

Right Hon. Sir J. G. Ward.

LICENSING AMENDMENT.

ANALYSIS.

- Title.
1. Short Title.
 2. "No-license district" defined.
- PART I.
- LICENSING POLLS.
- Local No-License.*
3. Poll to determine whether licenses to continue in licensing districts.
 4. Proposal that no licenses be granted to be carried if 55 per cent. of voters in favour thereof.
 5. Provisions where proposal for no-license not carried. Repeal.
 6. Effect of carrying proposal for no licenses.
 7. No Licensing Committee in a no-license district.
- Local Restoration.*
8. Poll to determine whether licenses be restored in no-license district.
 9. Proposal for restoration to be carried if 55 per cent. of voters in favour thereof.
 10. Election of Licensing Committees for such districts.
 11. Licensing Committees to grant licenses as under principal Act.
- Change of Boundaries of Districts.*
12. Provisions to apply on alteration of boundaries of licensing districts.
- Notification of Result of Polls.*
13. Notification by Returning Officer of result of licensing poll.
- National Prohibition.*
14. Proposal for national prohibition to be submitted to electors at licensing polls.
 15. Returning Officer to transmit to Minister statement as to votes recorded in favour of each proposal submitted to electors at licensing poll. Minister to notify result of poll.
 16. Proposal for national prohibition to be carried if 55 per cent. of voters in favour thereof.
 17. Determination in favour of national prohibition not to come into force for four years.
 18. National prohibition to remain in force until superseded by the restoration of licenses.

19. Effect of national prohibition as to licenses, &c.
 20. During national prohibition, liquor not to be imported, manufactured, or sold in New Zealand. Penalty for breach of section.
- National Restoration.*
21. No licensing polls while national prohibition in force, except poll as to national restoration.
 22. Poll as to national restoration of licenses.
 23. Notification by Returning Officer as to result of poll for restoration of licenses or otherwise. Minister to notify result in *Gazette*.
 24. Proposal for restoration to be carried if 55 per cent. of voters in favour thereof.
 25. Determination in favour of restoration to come into force after three months.
 26. Provisions to apply on coming into force of determination.
 27. Licensing polls to be taken periodically after determination to restore licenses.
- Supplementary.*
28. Proclaimed areas not affected.
 29. New publicans' licenses not to be granted hereafter, except in special cases.
 30. Section 7 of principal Act amended.
 31. Miscellaneous amendments of principal Act.
 32. No bottle license shall be granted or renewed.
- PART II.
- GENERAL.
33. Employment of barmaids prohibited.
 34. Illegal use of premises as places of resort for consumption of intoxicating liquor.
 35. Section 4 of principal Act amended.
 36. City licensing districts. Repeal.
 37. Section 202 of principal Act amended.
 38. Governor may proclaim areas within which liquor not to be supplied to Natives. Repeal. Saving.
 39. Illegal supply of liquor to Natives. Repeal.
 40. Section 147 of principal Act to apply to areas proclaimed under section 272 thereof.
 41. Licenses not to be granted in respect of breweries within five miles of no-license districts.
 42. Brewery depots not to be established within five miles of no-license districts. Repeal. Schedules.

A BILL INTITULED

Title.	AN ACT to amend the Licensing Act, 1908.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title.	1. This Act may be cited as the Licensing Amendment Act, 1910, and shall be read together with and be deemed to form part of the Licensing Act, 1908 (hereinafter referred to as the principal Act).	
"No-license district" defined.	2. In this Act the term "no-license district" means a licensing district in which there is in force a determination of the electors at any licensing poll (whether taken before or after the passing of this Act) that no licenses shall be granted.	10

PART I.

LICENSING POLLS.

