the result of the poll as disclosed by such recount:

(f.) Where the Magistrate is of opinion that the application was made on insufficient or frivolous grounds, he may order that the expenses of and incidental to the recount or any part thereof be defrayed out of the deposit made under this section:

(g.) Subject to any such order, the Magistrate shall direct that the deposit be returned to the person who made the same:

(h.) Subject to any such order, the expenses of and incidental to the inquiry shall be deemed to form part of the expenses of the licensing poll, and shall be payable accordingly.

Petition for inquiry.

15. (1.) Where any fifty electors are dissatisfied with the result of any licensing poll, they may, within fourteen days after the declaration of the result of the poll, by petition filed in the Court as hereinafter mentioned, demand an inquiry as to the conduct of the poll, or of any person thereat.

(2.) Every such petition shall be accompanied by a deposit of twenty pounds, which sum shall be forfeited to the Crown if, in the opinion of the Court after the determination has taken place, the grounds of such petition be not sustained.

Constitution of Court.

5 (3.) Such petition shall be in the form in the *Third* Schedule hereto, or to the like effect, and shall be filed in the Magistrate's Court nearest to the principal polling-place at the poll to be inquired into, and shall be heard and determined before the Magistrate usually exercising jurisdiction at that Court, together with two Magistrates
10 usually exercising jurisdiction at the Magistrates' Courthouse nearest to such Court, and the determination of a majority of such Magistrates (hereinafter referred to as "the Court") shall be sufficient :

15 Provided that where from any cause any such Magistrate is unable to act, the other two Magistrates shall select some other Magistrate to act in his stead.

(4.) Where any question arises as to which Magistrates are to constitute any Court, the same shall be decided by the Governor by notice in the *Gazette*.

20 (5.) The petition shall allege the specific grounds on which the complaint is founded, and no other grounds than those stated shall be investigated *except by leave of the Court and upon reasonable notice being given, which leave may be given upon such terms and conditions as the Court may deem just :*

Specified grounds only to be investigated.

25 Provided that evidence may be given to prove that ~~the~~ any proposal other than that declared to be carried was rejected and not carried.

New clause.

30 15A. At any inquiry under section *fifteen* hereof evidence may be given to prove that the proposal other than that declared to be carried was carried and not rejected.

Additional recriminatory evidence.

35 16. Any six electors may at any time not later than three clear days before the commencement of the inquiry file in the Magistrate's Court in which the petition is filed a notice in writing of their intention to oppose the petition, and thereupon the electors giving
such notice shall be deemed to be respondents to the petition.

Who may be respondents.

40 17. (1.) The inquiry shall be commenced within fourteen days after the filing of the petition, and not less than seven days' public notice shall be given of the time and place at which the inquiry will be held.

Time for holding inquiry.

(2.) The Magistrate usually exercising jurisdiction at the Magistrate's Court in which the petition is filed, or in his absence such other member of the Court as the Minister directs, shall be Chairman of the Court.

45 18. (1.) For the purpose of the inquiry the Court shall have and may exercise all the powers of citing parties, compelling evidence, and maintaining order that Magistrates have in their ordinary jurisdiction; and, in addition, may at any time during the inquiry direct a recount or scrutiny of the votes given at the poll, and shall disallow the vote of every person who—

Powers of Court.

- 50 (a.) Has voted, not being entitled to vote; or
(b.) Has given more votes than he was entitled to give.

Result of inquiry.

(2.) The Court shall determine whether, by reason of some irregularity that in its opinion ~~tended~~ materially ~~to affect~~ affected the result of the poll, the poll is void; or whether any and what proposal was duly carried; and such determination shall be final, and shall not be removed or questioned by certiorari or other process. 5

Persons committing irregularities to be named in report.

19. (1.) On such inquiry the Chairman of the Court shall report in writing to the Minister the names of all persons found to have been guilty of any irregularity at or in connection with the poll, and shall state in such report whether or not in the opinion of the Court any such irregularity tended to defeat the fairness of the poll, and whether or not such irregularity tended materially to affect the result thereof. 10

And liable to fine.

(2.) Every person so named shall be liable,—

(a.) Where the irregularity tended in the opinion of the Court materially to affect the result of the poll, to a fine not exceeding one hundred pounds; or 15

(b.) Where such irregularity did not in the opinion of the Court tend materially to affect the result, but tended to defeat the fairness of the poll, to a fine not exceeding twenty pounds; or 20

(c.) Where such irregularity did not in the opinion of the Court tend either materially to affect the result or to defeat the fairness of the poll, to a fine not exceeding five pounds.

Irregularities at licensing polls.

20. Every person shall be deemed to be guilty of an irregularity within the meaning of the *last preceding* section who— 25

(a.) In any way interferes with any elector, either in the polling-booth or while on his way thereto, with the intention of influencing him or advising him as to his vote; or

(b.) Prints or distributes or delivers to any person on the day of the poll, or at any time during the three days immediately preceding the poll, anything being or purporting to be in imitation of any voting-paper to be used at the poll, or having thereon the issue to be decided at the poll, together with any direction or indication as to how any person should vote, or in any way containing any such direction or indication; or 35

(c.) During the hours in which the poll is being taken makes any public demonstration having reference to the poll by means of living figures, effigies, paintings, placards, or other like means; or 40

(d.) Obtains possession of or has in his possession any voting-paper other than the one given him by the Returning Officer for the purpose of recording his vote, or retains any voting-paper in his possession after leaving the polling-booth; or 45

(e.) Does or omits to do any act that if done or omitted to be done at an electoral poll would be an offence under either Part II. or Part III. or sections one hundred and eighty-two, one hundred and eighty-three, and one hundred and eighty-four of Part V. of the Electoral Act, 50

21. (1.) The Court may order that the expenses of and incidental to the inquiry shall be borne either by the parties petitioning or by the parties petitioned against; or, where it declares the poll void on the ground or partly on the ground of any negligence or misfeasance of any Returning Officer or other person acting officially at the election or poll, may order that such expenses or any part thereof shall be borne by that Returning Officer or other person: *and such order shall have the same effect and may be enforced in like manner as if it were a judgment for a sum of money obtained in the Magistrate's Court holden at the Courthouse in which the petition is filed under "The Magistrate's Court Act, 1893."*

Costs of inquiry.

