

Mr. Saunders.

## Licensing Laws Amendment.

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## A BILL INTITULED

## AN ACT further to amend the Licensing Laws.

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

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| <p>5</p> <p>10</p> <p>15</p> | <p>1. The Short Title of this Act is "The Licensing Laws Amendment Act, 1879," and it shall come into operation on the <i>first</i> day of <i>January</i>, one thousand eight hundred and <i>eighty</i>, and shall be deemed to be incorporated with the existing licensing laws.</p> <p>2. All enactments contrary to the provisions hereof are hereby repealed.</p> <p>3. In this Act, if not inconsistent with the context,—<br/>"Licensing laws" include all Acts of the General Assembly and Provincial Ordinances in force at the time of the passing of this Act which regulate the sale by retail of intoxicating or alcoholic liquors, exclusive of any Acts relating specially to the sale of spirits to Natives;</p> | <p>Title.</p> <p>Short Title.</p> <p>Commencement.</p> <p>Repeals.</p> <p>Interpretation.</p> |
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- “County” means a county constituted under “The Counties Act, 1876;”
- “Borough” includes all boroughs constituted under “The Municipal Corporations Act, 1876,” and all towns incorporated under “The Otago Municipal Corporations Ordinance, 1865;” 5
- “Road district” means any road, highway, or other district within the jurisdiction of a Road Board, as herein defined;
- “Road Board” means the Council, Board, Trustees, or other persons or body, as the case may be, having the management, control, or care of roads or highways under any Act of the General Assembly, or under any Provincial Ordinance in force at the commencement of this Act; 10
- “District” means a licensing district;
- “Chairman” means the Chairman of the Licensing Court of a licensing district; 15
- “Resident” includes all males and females of twenty-one years of age and upwards;
- “Ratepayers” includes all persons whose names appear on any ratepayers’ roll as herein defined; 20
- “Ratepayers’ roll” means a roll of county electors, or a burgess roll, or a ratepayers’ roll, entitling the electors, burgesses, or ratepayers within a borough, riding of a county, or road district respectively, or any ward or other division thereof respectively, to vote at elections of members of a Borough Council, County Council, or Road Board respectively; 25
- “Publican’s license” means a license authorizing the holder thereof to sell and dispose of any intoxicating liquors in any quantity on the premises therein specified, within certain hours; 30
- “New publicans’ license” means a license granted in respect of premises in respect whereof a similar license has not been granted at any time before the commencement of this Act, and includes a license granted in respect of premises in respect whereof a similar license has at any time previously been removed, taken away, or abolished. 35

Existing licensing districts abolished.

4. All licensing districts existing at the time of the coming into operation of this Act are hereby abolished; but nothing in this section contained shall in any way affect any districts constituted for the purposes of any law relating exclusively to the sale of spirits or intoxicating liquors to Natives. 40

New districts to be conterminous with boroughs, ridings, and road districts.

5. The licensing districts for all purposes of the licensing laws shall henceforth be identical and conterminous respectively with existing and future—

- (1.) Boroughs; 45
- (2.) Wards of boroughs;
- (3.) Ridings of counties;
- (4.) Road districts outside counties;
- (5.) Such other districts in parts of the colony not comprised within any of the foregoing which the Governor in Council is hereby authorized to constitute, and to vary, abolish, and reconstitute from time to time, as may seem fitting. 50

Provided always that the Governor in Council, as he thinks convenient, may group any number of ridings of counties or road districts respectively into one district, and from time to time may subdivide, alter, abolish, and reconstitute such districts. 55

Governor to make all necessary regulations and appointments.

6. The Governor shall make all necessary regulations and appointments to give full effect to the provisions of this Act in any part of the colony; but all existing appointments of Licensing Courts and the officers thereof, in licensing districts the boundaries whereof continue unaffected by this Act, shall continue in force and be deemed to have been made under this Act. 60