Local No-License. 15

Poll to determine whether licenses to continue in licensing districts.	3. (1.) At every licensing poll there shall be submitted for the determination of the electors of every licensing district (other than a no-license district) the question whether licenses shall continue to be granted in that district.	
	(2.) The question shall be submitted in the form set forth in the <i>First Schedule</i> hereto, and in the manner prescribed by the principal Act as amended by this Act.	20
	(3.) The question shall be so submitted concurrently with the question as to national prohibition hereinafter referred to. Every vote given in favour of national prohibition shall be deemed to be and shall be recorded as a vote in favour of the grant of licenses in the district.	25
Proposal that no licenses be granted to be carried if 55 per cent. of voters in favour thereof.	4. (1.) When on the taking of any such poll in any such district the number of votes recorded in favour of the proposal that no licenses be granted in the district is not less than fifty-five per centum of all the votes recorded, the proposal shall be deemed to be carried, and the electors of that district shall be deemed to have determined that no licenses shall be granted in that district.	30
	(2.) Every such determination shall come into force at the expiration of one year after the day of the general election at which the poll was taken, and every such determination shall remain in force until superseded by the coming into force of a subsequent determination in favour of the restoration of licenses under the provisions hereinafter contained.	35
	(3.) On the coming into force of any such determination all licenses of every description then existing in the district shall, unless sooner forfeited or determined in due course of law, continue in force and effect until the expiration of the periods for which they were respectively granted, and shall then lapse.	45
Provisions where proposal for no-license not carried.	5. (1.) If the proposal that no licenses shall be granted in the district is not carried, the number of licenses of each description subsisting at the date of the poll shall continue as they are until such proposal or determination is superseded by the coming into	50

force of a subsequent determination that no licenses shall be granted in the district; subject nevertheless to the power of the Licensing Committee to refuse to renew licenses objected to under section one hundred and nine of the principal Act, and subject also to the provisions of that Act relating to the forfeiture or increase of licenses.

(2.) Whenever a license is granted after the taking of a poll in any district, the licensee shall have the right to an annual renewal of such license until the coming into force of the next poll, unless in the meantime the license becomes indorsed for any breach of law for any of the offences mentioned in section twenty-four of the principal Act.

(3.) Subsection three of section seventy-three of the principal Act is hereby repealed.

6. It shall not be lawful in a no-license district to grant or renew any publican's license, New Zealand wine license, accommodation license, packet license, wholesale license, conditional license, charter of a club, or license to sell liquor at a railway refreshment-room.

7. So long as in any district no licenses exist by reason of the determination of the electors at any licensing poll, taken whether before or after the passing of this Act, no Licensing Committee shall continue to exist or shall be constituted in that district until a new Licensing Committee is constituted in that district in pursuance of the provisions hereinafter contained in that behalf.

Local Restoration.

8. (1.) At every licensing poll there shall be submitted for the determination of the electors of every no-license district the question whether licenses shall be restored in that district.

(2.) The question shall be submitted in the form set forth in the *Second* Schedule hereto, and in the manner prescribed by the principal Act as amended by this Act.

(3.) The question shall be submitted concurrently with the question as to national prohibition hereinafter referred to. Every vote given in favour of national prohibition shall be deemed to be and shall be recorded as a vote against the proposal that licenses be restored in the district, and every vote given against national prohibition shall be deemed to be and shall be recorded as a vote in favour of the proposal that licenses be restored in the district.

9. (1.) When on the taking of the poll in any such district the number of votes recorded in favour of the proposal that licenses be restored in the district is not less than fifty-five per centum of all the votes recorded, the proposal shall be deemed to be carried, and the determination of the electors of that district shall be deemed to be in favour of the restoration of licenses.

(2.) Every such determination shall come into force at the expiration of one year after the day of the general election at which the poll was taken, and every such determination shall remain in force until superseded by the coming into force of a subsequent determination that no licenses shall be granted.

10. On the coming into force of a determination in favour of the restoration of licenses in any district, a Licensing Committee shall thereupon be constituted for the district in accordance with the

Repeal.

Effect of carrying proposal for no licenses.

No Licensing Committee in a no-license district.

Poll to determine whether licenses be restored in no-license district.

Proposal for restoration to be carried if 55 per cent. of voters in favour thereof.

Election of Licensing Committees for such districts.

principal Act, save that the first election of the elective members of the Committee shall take place on a day appointed by the Governor in that behalf by notice in the *Gazette*; and all succeeding periodical elections shall take place on the second Tuesday in March in the same year in which elections of Licensing Committees take place in accordance with the principal Act. 5

Licensing Committees to grant licenses as under principal Act.

11. (1.) At the first annual meeting of the Licensing Committee so constituted in the district after the coming into force of the said determination, and thereafter from time to time, licenses of the descriptions which may be granted under the principal Act shall be granted in accordance with that Act; and the Committee shall exercise in respect of such licenses all the powers vested in a Licensing Committee by the principal Act. 10

(2.) The number of publicans' licenses so granted shall not exceed one for every complete four hundred electors of the district at the date of the general election at which the poll was taken, and shall not be less (if a sufficient number of such licenses are duly applied for) than one for every complete eight hundred electors of the district at the date aforesaid. 15

Change of Boundaries of Districts. 20

Provisions to apply on alteration of boundaries of licensing districts.