Provided that no such order shall be made against any person who has not been cited as a party or summoned to attend and give evidence at the inquiry.

(2.) Subject to any such order, and the provisions of subsection two of section fifteen hereof, the Court shall direct that the deposit be returned to the person who paid the same.

(3.) Subject to any such order, the expenses of and incidental to the inquiry shall be deemed to form part of the expenses of the licensing poll, and shall be payable accordingly.

22. (1.) Where any licensing poll is declared void under section ~~seventeen~~ *eighteen* hereof, notice thereof shall be given by the Chairman of the Court to the Returning Officer, and a fresh poll shall, on a day to be fixed by the Returning Officer, being not later than forty days after the date of such notice, be taken in the manner prescribed by the Licensing Acts in the case of a licensing poll in a district in which no electoral poll is taken:

Fresh poll.

Provided that no such fresh poll shall be valid unless the number of valid votes recorded thereat is not less than ~~one-half~~ *fifty-five per centum* of the number of valid votes recorded at the voided poll, and the provisions of subsection three of section four of the Amendment Act of 1895 shall not apply to such fresh poll.

(2.) At any such fresh licensing poll the same roll of electors shall be used as was used at the voided poll.

New clause.

22^a. With respect to the Chalmers Licensing District the following special provision shall apply, anything in the Act to the contrary notwithstanding:—

Special provision respecting Port Chalmers licensing poll.

If as the result of the appeal now contemplated or pending before the Privy Council it is established that the petition lately presented concerning the last licensing poll is a valid petition, it shall be heard and given effect to as if this Act had not been passed.

Repeals.

23. (1.) Section four of the Amendment Act of 1893, sections ~~three, five, and six,~~ paragraphs (h), (i), and (o) of section seven, and sections ~~eight and twelve~~ of the Amendment Act of 1895, and section four of "The Licensing Committees and Polls Act, 1902," are hereby repealed.

Repeals.

Struck out.

(2.) Part I. of the Amendment Act of 1895 shall be read subject to the foregoing provisions of this Act.

*Struck out.**State Control.*

Poll to be taken as to whether sale of liquor to be under State control.

24. (1.) On the taking of the licensing poll next after the passing of this Act, and simultaneously therewith, a poll of the electors shall be taken on the question—

Whether or not the sale of liquor shall be under State control.

(2.) The voting-papers on such question shall be in the form numbered (1) in the *Fourth* Schedule hereto.

(3.) The result of the poll in each electoral district shall be duly certified by the Returning Officer in the form numbered (2) in the said *Fourth* Schedule, and shall be forwarded by him to the Colonial Secretary.

(4.) Forthwith upon receipt of the results of the poll in every electoral district the Colonial Secretary shall cause to be prepared and gazetted a tabulated statement thereof showing for each licensing district and for the whole of New Zealand the total number of votes recorded for the proposal that the sale of liquor shall be under State control, the total number of votes recorded against such proposal, and the total number of informal and void votes.

(5.) The majority required to decide the question shall be a majority of all the valid votes recorded throughout New Zealand.

(6.) Except as provided in this section all the provisions of the Licensing Acts relating to licensing polls shall, *mutatis mutandis*, apply to the poll taken under this section.

Effect of poll.

25. If the result of the poll is in favour of the proposal that the sale of liquor shall be under State control, the Colonial Secretary shall, within ten days after the commencement of the next ensuing session of Parliament, introduce a Bill to give effect to such proposal.

Result of poll to continue for six years.

26. (1.) The result of the poll shall continue in force for a period of six years, or until altered under the *next succeeding* subsection.

(2.) If at any time within six months immediately preceding the expiration of such period of six years, or at any time after the expiration of such period, a petition signed by not less than ten per centum of all the electors throughout New Zealand is presented to the Colonial Secretary praying that a poll be again taken on the question at the then next ensuing general election, such poll shall be taken accordingly, and the provisions of subsections *two to six* of section *twenty-three* hereof shall, *mutatis mutandis*, apply to such poll.

(3.) The provisions of this section shall apply to each succeeding poll taken under section *twenty-three* hereof.

Special Provisions respecting the Rohe Potae.

No-license in the Rohe Potae.

27. With respect to that part of the North Island (known as the Rohe Potae) ~~described in the Fifth Schedule hereto, and hereinafter in this section referred to as "such district," and which has been defined and gazetted in accordance with the Fifth Schedule hereto, and every block or area now or hereafter proclaimed by the Governor under~~

section twenty-five of the principal Act, and so long as the proclamation continues in force the following provisions shall apply:—

(a.) It shall not be lawful for any person whomsoever—

(i.) To solicit or receive any order for any liquor within such district; nor

(ii.) To sell, or expose or keep for sale, any liquor within such district; nor

(iii.) To send (either from without or within such district) or deliver to any person residing therein, or at any place situate therein, any liquor which the person sending or delivering the same has reasonable ground to suspect is intended to be sold, or exposed or kept for sale, therein; nor

(iv.) To send or deliver to any person residing therein, or to any place situate therein, any package containing liquor, unless such package bears distinctly written or printed on the outside thereof a statement that it contains liquor; and any constable, officer of Customs, or Inspector appointed under the Licensing Acts may detain and in the presence of at least two witnesses examine the contents of any package in respect whereof a violation of this provision is reasonably suspected by him.

New Paragraphs.

(b.) In any prosecution for the sale of liquor in breach of this section it shall not be necessary, in proving the sale, to show that any money or money's worth passed, or that any other consideration for the sale existed, if the Court is satisfied that a transaction in the nature of a sale actually took place.

(c.) In any prosecution for exposing or keeping liquor for sale in breach of this section it shall lie on the accused to show that the liquor proved to be exposed or kept was not so exposed or kept for sale.

(d.) In any prosecution for sending or delivering liquor in breach of this section it shall lie on the accused to show that he had no reasonable ground to suspect that such liquor was intended to be sold, or exposed or kept for sale, within such district.