## CONDITIONS OF OBTAINING NEW LICENSES.

7. From and after the commencement of this Act, a publican's license for any premises that have not been previously licensed shall be granted only at the quarterly licensing meetings to be held in the 5 month of *June* in each year. New licenses to be granted only once a year.
8. From and after the commencement of this Act no new publicans' licenses, except for premises in respect of which a license is held and is in force at the aforesaid time, shall be granted until the ratepayers of the district shall have previously determined, in manner 10 hereinafter provided, whether the number of publicans' licenses within the district may or may not be increased. New licenses to be granted subject to vote of ratepayers.
9. The Chairman of the Licensing Court of every licensing district wherein a ratepayers' roll, as herein defined, is in force shall, by public advertisement, appoint some convenient day in the month 15 of *March*, in the year one thousand eight hundred and *eighty*, and thereafter at the same time in every third year, but not earlier than fourteen days after the first publication of the aforesaid advertisement, for taking the aforesaid determination of the ratepayers by a poll to be taken in manner prescribed by "The Regulation of Local 20 Elections Act, 1876," which, for this purpose, is hereby incorporated with this Act. Chairman to appoint day for taking poll of ratepayers.
10. At such poll the proposal following shall be submitted, and no other, that is to say,— Question to be submitted to vote.
- 25 The proposal that the number of publicans' licenses in the district may be increased.
11. The poll shall be taken as follows:— Taking of poll.
- (1.) The Chairman shall appoint such person as he thinks fit to be "Presiding Officer," and to act as such at the taking of any poll as hereinafter provided.
- 30 (2.) The Chairman shall give notice in writing to the Presiding Officer, requiring him to take the poll upon the day appointed.
- (3.) The Presiding Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by "The 35 Regulation of Local Elections Act, 1876," for taking a poll at any election, and shall provide voting papers and all things necessary for taking the poll.
- (4.) The voting papers shall be printed in the form in the 40 Schedule, setting forth the proposal mentioned in the *tenth* section, with the declaration in such form set forth, and the words, "I vote that the number of publicans' licenses in the district *may* be increased," and, "I vote that the number of publicans' licenses in the district *may not* be increased," legibly printed at the foot of each voting paper.
- 45 (5.) The voter shall erase one or other of the said lines, and his vote shall be deemed to be given according to the one of the said lines which he leaves uncrased.
- (6.) Each ratepayer shall have only one vote, but there may be more polling-booths than one in each district.
- 50 (7.) All the provisions of "The Regulation of Local Elections Act, 1876," as regards taking a poll, and the penalties incurred in any respect in connection therewith shall, *mutatis mutandis*, so far as they are applicable, and except as by this Act is otherwise provided, apply to the taking a poll on the aforesaid proposal.
- 55 (8.) In the Act last named the words "Presiding Officer" shall be read, instead of the words "Returning Officer," wherever the same occur. Result to be publicly notified.
12. As soon as conveniently may be after the result of the poll has been ascertained, the Chairman shall give public notice of the

number of votes recorded for and against the proposal as above provided, and shall declare the resolution to be carried or rejected as the case may be.

If the majority of the votes that have been given are in favour that the number of publicans' licenses is not to be increased, then that shall be the determination. 5

Negation of question not to be imperative on Court.

13. The affirmation of the above-mentioned proposal shall in no case render it imperative upon the Licensing Court to issue any new publicans' licenses.

Every determination shall continue in force until another determination shall subsequently have been made. 10

Roll of voters when no ratepayers' roll in force.

14. In districts where no ratepayers' roll is in force, the Clerk of the Licensing Court of the district shall make out a list of all those persons whose names appear on the roll of electors of members of the House of Representatives for the electoral district wherein the licensing district or any part thereof is comprised, in respect of any qualification situate within the district last mentioned. 15

The Returning Officer for every electoral district wherein any part of a licensing district is contained shall furnish the electoral rolls in his custody to the aforesaid Clerk, and permit him to make out such lists, and when such lists are so made out the said Returning Officer shall sign the same as correct. 20

The lists so made out shall be deemed to be the ratepayers' roll for the licensing district for the purpose of every poll to be taken under this Act within such district. 25

If election miscarry, another day to be appointed.

15. If from any mischance or misadventure no determination is arrived at at the appointed time for the poll in any district as hereinbefore provided, the Governor in Council may, on the application of any two ratepayers of such district, and if it seems fit, appoint some other convenient day, being not less than *fourteen* days previous to the day appointed for the meeting of the Licensing Court in June of the same year, for the holding another election at which a determination may be arrived at in manner aforesaid. 30

Costs of poll to be paid out of license fees.

16. All costs and expenses incident to the taking of any poll of ratepayers under this Act shall be paid out of the fees accruing in the licensing district in respect of any license granted by the Licensing Court, and shall be defrayed out of such fees by the person receiving the same, on the written authority in that behalf of the Chairman of the Licensing Court of such district. 35

If objectors have a majority of two-thirds license not to be granted.

17. Notwithstanding anything in the licensing laws contained, the Licensing Court shall at every licensing meeting entertain any petition or memorial from the residents or ratepayers of the licensing district having reference to the granting or renewal of a license, on proof of the authenticity of the signatures thereto, and, if it shall appear to the Court that a majority of at least two-thirds of the residents or ratepayers in the neighbourhood of the house in respect of which a license is sought or to which it relates object to the granting of the application, such Licensing Court shall refuse to grant such application. 40 45

Particulars of signatures to and notice of petition.

18. Every petition or memorial having reference to the granting, renewal, or removal of a publican's license,— 50

Shall have, in addition to each signature thereon, a statement of the age, and the actual distance from the premises intended to be affected by such petition or memorial of the residence or property, of each person signing the same; 55 and

Shall be lodged with the Clerk of the Licensing Court of the district not less than seven days before the day appointed for the next sitting of the Court.