12. Whenever, by reason of changes in electoral districts, the whole or any part of the area of a licensing district (hereinafter called "the original district") becomes comprised within the boundaries of another licensing district (hereinafter called "the new district") the following provisions shall apply:— 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 that district existed unchanged. 30

(b.) Until the first 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 that district existed unchanged. 35

(c.) If when the first licensing poll is to be taken in the new district, the grant of licenses is by reason of a former licensing poll prohibited throughout any area thereof containing more than half the population of the district, the poll shall be taken under section *eight* of this Act as if the grant of licenses was prohibited throughout the whole of the new district. 40

(d.) In any other case the first such poll shall be taken under section *three* of this Act as if the grant of licenses was not prohibited in any part of the new district. 45

(e.) For the purposes of the *two* last preceding paragraphs the Governor shall by notice in the *Gazette* published not less than fourteen days before the day for taking the first licensing poll in the new district, specify with respect to that district the section of this Act under which the poll shall be taken in the district, and the poll shall be taken accordingly, but no poll shall be invalidated by any omission to publish any such notice as aforesaid. 50

(f.) If the result of a poll so taken under section *eight* of this Act is that licenses be not restored in the district, the determination of the electors at the former licensing poll that no licenses be granted shall come into force throughout the whole district, and every license of any description existing at the taking of the poll shall, unless sooner forfeited or determined in due course of law, continue in force until the expiration of the current term of that license, and shall then lapse.

Notification of Result of Polls.

13. (1.) As soon as conveniently may be after the result of any licensing poll taken under the foregoing provisions of this Act has been ascertained in any district, the Returning Officer shall give public notice, in such of the forms in the *Third* Schedule hereto as may be appropriate, or to the like effect, of the total number of votes recorded at the poll and of the number of votes recorded in favour of each of the proposals submitted at that poll, and shall declare the result of the poll respecting licenses in the district accordingly.

Notification by Returning Officer of result of licensing poll.

(2.) Such notice shall be binding on the Licensing Committee of the district.

National Prohibition.

14. (1.) At every licensing poll there shall be submitted for the determination of the electors of each licensing district the question whether national prohibition shall come into force throughout New Zealand.

Proposal for national prohibition to be submitted to electors at licensing polls.

(2.) In every district in which in accordance with the foregoing provisions of this Act the poll is taken under section *three* of this Act, the question shall be submitted in the form set forth in the *First* Schedule hereto, and in the manner prescribed by the principal Act as amended by this Act in respect of licensing polls.

(3.) In every district in which in accordance with the foregoing provisions of this Act, the poll is taken under section *seven* of this Act the question shall be submitted in the form set forth in the *Second* Schedule hereto, and in the manner prescribed by the principal Act as amended by this Act in respect of licensing polls.

(4.) Every vote recorded in favour of national prohibition shall also be recorded against the grant or restoration, as the case may be, of licenses in the district in which the vote is recorded.

(5.) Every vote recorded against national prohibition shall also be recorded in favour of the grant or restoration, as the case may be, of licenses in the district in which the vote is recorded.

15. (1.) The Returning Officer of each licensing district shall, within seven days after the result of the licensing poll in his district has been notified by him in accordance with this Act, transmit to the Minister a statement of the total number of votes recorded at the poll, and of the total number of votes recorded in favour of each of the proposals submitted at the poll.

Returning Officer to transmit to Minister statement as to votes recorded in favour of each proposal submitted to electors at licensing poll.

(2.) As soon as the Minister has received the said statements from the Returning Officers of all the licensing districts he shall ascertain,—