(e.) It shall not be lawful for any person to supply any liquor to any male Maori who is under the influence of liquor, or to sell, or in any way give or supply, or allow to be sold, given, or supplied, any liquor to any female Maori, except on the written certificate of a duly qualified medical practitioner that the same is required medicinally.

- (d.f.) Every person who commits a breach of any of the provisions of this section is liable for a first offence to a fine not exceeding *fifty* pounds, and for a second offence to imprisonment for any term not exceeding *three* months, and for any subsequent offence to imprisonment for any term not exceeding *twelve* months. 5

Special Provisions respecting the Cook and other Islands.

Sale of liquor in Cook Islands by private enterprise forbidden.

28. (1.) On or after the date of the passing of this Act, any law or Ordinance to the contrary notwithstanding, the export to and the importation into the Cook and other Islands in the Pacific within the boundaries of the Colony of New Zealand, as defined by "The Cook and other Islands Government Act, 1901," and hereinafter referred to as "the said Islands," shall, so far as private enterprise is concerned, and except as hereinafter provided, absolutely cease. 10

(2.) It shall not be lawful for any person whomsoever,— 15

(a.) To solicit or receive any order for any liquor within the said Islands; nor

(b.) To sell, or expose or keep for sale, any liquor therein; nor

(c.) To send (either from without or within the said Islands) or deliver to any person residing therein, or at any place situate therein, any liquor which the person sending or delivering the same has reasonable ground to suspect is intended to be sold, or exposed or kept for sale, therein; nor 20

(d.) To send or deliver to any person residing therein, or to any place situate therein, any package containing liquor, unless such package bears distinctly written or printed on the outside thereof a statement that it contains liquor. 25

(3.) Any constable, Customs officer, or any person appointed for the purpose by the Government may detain and in the presence of at least two witnesses examine the contents of any package in respect whereof a violation of this provision is reasonably suspected by him. 30

(4.) Every person who commits a breach of any of the provisions of this section is liable for a first offence to a fine not exceeding *fifty* pounds, and for a second offence to imprisonment for any term not exceeding *three* months, and for any subsequent offence to imprisonment for any term not exceeding *twelve* months. 35

(5.) In any prosecution for sending or delivering liquor in breach of this section it shall lie on the accused to show that he had no reasonable ground to suspect that such liquor was intended to be sold, or exposed or kept for sale, within any of the said Islands. 40

Collectors of Customs to take possession of all liquor in the Islands.

29. Immediately on or after the passing of this Act, the Collectors of Customs in the said Islands may take possession of all the intoxicating liquor in the said Islands, and may pay such compensation to the owners thereof as may be arranged between the said owners on the one part and the Collectors of Customs on the other part: Provided that the owner of any of the aforesaid liquors may 45

re-export the same if he objects to the compensation offered: Provided also that a Collector of Customs may refuse to take over any liquor which in his opinion is unsaleable or of inferior quality.

5 30. (1.) From and after the passing of this Act it shall be unlawful for any person, except through the Resident Commissioner of the Cook Islands or the Resident Commissioner or Collectors of Customs at Niue and other Islands, to import any liquor into the said Islands, or to manufacture therein any liquor for sale or consumption therein; and in any prosecution for a breach of this section it shall lie on the accused to prove that any such liquor was not imported into or was not manufactured in the said Islands for sale or consumption, as the case may be, in breach of this section.

Importation and manufacture of liquor in the Islands forbidden.

15 (2.) All liquor imported into the said Islands on or after the first day of January, one thousand nine hundred and five, in breach of this section shall be stored at the expense of the importers, who shall forthwith cause the same to be landed and placed in the Kings' Bond, there to be stored at the expense of the importers thereof, who shall forthwith cause such of the liquor as is not retained by the Collector of Customs to be exported from the said Islands.

20 (3.) No liquor shall be landed in the said Islands on or after the first day of January next unless consigned to the Collector of Customs, or other Government officer duly authorised in that behalf to receive the same; and if any such liquor is so landed it shall be forfeited to His Majesty.

25 (4.) Every person who commits an offence against any of the provisions of this section is liable for a first offence to a fine not exceeding *one hundred* pounds, or to imprisonment with or without hard labour for any term not exceeding *three* months; and for the second or any subsequent offence to imprisonment with or without
30 hard labour for any term not less than *three* months and not exceeding *six* months.

35 31. (1.) From and after the first day of January, one thousand nine hundred and five, liquor shall be sold and supplied in the said Islands for use in the arts or manufactures, or for medicinal, or scientific, and household purposes, but not for any other use or purpose, by such officers of His Majesty's Customs as may be specially appointed by the Governor for that purpose.

Liquor may be sold by officers of Customs.

40 (2.) Such liquor shall be sold only in bottles or other receptacles duly closed and sealed in such manner that the liquor cannot be extracted therefrom without breaking such seal, and every such bottle or receptacle shall have thereon a label setting forth the kind, quantity, quality, and price of the liquor contained therein: Provided that, in the case of colonial wines or claret, the Collector of Customs may sell not less than one or more than six bottles to any
45 person at any one time.

(3.) All such sales shall be recorded.

(4.) No claret or colonial wines shall be sold to any Polynesian or Asiatic.

32. (1.) No liquors shall be sold to any Native or Asiatic in the said islands, except on the written authority of the Resident Commissioner, Resident Medical Officer, Collector of Customs, or other officer specially appointed for the purpose.

Conditions of sale of liquor to Natives, &c.

(2.) For the purposes of this Act all Asiatics resident in the said Islands shall be deemed to be native inhabitants of the said Islands.

Penalty for manu-
facturing liquor.

33. (1.) Every person who manufactures the liquors known *either* as bush beer ~~and~~ or orange beer, or in any way aids in or abets the manufacture or drinking of the same, is liable to a fine not exceeding *five* pounds. 5

(2.) Every person who distils or manufactures any intoxicating liquor other than bush beer and orange beer, or who aids in or abets the distillation or manufacture thereof, is liable to a fine not exceeding *one hundred* pounds and not less than *five* pounds. 10

(3.) *For the purposes of this section "yangona" and "kava" shall not be considered intoxicating.*

General penalty.