The said Clerk shall keep a list posted in his office, for seven days previous to each sitting of the Licensing Court, of all petitions or 60

memorials lodged with him as aforesaid, and every such list and petition or memorial shall be open for public inspection without fee.

The Licensing Court shall, on receiving any such petition or memorial as aforesaid, erase therefrom all names whereto the foregoing 5 particulars are not appended.

19. The Licensing Court shall in each case, at their discretion, determine what is to be deemed "the neighbourhood" for the purpose of this Act; and shall take such measures by receiving evidence or otherwise as shall be necessary to determine the number of residents 10 and ratepayers therein.

Definition of "neighbourhood."

COMPENSATION.

20. The owner of, and every other person having any beneficial interest in, any publichouse the license for which shall be taken away or be abolished under the provisions of this Act, shall be entitled to 15 full compensation for all loss which he or they may sustain by the exercise of the restrictive sections of this Act; and it shall be the duty of the Licensing Court to cause such compensation to be assessed in such manner as such Court shall think reasonable.

Owner and others beneficially interested to be compensated.

21. The compensation to be paid in any case of a license that is 20 abolished as aforesaid shall, at the discretion of the Court, be estimated, either—

Mode of assessing compensation.

(1.) At the difference made in the value of any premises by the taking away of the license; or

25 (2.) At the difference between the value of the interest of the parties respectively having a beneficial interest (exclusive of the goodwill of the business) in the said premises at the time the license is taken away, and the value of such interest respectively after the license has been taken away.

22. Two-thirds of the amount of compensation to be paid in 30 any case under this Act shall be paid by the Colonial Treasurer on the request of the Chairman of the Licensing Court to the persons respectively entitled thereto, and one-third of the amount of such compensation shall, on a similar request, be paid to such persons out of the funds of the local body which receives the licensing fees accruing 35 in the district wherein the claim for compensation has arisen.

Compensation to be paid out of Consolidated Fund and local revenue respectively.

GENERAL PROVISIONS.

23. From and after the coming into operation of this Act, no person holding a license authorizing him to sell by retail intoxicating liquors shall sell the same except between the hours of six o'clock in 40 the morning and ten o'clock at night on any day whereon such sale is permitted.

Hours during which liquors may be sold.

24. An extension of license may be granted within boroughs by the Licensing Bench authorizing a licensed publican to continue the sale of intoxicating liquors until twelve o'clock at night; but no such 45 liquors shall be sold anywhere at any hour after midnight of one day and before six o'clock in the morning of the day succeeding.

Extension of time.

25. The annual fee to be paid in respect of a publican's license in any part of the colony shall be forty pounds, with an additional fee of ten pounds in respect of every extension of license authorizing a 50 publican to sell liquors until midnight.

Annual license fees.

26. All fees payable in respect of licenses issued under any law relating to the sale by retail of intoxicating liquors shall be paid within fourteen days after the granting of the certificate authorizing the issue of the license; and, if not so paid, the certificate shall on the expiration of the fourteenth day be void, and no license shall be issued 55 thereon.

Certificate void if license fee not paid.

Lamp to be kept  
over door of premises.

27. Every licensed publican shall keep a lamp affixed over the door of his licensed premises, or within twenty feet thereof, lighted during the whole of every night from sunset to sunrise, during the time of holding such license. Every person who acts in contravention of or who fails to comply with this provision shall forfeit and pay for each such offence a penalty not exceeding *forty* shillings. 5

Penalty for selling  
on Sundays.

28. Any licensed person who shall sell or retail any liquor or permit or suffer the same to be drunk in his house or premises on Sunday, except to lodgers in such house or to *bond fide* travellers, shall be liable to a penalty not exceeding *ten* pounds for every separate offence on the same day. 10

For any offence against the provisions of this section, committed within *twelve* months after any conviction for an offence of the like nature, the aforesaid person shall be liable to double the aforesaid penalties, and, at the discretion of the Court, shall also be liable to forfeit his license. 15

Saving as to travel-  
lers or lodgers.

29. No person shall be a *bond fide* traveller within the meaning of the next preceding section unless he shall reside at least five miles from the licensed premises where he shall be supplied with liquor, and shall have travelled at least that distance on the day when he shall be so supplied; and, on the hearing of any complaint against any licensed person for a breach of the next preceding section, the burden of proof that the person supplied with liquor was a *bond fide* traveller or lodger shall rest with such licensed person. 20

Penalty for false  
representation.

30. Every person who falsely represents himself to be a traveller or a lodger shall be liable to a penalty not exceeding *five* pounds. 25

Schedule.

### SCHEDULE.

#### FORM OF VOTING PAPER.

PROPOSAL that the number of publicans' licenses in the district may be increased.  
Upon which a poll will be taken on the            day of            , 18    .

1. I vote that the number of publicans' licenses in the district *may* be increased.
2. I vote that the number of publicans' licenses in the district *may not* be increased.