- (a.) The total number of votes recorded at valid licensing polls throughout New Zealand in favour of national prohibition :
- (b.) The total number of votes recorded at valid licensing polls throughout New Zealand. 5
- (3.) The Minister shall forthwith notify in the *Gazette* the numbers of the said votes as so ascertained by him, and the result thereof as determined by the provisions hereinafter contained in that behalf.
- (4.) If and as often as any amended statement of the result of the poll is transmitted to the Minister in pursuance of this Act or of the principal Act, consequent upon any recount, petition, or fresh poll, or otherwise, the Minister shall make a reascertainment of the numbers of the said votes, and shall forthwith publish in the *Gazette* an amended notice of the numbers of the said votes and of the result thereof. 10 15
- (5.) Any notice published by the Minister in the *Gazette* under this section shall in all Courts and in all proceedings be accepted as sufficient *prima facie* evidence of the numbers of the said votes and of the result thereof as so notified. 20
16. If the total number of the votes so recorded in favour of national prohibition is not less than fifty-five per centum of the total number of the votes so recorded at valid licensing polls throughout New Zealand, the determination of the electors of New Zealand shall be deemed to be in favour of national prohibition ; and this determination shall, when it comes into force, supersede the determination of the electors of any licensing district. 25
17. Any such determination in favour of national prohibition shall come into force on the expiration of four years after the day of the general election on which the licensing polls were taken. 30
18. Any such determination in favour of national prohibition shall remain in force until superseded by the coming into force of a determination of the electors of New Zealand in favour of the restoration of licenses in accordance with the provisions in that behalf hereinafter contained. 35
19. (1.) On the coming into force of any determination in favour of national prohibition, all licenses of any description then existing in New Zealand shall, unless sooner forfeited or determined in due course of law, continue in force for the respective periods for which they were theretofore granted, and shall then lapse. 40
- (2.) While any such determination remains in force it shall not be lawful to grant or renew in any part of New Zealand any publican's license, New Zealand wine license, accommodation license, packet license, wholesale license, conditional license, charter of any club, or license to sell liquor at a railway refreshment-room. 45
- (3.) At all times while by virtue of any such determination no licenses exist in New Zealand no Licensing Committees shall continue to exist or shall be constituted, save in pursuance of the provisions hereinafter contained in respect of the restoration of licenses in New Zealand.

Minister to notify result of poll.

Proposal for national prohibition to be carried if 55 per cent. of voters in favour thereof.

Determination in favour of national prohibition not to come into force for four years.

National prohibition to remain in force until superseded by the restoration of licenses.

Effect of national prohibition as to licenses, &c.

20. (1.) At all times while no licenses exist in New Zealand by virtue of any determination in favour of national prohibition, and while that determination remains in force, it shall be unlawful for any person to import into New Zealand, or to manufacture, sell, or have in his possession for the purposes of sale, intoxicating liquor of any description.

During national prohibition, liquor not to be imported, manufactured, or sold in New Zealand.

(2.) Nothing in this section shall extend or apply to the importation, manufacture, or sale, in accordance with regulations made by the Governor in Council in that behalf, of intoxicating liquor for medicinal, scientific, sacramental, or industrial purposes exclusively.

(3.) Nothing in section two or section three of the principal Act shall be so construed as to restrict in any manner the meaning and operation of this section.

(4.) Any person who in breach of this section imports into New Zealand, manufactures, sells, or has in his possession for the purpose of sale any intoxicating liquor, or who attempts to commit any such offence, or who aids, abets, or procures the commission of any such offence, shall be liable on summary conviction to a fine not exceeding *one hundred* pounds in the case of a first offence, and to imprisonment for any term not exceeding *three* months in the case of a second or any subsequent offence against this section, whether of the same or of a different kind. Where the defendant is a body corporate the penalty shall be a fine not exceeding *two hundred* pounds in the case of a first offence, and a fine not exceeding *one thousand* pounds for a second or any subsequent offence.

Penalty for breach of section.

National Restoration.

21. If at any licensing poll the determination of the electors of New Zealand is in favour of national prohibition in accordance with the foregoing provisions in that behalf, no licensing poll shall at any time thereafter, until a determination in favour of the national restoration of licenses has come into force, be taken in any district, except a licensing poll on a proposal for the national restoration of licenses in accordance with the provisions hereinafter contained.

No licensing polls while national prohibition in force, except poll as to national restoration.

22. (1.) At the first general election of members of Parliament which is held after the expiration of three years from the day of the coming into force of the determination of the electors in favour of national prohibition, and at every general election thereafter so long as that determination remains in force a licensing poll shall be taken, and at that poll there shall be submitted to the electors of each licensing district the question whether licenses shall be restored in New Zealand.

Poll as to national restoration of licenses.

(2.) The question shall be submitted in the form set forth in the *Fourth* Schedule hereto, and in the manner prescribed by the principal Act as amended by this Act in the case of a poll in a no-license district; and all the provisions of the principal Act as amended by this Act shall, so far as applicable, apply to any such poll accordingly.