34. Every person who evades or attempts to evade any of the provisions of this Act relating to the said Islands or any regulations made thereunder, for which no penalty is specially provided therein, is liable for each such offence to a fine not exceeding *twenty* pounds, or in default to ~~six months'~~ imprisonment *with or without hard labour for any term not exceeding six months.* 15

Tribunal for hearing
proceedings for
offences.

35. All offences against any provision of this Act relating to the said Islands committed ~~by persons living in~~ *at or within* the said Islands shall be heard in the High Court of the Cook Islands, or other properly constituted legal tribunals within the said Islands; and all offences committed by persons living without the said Islands shall be determined by any Court of competent jurisdiction. 20

Prohibition orders.

36. The High Court of the Cook Islands and the Federal or Island Councils (including the Niue Island Council), may respectively issue prohibition orders against any person on good cause being shown; and the provisions of the principal Act relating to prohibition orders and to prohibited persons shall, *mutatis mutandis*, extend and apply to prohibition orders and prohibited persons under this section. 30

Regulations.

37. The Governor may make regulations and do all things necessary to secure the proper administration of sections *twenty-eight to thirty-six* of this Act. All such regulations shall be gazetted in the *New Zealand Gazette*, and those referring to the *Cook Islands* shall be published in the *Cook Islands Gazette* and *all such regulations* shall have the force of law, and any breach thereof shall be punishable under this Act. 35

Miscellaneous Amendments of the Licensing Law.

Licensing Com-
mittees.

38. With respect to the Licensing Committee of each district the following provisions shall apply:— 40

(a.) (i.) If the number of elective members of any Committee duly elected is less than the number required to be elected, the Governor in Council may appoint such number of fit persons resident in the district as will complete the required number. 45

Repeal.

(ii.) Section twenty-one of the Amendment Act of 1895 is hereby repealed.

(b.) (i.) The elective members of the Licensing Committee for each licensing district shall be elected on the second ~~Monday~~ *Tuesday* in March, one thousand nine hundred and six, and on the same day in every third year thereafter; and it shall be the duty of the Returning Officer to 50

give public notice of the day for the election not later than the third Monday in February next before every such election.

(ii.) Subsection one of section nineteen of the Amendment Act of 1895 is hereby repealed.

New clause.

(b b.) (i.) Every member of a Licensing Committee who, by writing under his hand addressed to the Chairman, resigns his office, or who becomes disqualified, or is absent from two consecutive quarterly licensing meetings of the Committee, or ceases to permanently reside in the licensing district, shall immediately cease to be a member of the Committee.

Extraordinary vacancies on Licensing Committees.

(ii.) Where the office of a member of a Licensing Committee becomes vacant from any of the causes aforesaid or from death such vacancy shall be deemed to be an extraordinary vacancy, and the Governor shall appoint some person to fill the same, who shall hold office only until the next election of a Licensing Committee.

(iii.) This section is in substitution for paragraphs (10), (11), and (12) of section seven of the Amendment Act of 1893, which paragraphs are hereby accordingly repealed.

Repeal.

(c.) (i.) The Chairman shall appoint the place for each quarterly meeting of the Committee.

(ii.) Subsection six of section seven of the Amendment Act of 1893 shall be read accordingly.

(d.) Section twenty of the Amendment Act of 1895 is hereby amended by the addition of the following words:—

“Provided that it shall not be necessary for the Chairman and the two members to be actually present together at one time and place for the purpose of jointly exercising any such powers.”

New clause.

38A. Section sixteen of the Amendment Act of 1895 is hereby amended by repealing subsections (a) and (b) thereof, and substituting in lieu thereof the following subsection:—

Costs of Licensing Committees election, &c.

(a.) The local authority of each district which forms a part of a licensing district, and receives a portion of the license fees accruing therein, is liable to contribute to the aforesaid costs and expenses in proportion to the amount of the license fees so received by such local authority.

39. Where a license has lapsed, or is refused renewal, the original number of licenses in the district, or any number short thereof, shall not be made up by granting a new license anywhere beyond the boundary of the borough (if undivided), or beyond the ward (if divided into wards), or the riding of the county, as the case may be, within which the licensed premises were situated:

Removal of lapsed licenses.

Provided that in no case shall any license that has lapsed or is refused renewal be granted as a new license in any borough in respect of premises situate more than half a mile from the original

licensed premises, and in any county more than one mile from such premises :

New proviso.

Provided further that this section as to removals shall apply to all publicans' licenses existing in the district. 5

Applicant for license to furnish testimonials.

40. Every applicant for a publican's, or New Zealand wine, or accommodation license, or for a transfer thereof, shall with his application deliver to the Clerk of the Licensing Committee testimonials as to his character and suitability *for the particular premises applied for*, and such testimonials shall forthwith be forwarded by the Clerk to the Inspector, who shall report thereon to the Chairman of the Committee : 10

Provided that this section shall not apply in the case of any applicant whose name is already on the Register of Licenses as the holder of a license.

Indorsement of licenses.

41. Except as regards offences against sections one hundred and twenty-seven, and one hundred and forty-seven, ~~and one hundred and forty-eight~~ of the principal Act, the following provisions shall apply with respect to the recording or indorsing of convictions on licenses, anything in the Licensing Acts to the contrary notwithstanding :— 15

(a.) In every case where, under the Licensing Acts, it is directed that a conviction shall be recorded or indorsed on a license, the convicting Court shall have a discretion to record or indorse or not to record or indorse the conviction, as the Court thinks fit. 20

(b.) Every record or indorsement made before the passing of this Act on any license shall lapse and be deemed to be cancelled if, at the expiration of twelve months from the date of the conviction so recorded or indorsed, another conviction has not been recorded or indorsed on the license. 25

Repeal.

(c.) Section twenty-two of the Amendment Act of 1893 (relating to indorsement of licenses) is hereby repealed. 30

New paragraph.

(d.) Every record or indorsement made after the passing of this Act on any license shall lapse and be deemed never to have been made if, at the expiration of two years from the date of the conviction so recorded or indorsed, another conviction has not been recorded or indorsed on the license. 35

Register of Licenses.