23. (1.) As soon as conveniently may be after the result of the poll has been ascertained in any district the Returning Officer shall give public notice of the total number of votes recorded at the poll and of the total number of votes so recorded in favour of each of the proposals submitted at that poll, and shall declare the result of the poll in that district accordingly.

Notification by Returning Officer as to result of poll for restoration of licenses or otherwise.

(2.) Within seven days after the result of the poll in any district has been notified as aforesaid, the Returning Officer shall transmit to the Minister a statement of the total number of votes recorded at the poll and of the total number of votes recorded in favour of each of the proposals submitted at the poll. 5

(3.) As soon as the Minister has received the said statements from the Returning Officers of all the licensing districts he shall ascertain the total number of votes so recorded throughout New Zealand in favour of the proposal that licenses shall be restored in New Zealand, and also the total number of votes so recorded throughout New Zealand in favour of the proposal that licenses shall not be restored in New Zealand. 10

Minister to notify result in *Gazette*.

(4.) The Minister shall forthwith notify in the *Gazette* the numbers of the said votes as ascertained by him, and the result thereof, as determined by the provisions hereinafter contained in that behalf. 15

(5.) If and as often as any amended statement of the result of the poll in any district is transmitted to the Minister in pursuance of this Act or of the principal Act, consequent upon any recount, petition, or fresh poll, or otherwise, the Minister shall make a reascertainment of the numbers of the said votes, and shall forthwith publish in the *Gazette* an amended notice of the numbers of the said votes and of the result thereof. 20

(6.) Any notice published by the Minister in the *Gazette* under this section shall in all Courts and in all proceedings be accepted as sufficient *prima facie* evidence of the numbers of the said votes and of the result thereof as so notified. 25

Proposal for restoration to be carried if 55 per cent. of voters in favour thereof.

24. If the result of the polls throughout New Zealand is that the total number of votes recorded in favour of the proposal that licenses be restored is not less than fifty-five per centum of all the votes recorded, then that proposal shall be deemed to be carried, but not otherwise. 30

Determination in favour of restoration to come into force after three months.

25. Any such determination of the electors in favour of the restoration of licenses shall come into force throughout New Zealand on the expiration of three months after the day of the general election at which the poll was taken. 35

Provisions to apply on coming into force of determination.

26. On the coming into force of that determination the following provisions shall apply:—

(a.) The previous determination of the electors in favour of national prohibition shall be superseded, and shall cease to have any force or effect: 40

(b.) A Licensing Committee shall thereupon be constituted in each licensing district in accordance with the principal Act, save that the first election of the elective members of those Committees shall take place on a day appointed by the Governor in that behalf, and succeeding periodical elections shall take place on the corresponding day in every third year after: 45

(c.) At the first annual meeting of the Licensing Committee so constituted in any district, and thereafter from time to time, licenses of the descriptions which may be granted under the principal Act shall be granted in accordance with that Act, and the Committee shall exercise in respect of such licenses all the powers vested in a Licensing Committee by the principal Act. 50

5 (d.) The number of publicans' licenses so granted shall not exceed one for every complete four hundred electors of the district at the date of the coming into force of the determination in favour of the restoration of licenses, and shall not be less (if a sufficient number of such licenses is duly applied for) than one for every complete eight hundred electors of the district at the date aforesaid.

10 27. After the coming into operation of a determination in favour of the restoration of licenses in New Zealand, licensing polls shall from time to time be taken in accordance with this Act in the same manner as if national prohibition had never been in force, and all the provisions of the principal Act and of this Act shall apply accordingly.

Licensing polls to be taken periodically after determination to restore licenses.

Supplementary.

15 28. No licensing poll under this Act shall affect the operation of any Proclamation in force under section two hundred and seventy-two of the principal Act (relating to Native land).

Proclaimed areas not affected.

20 29. (1.) Save as provided by this Act in respect of the restoration of licenses, or by section one hundred and forty-four of the principal Act with respect to increase of licenses, no new publican's license shall, after the passing of this Act, be granted in any licensing district, except when a publican's license has been forfeited, or has not been renewed, or has otherwise ceased to exist.

New publicans' licenses not to be granted hereafter except in special cases.

25 (2.) In every such case one new publican's license may at any time within two years thereafter be granted by the Licensing Committee having jurisdiction for the time being in the place where the premises were situated to which the former license related.

30 30. Section seven of the principal Act is hereby amended by repealing paragraph (d) thereof.

Section 7 of principal Act amended.

31. The principal Act is hereby amended in the manner and to the extent specified in the *Fifth* Schedule to this Act.

Miscellaneous amendments of principal Act.

32. After the passing of this Act no bottle license shall be granted or renewed.

No bottle license shall be granted or renewed.

PART II.

GENERAL.

35 33. (1.) After the first day of June, nineteen hundred and eleven, save as provided by this section, no female shall be employed in any capacity, or permitted to serve in any capacity, in or about the bar of any licensed premises at any time while the bar is open for the sale of liquor.

Employment of barmaids prohibited.

40 (2.) If any licensed person commits a breach of the provisions of this section, he shall be liable to a fine not exceeding ten pounds for every day on which the offence is committed.

45 (3.) Nothing in this section shall apply to the employment or service of—

- (a.) The wife or daughter of the licensee of the premises ;
- (b.) The licensee, being a woman ;
- (c.) Any person duly registered as a barmaid under this Act.

(4.) Every person who, at any time within one year before the passing of this Act, has been employed as a barmaid in any licensed premises for any continuous period not less than three months, shall be entitled to be registered as a barmaid under this Act, if application for registration is made by her in accordance with this Act and the regulations made thereunder, on or before the first day of June, nineteen hundred and *eleven*. 5

(5.) An application for registration under this section shall be made by the applicant in writing to the Commissioner of Police, at Wellington, and shall be accompanied by a statutory declaration (which shall be exempt from stamp duty) setting out the facts on which the applicant founds her claim to be registered. 10

(6.) The Commissioner of Police shall keep a register in which he shall enter the names of all persons registered as barmaids under this Act, together with such other particulars as may be prescribed or as he thinks fit. 15

(7.) So soon as practicable after the completion of the said register, and thereafter from time to time as he thinks fit, the Commissioner of Police shall publish in the *Gazette* a list of all persons so registered, and a copy of the *Gazette* shall be sufficient evidence that the persons therein named are duly registered as barmaids under this Act, and that any person who is not therein named is not so registered. 20

(8.) The Commissioner of Police shall from time to time amend the register by striking off the names of all persons who have died, or who have been registered in error, or who have ceased for a period of not less than two years to be employed as barmaids in any licensed house. 25

(9.) The Governor may from time to time by Order in Council make regulations as to the mode of such registration, and any other regulations which he deems necessary for carrying into full effect the provisions of this section. 30

Illegal use of premises as places of resort for consumption of intoxicating liquor.

34. (1.) No building, room, or other premises (not being licensed premises) shall be kept or used as a place of resort for the consumption of intoxicating liquor on those premises. 35

(2.) The term "licensed premises," as used in this section, means and includes any premises in respect of which a license under the principal Act is in force, and any railway refreshment-rooms at which liquor may be sold, and any premises on which liquor may be sold by virtue of a charter granted to any club under the principal Act, and any refreshment-rooms at the Houses of Parliament. 40

(3.) Nothing in this section shall extend or apply to the consumption of liquor by any person on any premises in which he dwells or is resident, whether he is the occupier of those premises or not, or to the consumption of liquor supplied to any person by way of gift by any person who so dwells or is resident on the premises on which the liquor is consumed. 45

(4.) If any premises are kept or used in breach of this section as a place of resort for the consumption of liquor, the occupier of the same, and every person having or taking part in the care, management, or control of the same, are severally liable to a fine not exceeding *twenty* pounds for every day on which the premises are so kept or used. 50

(5.) Every person (other than a constable) found on any premises kept or used in breach of this section shall be liable to a fine not exceeding *five* pounds.

5 (6.) For the purposes of this section, any person who acts as or as if he were an occupier or a person having any part in the care, management, or control of any premises shall be deemed, though not to the exclusion of the liability of any other person, to be the occupier thereof, whether he is the real occupier or not.

10 (7.) For the purposes of this section, premises shall be deemed to be a place of resort for the consumption of intoxicating liquor, notwithstanding the fact that they are open only for the use of particular persons or particular classes of persons, and are not open to all persons desirous of using the same.

15 (8.) No prosecution for an offence against this section shall be commenced without the consent of the Attorney-General.