42. (1.) The Register of Licenses required by the principal Act to be kept shall be kept in the prescribed form, and shall be in two Parts as follows :— 40

Part I. shall be a register of licensed persons, and shall contain particulars of the names of the persons to whom licenses are granted, and the premises in respect of which each license is granted ; 45

Part II. shall be a register of licensed premises, and shall contain particulars of the premises in respect of which licenses are granted, the names of the owners of the premises, and the names of the persons for the time being holding each license.

(2.) The register to be kept under this section shall in the first instance be compiled from the register kept under the principal Act, and shall contain a record of all convictions recorded in such register that have not lapsed pursuant to the *last preceding* section.

(3.) Until the register has been so compiled, the register kept under the principal Act shall be deemed to be the register under this Act.

43. (1.) Where *after the passing of this Act* a record of any conviction is indorsed on a license a corresponding record against the offender shall be made in Part I. of the register; and where *at any time after the passing of this Act* a record of three convictions within three years is made in the register against the same person such person's license shall be cancelled, and he shall be *permanently* disqualified from holding a license ~~for a period of five years from the date of the third of such indorsements.~~

Recording convictions.

(2.) Where such record or indorsement is in respect of any offence mentioned in sections one hundred and forty-six, one hundred and forty-seven, one hundred and forty-nine, or one hundred and ninety-two of the principal Act, or in section *forty-seven* ~~eight~~ of this Act, a corresponding record against the premises in which the offence was committed shall also be made in Part II. of the register; and where a record of three convictions within three years is made in the register against the same premises (whether the conviction was of the same person or not) the license in respect of such premises shall (unless the Committee, on the application of the owner, otherwise determines) be forfeited, and no license shall thereafter be granted in respect thereof for a period of two years from the date of the third of such indorsements:

New proviso.

Provided that should any licensing poll be taken during the two years aforesaid, and continuance be declared to be carried, the forfeited license shall be deemed to exist at the time of taking such licensing poll.

44. Where two or more records of convictions have been made in Part II. of the Register of Licenses against any licensed premises and another such record would disqualify the premises under the *last preceding* section from receiving a license, the licensee, if a tenant, shall be deemed to have forfeited his lease, and the Licensing Committee may, by order, on the application of the immediate landlord, cancel the license and authorise any person nominated by such landlord and approved by the Committee to carry on the business of such premises until the end of the period for which the license was granted in the same manner as if the license had been formally transferred to such person.

Transfer where lease determined on account of indorsement of license.

45. (1.) Where an application for the renewal of a license has been duly made and is not disposed of by the Committee on or before the day of the expiry of the license by effluxion of time, the

Provision where license not renewed before expiry of old license.

license shall be deemed to be extended until the application is finally disposed of.

(2.) During the period of such extension the licensee shall pay monthly in advance a proportion of the annual license fee for each month during any part of which liquor is sold in the premises in respect of which the application for renewal is made. 5

(3.) If the application is ultimately granted, the renewal shall be for the period ending the thirtieth day of June next following the date on which it was granted, and the licensee shall only pay the portion as yet unpaid of the annual license fee. 10

Repeal.

(4.) This section is in substitution for section twenty-three of the Amendment Act of 1895, which section is hereby accordingly repealed.

Section 22 of Amendment Act of 1895 amended.

46. Subsection five of section twenty-two of the Amendment Act of 1895 is hereby amended by repealing the words "arriving from," and substituting in lieu thereof the words "or at the end of"; and by adding after the words "ten pounds" the words "and not less than one pound": 15

New proviso.

Provided that after having been supplied with liquor whilst on a journey it shall not be lawful for the traveller to obtain or for any licensee to supply him with liquor again unless he has travelled a further five miles since he was last supplied. 20

New clause.

Section 157 of principal Act amended.

46A. Section one hundred and fifty-seven of the principal Act is hereby amended by repealing the word "three" in the last line but one of the said section, and substituting the word "five" in lieu thereof. 25

Wholesale licenses.

47. (1.) A wholesale license shall authorise the licensee to sell and deliver liquors at from one place only (*such place* to be specified in the license), in quantities of not less than two gallons of the same description of liquors to be delivered to any one person at any one time, such liquor not to be consumed in or upon the licensee's house or premises: Provided that nothing herein shall prevent the holder of a wholesale license from selling or delivering liquor from any bonded warehouse. 30 35

Struck out.

(2.) For the purposes of this section spirits, wines, and beer shall be deemed to be different descriptions of liquor one from another. 40

New subclause.

(2A.) No new wholesale license shall be granted to or for any person whose place of business is situated in any borough or town district unless at the date of such granting there is situated within such borough or town district a hotel in respect of which a publican's license has been duly granted and is still in force. 45

Repeal.

Supplying certain liquors to youths.

(3.) Section thirty-five of the principal Act is hereby repealed. 48. (1.) Every licensee who supplies or allows to be supplied in his licensed premises, by purchase or otherwise, to be consumed on the premises,— 50

Any spirits, wine, ale, beer, or porter to any person apparently under the age of eighteen years, not being resident on the premises or a *bona fide* guest or lodger, or traveller,—
 is liable for each offence to a fine not exceeding *ten* pounds, and his
 5 license may be indorsed.

(2.) Every person who, by falsely representing himself or herself as being of the age of eighteen years or upwards, obtains for consumption on the premises any spirits, wine, ale, beer, or porter is liable to a fine not exceeding *ten* pounds.

10 (3.) Section one hundred and sixty-six of the principal Act is hereby repealed. Repeal.

49. Every person who sends a child under the age of thirteen years to a licensed house for any liquor is liable to a fine not exceeding *ten* pounds. Sending children for liquor.

15 50. (1.) Every person found on licensed premises at any time when such premises are required by the Licensing Acts to be closed is liable to a fine not exceeding *two* pounds, unless he satisfies the Court that he was an inmate, servant, or lodger on such premises, or a *bona fide* traveller, or that otherwise his presence on such premises
 20 was not in breach of the provisions of the Licensing Acts with respect to the closing of licensed premises. Persons found on licensed premises after closing-hours.

(2.) Any constable may demand the name and address of any person so found, and, if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness thereof, and ~~may~~, if such person fails upon such demand to give
 25 his name and address, or such evidence, the constable shall caution him, and, if he still persists in such failure, may apprehend him without warrant, and take him, as soon as practicable, before a Justice, who, if such person gives his correct name and address,
 30 may order him to be released on bail.

(3.) Any person required under this section to give his name and address who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name and address, is liable to a fine not exceeding *five* pounds.

35 51. (1.) In any proceedings under the Licensing Acts against a licensee for selling liquor to a prohibited person, it shall be a sufficient defence if the defendant satisfies the Court that he, or, as the case may be, his agent actually selling the liquor, had no reasonable opportunity of knowing and did not know that the person to
 40 whom the liquor was sold was a prohibited person. As to prohibited persons.

(2.) Section thirteen of the Amendment Act of 1893 is hereby amended as follows:—

(a.) By repealing the words “licensed person within any district in which such prohibition order is in force,” and substituting in lieu thereof the words “person whomsoever”;
 45 and also

(b.) By adding at the end of the section the words “and the fact of such person drinking liquor or having it in his possession shall be sufficient evidence of having procured it in breach of this section.”
 50

52. Every licensee who permits or connives at gambling or the playing of any unlawful game on his licensed premises is liable to a fine not exceeding *ten* pounds. Permitting gambling.

Persons actually supplying liquor liable in certain cases.

53. Where in any licensed premises any person other than the licensee supplies liquor to—

- (a.) Any person who is already drunk, or in a state of intoxication; or
 (b.) Any young person in breach of section ~~forty-seven~~ eight hereof; or
 (c.) Any child, in breach of subsection eight of section twelve of "The Alcoholic Liquors Sale Control Act, 1893"; or
 (d.) Any prohibited person; or

5

New subclause.

10

(e.) Any person at a time at which such person is not entitled lawfully to be supplied with liquor. he shall be liable to a fine not exceeding ten pounds, irrespective of any liability that may attach to the licensee in respect of the same offence.

15

Supplying liquor to Maoris for consumption off the premises.

54. Every person (whether a licensed person or not) who supplies liquor to any Maori for consumption off the premises *within such parts of the colony as may be hereafter defined by the Governor in Council and gazetted* is liable to a fine not exceeding fifty pounds: *Provided that this section shall not apply to any Maori who is married to a European or to half-castes living as Europeans.*

20

Use of injurious materials.

55. For the purposes of section one hundred and ninety-one of the principal Act, relating to adulteration, the Governor may from time to time declare any ingredient or material to be injurious to health, and in such case any liquor with which such ingredient or material is mixed shall be deemed to be adulterated.

25

Limitation of proceedings.

56. All prosecutions for the breach of any of the provisions of the Licensing Acts shall be commenced within ~~one~~ three months after the date of the breach, and not later.

Consideration for landlord's consent to transfer void.

57. (1.) It shall not be lawful for the owner or landlord of any licensed premises to demand or receive any fine, payment, bonus, premium, or consideration for his consent to any assignment, sub-lease, or transfer of the licensed premises or the license by the licensee.

30

(2.) In any case where any such fine, payment, bonus, premium, or consideration has been paid after the commencement of this Act, then any moneys so paid may be recovered as a debt from the person receiving the same by the person paying the same.

35

Struck out.

(3.) The owner or landlord shall not refuse his consent as aforesaid to any assignment, sub-lease, or transfer as aforesaid to any person who satisfies the Chairman of the Licensing Committee of his fitness to hold a publican's license, anything to the contrary in any lease, deed, or document notwithstanding.

40

Struck out.

58. In order to prevent any evasion or avoidance of the provisions of section thirty-five of the Amendment Act of 1895 relating to tied houses, it is hereby declared that—

Tied houses.

5 In every case where after the passing of this Act a rent is reserved under a lease of premises licensed or to be licensed, and the lessor in any way arranges or agrees to abate the same or refund any part thereof in consideration of the lessee purchasing any liquor or goods exclusively from the lessor, or some person named by the lessor, then the covenant or agreement to pay the rent shall, to the extent of such abatement or refund, be deemed to be a covenant or agreement within the meaning of subsection five of section thirty-five of the Amendment Act of 1895, and the instrument of lease may be rectified as provided in that subsection.

59. (1.) Every club now or hereafter holding a charter under section two hundred and twenty-nine of the principal Act shall (so far as the sale of liquor is concerned) be closed during the same hours, and shall be subject to the provisions of the Licensing Acts relating to gambling or the playing of any unlawful game in the same manner as if the club were licensed premises, the club charter a publicans' license, and the secretary of the club the licensee.

Clubs liable to certain provisions of the Licensing Acts.

(2.) For every such club there shall at all times be a secretary, whose name shall from time to time be notified by the committee of the club to the Colonial Secretary.

(3.) Where any such club is situate in a licensing district in which for the time being no licenses exist, whether as the result of a licensing poll under this Act or the Amendment Act of 1895, the charter of the club shall be suspended for so long as the result of such poll continues :

New proviso and subclause.

35 Provided that in the case of the Club at Ashburton the sale of liquor shall cease as from the first day of July, one thousand nine hundred and five.

(3A.) For all the purposes of the Licensing Acts liquor disposed of by the Club to its members shall be deemed to be sold to them.

(4.) The Colonial Secretary may at any time cancel the charter of any club on being satisfied that—

40 (a.) Default is made in compliance with subsection *two* of this section ; or

(b.) Liquor is sold in the club during prohibited hours ; or

(c.) Gambling or the playing of any unlawful game is permitted ; or

45 (d.) Any breach is permitted of the rules or conditions upon which the charter was granted.

New clause.