20 (9.) Any Justice of the Peace, if satisfied by information on oath that there is reasonable ground to suspect that any premises are kept or used as a place of resort for the consumption of liquor in breach of this section, may, in his discretion, grant a warrant under his hand, by virtue whereof it shall be lawful for any constable named in that warrant, at any time or times by day or night within one month thereafter, to enter, with or without such assistants as he may deem requisite and by force if need be, the premises named in the warrant and every part thereof and examine the same.

25 35. Section four of the principal Act is hereby amended by adding, at the end of the definition of "borough," the words "and also any town district." Section 4 of principal Act amended.

30 36. (1.) The following districts are hereby declared to be city licensing districts under the principal Act, that is to say,— City licensing districts.

The Auckland Licensing District, comprising the three electoral districts of Auckland East, Auckland West, and Auckland Central;

35 The Wellington Licensing District, comprising the three electoral districts of Wellington East, Wellington North, and Wellington Central;

The Christchurch Licensing District, comprising the three electoral districts of Christchurch East, Christchurch North, and Christchurch South; and

40 The Dunedin Licensing District, comprising the three electoral districts of Dunedin North, Dunedin West, and Dunedin Central.

(2.) Whenever the Representation Commissions divide New Zealand into electoral districts as provided by the Legislature Act, 1908, they shall in their report declare in the case of each city licensing district what electoral districts are substituted for the electoral districts aforesaid, and the city licensing districts shall on the coming into operation of the said report comprise the electoral districts so substituted instead of the electoral districts aforesaid.

50 (3.) This section is substituted for section six of the principal Act, which section is hereby accordingly repealed. Repeal.

37. Section two hundred and two of the principal Act is hereby amended by substituting the word "twenty-one" for the word "eighteen" wherever that word occurs in the section. Section 202 of principal Act amended.

Governor may
proclaim areas
within which liquor
not to be supplied
to Natives.

38. (1.) The Governor may from time to time proclaim any part or parts of New Zealand as districts in which the provisions of this section shall apply, and may at any time revoke or vary any such proclamation.

(2.) Every person (whether a licensed person or not) who in any such district supplies liquor to any Native shall be liable on summary conviction to a fine not exceeding *fifty* pounds. 5

(3.) This section shall not apply to—

(a.) The supply of liquor on licensed premises for consumption on those premises : 10

(b.) The supply of liquor for medicinal purposes, on the authority of a registered medical practitioner :

(c.) The supply of liquor to any Native who is married to any person other than a Native.

(4.) For the purposes of this and the *next succeeding* section the term "Native" means a person belonging to the aboriginal race of New Zealand, and includes a half-caste and a person intermediate in blood between half-castes and persons of pure descent from that race. 15

Repeal.

(5.) Section two hundred and seventy of the principal Act is hereby repealed. 20

Saving.

(6.) All parts of New Zealand which have heretofore been defined by the Governor in Council in pursuance of the said section two hundred and seventy, and to which the provisions of the said section are applicable at the passing of this Act, shall be deemed to have been proclaimed under this section, and the provisions of this section shall apply thereto accordingly. 25

Illegal supply of
liquor to Natives.

39. (1.) Every person (whether a licensed person or not) is liable on summary conviction to a fine not exceeding *fifty* pounds, who, in any part of New Zealand,—

(a.) Supplies liquor to an intoxicated male Native ; or 30

(b.) Supplies liquor to any female Native unless that Native is the wife of a person other than a Native, or except for medicinal purposes upon the authority of a registered medical practitioner.

Repeal.

(2.) Section two hundred and seventy-one of the principal Act is hereby repealed. 35

Section 147 of
principal Act to
apply to areas
proclaimed under
section 272 thereof.

40. The provisions of section one hundred and forty-seven of the principal Act shall apply within all areas proclaimed in pursuance of section two hundred and seventy-two of that Act, in the same manner as if such proclaimed areas were districts in which, by reason of the determination of the electors at a licensing poll, no licenses exist, and those provisions shall be construed as being supplementary to and not as being in abrogation of the provisions of section two hundred and seventy-three of the principal Act. 40

Licenses not to be
granted in respect
of breweries within
five miles of
no-license districts.

41. (1.) Notwithstanding anything in the Beer Duty Act, 1908, it shall not be lawful to grant under that Act a license in respect of any brewery situated within a no-license district or within five miles of the boundary of any such district. 45

(2.) Nothing in this section shall prevent the renewal of any license, or the grant of a new license to the successor in business of any person holding a license or to any person of a new license in lieu of any license which was formerly held by that person but which has 50

lapsed or otherwise determined within six months before the grant of such new license.