50 59A. Whereas certain practices exist by which associations or clubs, not holding charters under the Licensing Acts, supply liquor to their members or enable the members to procure liquor on the premises of the association or club under circumstances which may not constitute a sale in law, but which show that

Sale of liquor by unchartered clubs, &c.

the liquor so supplied or procured is directly or indirectly paid for by subscription, levies, voluntary contributions, or other payments of money from the members generally or the individual members to whom the liquor is supplied or who obtain it; and whereas all such practices are illegal evasions of the law relating to illicit sales of liquor: 5
 Be it therefore enacted that in every case where, on any premises used by or for the purposes of any association or club (howsoever formed or named), liquor is supplied to or procured by a member or any other person under any such circumstances as aforesaid, such member or other person and also every officer or other person managing or concerned in the management of the association or club shall 10
 be severally liable to a fine of *five* pounds:

Provided that the conviction of any person under this section shall not relieve him from liability to punishment for any offence against any other provision of the Licensing Acts. 15

60. The Licensing Committee may from time to time, by certificate, authorise the licensee to wholly or partially close his licensed premises, or suspend his business as licensee, during any specified period of the year.

New clause. 20

60A. Notwithstanding anything contained in clause thirteen of the Amendment Act of 1895,—

In the event of no-license being carried at any licensing poll held in the City of Wellington no liquors shall be sold in the Parliamentary Buildings until licenses have been 25
 restored in the City of Wellington.

61. The Governor may from time to time, by Order in Council gazetted, make regulations,—

- (a.) For the guidance of Returning Officers, Deputy Returning Officers, poll-clerks, and scrutineers, respecting the conduct of licensing polls or any poll under this Act; and a copy of all such regulations in force shall be supplied free of charge to all such persons engaged at any such poll; 30
 (b.) Prescribing forms and whatever else he thinks necessary in order to give effect to this Act. 35

62. The Licensing Acts are hereby modified in so far as they are in conflict with this Act.

Power to close premises for specified period.

No-license provisions to apply to Bellamy's under certain conditions.

Regulations.

Licensing Acts modified.

Struck out.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

(1.) VOTING-PAPER ON ISSUE WHETHER LICENSES TO BE GRANTED.

LICENSING DISTRICT OF

I vote that—

LICENSES BE GRANTED IN THE DISTRICT.

NO LICENSES BE GRANTED IN THE DISTRICT.

The voter must strike out the proposal for which he does not wish to vote.

If the voter strikes out both, or fails to strike out one of the proposals, the voting-paper will be void.

The voting-paper so marked is to be dropped by the voter into the separate ballot-box prepared for it, and not into the same box as that in which he drops his electoral ballot-paper.

The voter is not allowed to take this voting-paper out of the polling-booth.

(2.) DECLARATION OF LICENSING POLL.

LICENSING DISTRICT OF

In pursuance of "The Licensing Acts Amendment Act, 1904," I hereby give public notice of the result of the licensing poll taken under the provisions of the said Act.

Number of Valid Votes recorded.

That licenses continue in the district
That no licenses be granted in the district

The total number of valid votes recorded at the poll was

The total number of informal and void votes was

[*In a district where licenses exist, add :*] And, as the number of valid votes recorded in favour of the proposal that no licenses be granted in the district is not less than three-fifths of the total number of valid votes recorded, I hereby declare such proposal to be carried [*or, as the case may be, is less than three-fifths of the total number of valid votes recorded, I hereby declare such proposal to be rejected*].

[*In a district where no licenses exist, add :*] And, as the number of valid votes recorded in favour of the proposal that licenses continue in the district is not less than three-fifths of the total number of valid votes recorded, I hereby declare such proposal to be carried [*or, as the case may be, is less than three-fifths of the total number of valid votes recorded, I hereby declare such proposal to be rejected*].

Dated at , this day of , 19 .

, Returning Officer.

SECOND SCHEDULE.

(1.) VOTING-PAPER ON ISSUE AS TO POSSESSION OF LIQUOR IN A NO-LICENSE DISTRICT.

LICENSING DISTRICT OF

[*Set out section 10 in full.*]

I VOTE that, in the event of "no license" being carried in this district,

LIQUOR BE ALLOWED IN THE DISTRICT.

NO LIQUOR BE ALLOWED IN THE DISTRICT.

The voter must strike out the proposal for which he does not wish to vote.

Struck out.

If the voter strikes out both, or fails to strike out one of the proposals, the voting-paper will be void.

The voting-paper so marked is to be dropped by the voter into the separate ballot-box prepared for it, and not into the same box as that in which he drops his electoral ballot-paper.

The voter is not allowed to take this voting-paper out of the polling-booth.

(2.) DECLARATION OF POLL UNDER SECTION 9.

LICENSING DISTRICT OF

In pursuance of "The Licensing Acts Amendment Act, 1904," I hereby give public notice of the result of the poll taken under section *eight* of that Act.

Number of Valid Votes recorded.

That, in the event of "no license" being carried in the district, liquor be allowed in the district
 That no liquor be allowed in the district
 The total number of valid votes recorded at the poll was
 The total number of informal and void votes was

[*In a district where "no license" is carried, add:*] And, as "no license" has been carried in this district, and the number of valid votes recorded in favour of the proposal that no liquor be allowed in the district is not less [*or is less*] than three-fifths of the total number of valid votes recorded, I hereby declare such proposal to be carried [*or rejected*].

THIRD SCHEDULE.

PETITION FOR INQUIRY AS TO RESULT OF POLL.

In the matter of a licensing poll held in the [*State licensing district*] on the day of , 19 .

THE petition of the undersigned electors of the [*State licensing district*], namely: A. B., of , C. D., of , &c.

1. Your petitioners state that the said licensing poll was held on the day of , 19 , and that the Returning Officer has declared the proposal to be carried that licenses be granted [*or be not granted*] in the district.

2. And your petitioners say that [*State the facts and grounds on which the petitioners rely*].

Wherefore your petitioners pray that it may be determined that the said proposal was rejected and not carried [*or that the poll was void*].

A. B.,
 C. D.,
 &c.

Struck out.

FOURTH SCHEDULE.

(1.) VOTING-PAPER ON ISSUE AS TO STATE CONTROL.

Electoral District of

I VOTE that the sale of all alcoholic liquor be—

UNDER STATE CONTROL.

NOT UNDER STATE CONTROL.

The voter must strike out the proposal for which he does not wish to vote. If he strikes out both, or fails to strike out one of such proposals, the voting-paper will be void, and will not be counted.

*Struck out.***(2.) RETURNING OFFICER'S CERTIFICATE OF RESULT OF POLL AS TO STATE CONTROL.**

I CERTIFY that the following is a correct statement of the result of the poll taken in the Licensing District of _____, on the _____ day of _____, 19____, on the question following, that is to say:—

Shall the sale of alcoholic liquor be under the control of the Government ?

Total number of valid votes for the proposal

Total number of valid votes against the proposal

Total number of valid votes recorded

Total number of informal and void votes

Dated at _____, the _____ day of _____, 19____.

A. B.,
Returning Officer.

To the Colonial Secretary.

FIFTH SCHEDULE.**BOUNDARIES OF ROHE POTAE.**

ALL that area in the Auckland, Taranaki, and Wellington Land Districts bounded towards the north-west from Aotea Harbour by Sections Nos. 6 and 5, Block XIII., Karioi Survey District; Sections Nos. 8 and 9, Block XIV.; Sections Nos. 8 and 9, Block X.; Section No. 10, Block XIV.; Section No. 4, Block X.; Sections Nos. 1 and 2, a reserve, and Section No. 3, Block XI., all of Karioi Survey District; Section No. 2, Block IX.; the crossing of a road; Section No. 6, Block V.; and Section No. 1, Block IX., Alexandra Survey District, to the Waitetuna River: towards the north-east by Raglan County to the confluence of the Waipa River with the Puniu River; and by the said Puniu River and the Owairaka Stream to Section No. 5468 No. 4F, Blocks XIV. and XV., Maungatautari Survey District; and by that section and Section No. 5468B No. 3B No. 2, Block XI., Maungatautari Survey District, to the Waikato River; thence by the said Waikato River to the Tatua West Block: thence towards the east by that block and the Whangamata Block to Lake Taupo; thence by a right line across that lake to the mouth of the Tauranga River, and by that river to its source in the Kaimanawa Range: thence towards the south-east and south by the summit of that range and the summits of the watersheds between the sources of the Rivers Moawhango and Waikato, and Waikato and Wangaehu, to the source of the last-mentioned river: thence again towards the north-east and again towards the south-east by the said Wangaehu River to Section No. 1 (Heao Block), Block VII., Mangawhero Survey District: towards the south-west by that section: again towards the south-east by that section and by Sections Nos. 4 and 1, Block VI., Mangawhero Survey District, and the north-western boundary-line of the last-mentioned section produced to the right bank of the Mangawhero River; by the said Mangawhero River to the Mangahowhi Stream: again towards the south-west by the Mangahowhi Stream to a point in line with the north-eastern boundary of the Otamoa No. 2A Block; thence by a right line to and by the said north-eastern boundary of the Otamoa No. 2A Block and by Section No. 1, Block V., Mangawhero Survey District: again towards the south-east by the said Section No. 1, the crossing of a road, and by Section No. 1, Block VIII., Waipakura Survey District: towards the south by Section No. 2 of the said Block VIII.: again towards the south-east by the last-mentioned section and by Sections Nos. 3, 4, and 2683 (Parihauhau Block), Block VIII., Waipakura Survey District; and by Section No. 2687 (Te-ara-to-waka Block No. 1), Block XII., Waipakura Survey District: again towards the south-west and again towards the south-east by the Pukenui Native Block (in Block XI., Waipakura Survey District) to the Wanganui River; thence across that river and towards the east and towards the south by the Wanganui River to its confluence with the Kaurapaoa River: thence again towards the south-west generally by that river and the Kaurapaoa Block in Block I., Waipakura Survey District; and by the Manga-nui-o-tahu Block to the Patea County boundary-line, and by that boundary-line to the Maungaporau Block: again towards the north-west and again towards the south west by the said Maungaporau Block and by the Mangapapa No. 2 Block: again towards the south-east by the last-mentioned block and by a Native reserve (Rawhitiroa Block, containing 1,500 acres) to the Waitotara River: towards the west generally by that river, by the Omaru

Road, by the Puteore Road to the north-western corner of Section No. 1, Block VI., Taurakawa Survey District; and by Section No. 2 of the said Block VI. (forest reserve); by Section No. 7, Block II., Taurakawa Survey District (forest reserve); by Section No. 4 (forest reserve), Block I., Taurakawa Survey District: again towards the north-west by the last-mentioned section; by Sections Nos. 4, 3, 2, 1, and 6, Block II., Taurakawa Survey District, to Trig. Station B on Whakainuwaka (Mount Humphries): again towards the south-west by the last-mentioned section; by Sections Nos. 2, 3, 4, and 5, Block XIV., Mahoe Survey District; the abutment of a road; by Sections Nos. 6 and 1; the abutment of a road; by Sections Nos. 9 and 19, Block XIII., Mahoe Survey District; by Sections Nos. 18, 17, and 16, Block XVI., Ngatimaru Survey District; and the north-eastern boundary-line of the last-mentioned section produced to the Pohokura Block: again towards the north-west by the said Pohokura Block to its easternmost corner; thence towards the north by a right line to the confluence of the Tangarakau River with the Wanganui River; again towards the north-west by the said Wanganui River to its confluence with the Paparoa Stream; thence again towards the south generally by the Koiro Block, by the Maraekowhai Blocks Nos. 2 and 1; again towards the west by Crown land to the south-western corner of Section No. 2, Block XVI., Waro Survey District; thence again towards the south-west by a right line to and being at right angles to the south-eastern boundary-line of the Taranaki Confiscation boundary-line; again towards the north-west by the last-mentioned boundary-line; again towards the south by the Taranaki Confiscation boundary-line to the ocean; again towards the west and again towards the north-west by the ocean. Excepting from the above-described area all that parcel of land bounded towards the north-west by Lake Taupo from the mouth of the Tokaanu River to a point due north of Manganamu Mountain; thence towards the east by a right line to that mountain; thence towards the south by a right line running due west to the Tokaanu River; and thence towards the west by that river to the commencing-point.