42. (1.) Notwithstanding anything in the Beer Duty Act, 1908, it shall not be lawful for any brewer to use for the storage of beer any warehouse, depot, or other building or place (not forming part of a brewery) situated in a no-license district or within five miles of the boundary of any such district. Brewery depots not to be established within five miles of no-license districts.

(2.) Any brewer who commits a breach of this section shall be liable on summary conviction to a fine not exceeding *fifty* pounds for every day on which the offence is committed.

(3.) Subsections three and four of section thirty-two of the Beer Duty Act, 1908, are hereby repealed. Repeal.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

Sections 3, 14.

LICENSING POLL IN DISTRICTS WHERE LICENSES EXIST.

Licensing District of

I VOTE against National Prohibition. (*This vote is also counted in favour of the grant of licenses in the district.*)

I VOTE for National Prohibition. (*This vote is also counted against the grant of licenses 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, and his vote will not be recorded.

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 into which he drops his electoral ballot-paper.

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

SECOND SCHEDULE.

Sections 8, 14.

LICENSING POLL IN NO-LICENSE DISTRICTS.

Licensing District of

I VOTE against National Prohibition. (*This vote is also counted in favour of the restoration of licenses in the district.*)

I VOTE for National Prohibition. (*This vote is also counted against the restoration of licenses 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, and his vote will not be recorded.

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 into which he drops his electoral ballot-paper.

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

Section 13.

THIRD SCHEDULE.

FORM No. 1.

Declaration of Licensing Poll.

Licensing District of .
 IN pursuance of the Licensing Act, 1908, I hereby give public notice that at the licensing poll taken under the provisions of the said Act the number of votes recorded for each proposal was as follows :—

For the proposal that licenses be granted in the district ...
 For the proposal that no licenses be granted in the district ...

The total number of votes recorded at the poll was , and, as the number of votes recorded in favour of the proposal that no licenses be granted in the district is less than [or is not less than] fifty-five per centum of the total number of votes recorded, I hereby declare that proposal to be not carried [or to be carried].

Dated at , this day of , 19 .
 , Returning Officer.

FORM No. 2.

Declaration of Licensing Poll.

Licensing District of .

IN pursuance of the Licensing Act, 1908, I hereby give public notice that at the licensing poll taken under the provisions of the said Act the number of votes recorded for each proposal was as follows :—

For the proposal that licenses be restored in the district ...
 For the proposal that licenses be not restored in the district ...

The total number of votes recorded at the poll was , and as the total number of votes recorded in favour of the proposal that licenses be restored in the district is less than [or is not less than] fifty-five per centum of the total number of votes recorded, I hereby declare that proposal to be not carried [or to be carried].

Dated at , this day of , 19 .
 , Returning Officer.

Section 22.

FOURTH SCHEDULE.

VOTING-PAPER ON ISSUE WHETHER LICENSES BE RESTORED IN NEW ZEALAND.

Licensing District of .

I VOTE that licenses be restored in New Zealand.
 I VOTE that licenses be not restored in New Zealand.

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, and his vote will not be recorded.

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 into which he drops his electoral ballot-paper.

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

FIFTH SCHEDULE.

Section 31.

MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT.

Number of Section affected.	Nature and Extent of Amendment.
Section 8 ...	By repealing the section.
Section 11 ...	By repealing the section.
Section 12 ...	By repealing paragraph (c) thereof.
Section 13 ...	By repealing the section.
Section 14 (i) ...	By omitting the words "all the proposals," and substituting the words "such one of the proposals"; by omitting the words "except one, or all except two"; and by omitting the word "proposals," and substituting the word "proposal."
Section 14 (j) ...	By omitting the word "all," and substituting the word "both"; and by omitting the words "at least."
Section 24 ...	By repealing the section
Section 25 ...	By repealing the section.
Section 28 ...	By repealing the section.
Section 33 ...	By adding the following subsection :— " (4.) A copy of every such order, together with a statement of the number of votes recorded in favour of each proposal and of the total number of votes recorded at the poll as found by the Court, shall, within seven days after the making of the order, be sent by the Chairman of the Court to the Minister."
Section 37 ...	By repealing the proviso to subsection (1) thereof.
Section 38 ...	By repealing the section.
Section 145 ...	By repealing the section.
Second Schedule	By repealing the Schedule.
Fourth Schedule	By repealing the Schedule.
Sixth Schedule	By repealing the Schedule.