

## Local Option.

### ANALYSIS.

<p>Title.</p> <p>1. Short Title. Commencement.</p> <p>2. Repeals.</p> <p>3. Interpretation.</p> <p>4. Existing licensing districts abolished.</p> <p>5. New districts to be coterminous with boroughs, ridings, and road districts.</p> <p>CONDITIONS OF OBTAINING NEW LICENSES.</p> <p>6. Governor to make all necessary regulations and appointments.</p> <p>7. New licenses to be granted only once a year.</p> <p>8. New licenses to be granted subject to vote of ratepayers.</p>	<p>9. Chairman to appoint day for taking poll of ratepayers.</p> <p>10. Question to be submitted to vote.</p> <p>11. Taking of poll.</p> <p>12. Result to be publicly notified.</p> <p>13. Roll of voters when no ratepayers' roll in force.</p> <p>14. If election miscarry, another day to be appointed.</p> <p>15. Negation of question not to be imperative on Court.</p> <p>16. Costs of poll to be paid out of license fees.</p> <p>17. If objectors have a majority of two-thirds license not to be granted.</p> <p>18. Particulars of signatures to and notice of petition.</p> <p>19. Definition of "neighbourhood."</p>
--	---

### A BILL INTITULED

AN ACT to amend the Licensing Laws in certain particulars. Title.

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

1. The Short Title of this Act is "The Local Option Act, 1879," and it shall come into operation on the *first* day of *January*, one thousand eight hundred and *eighty*. Short Title.  
Commencement.
2. All enactments contrary to the provisions hereof are hereby repealed. Repeals.
3. In this Act, if not inconsistent with the context,— Interpretation.
- 10 "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;
- 15 "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;"
- 20 "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;
- 25 "District" means a licensing district;
- "Chairman" means the Chairman of the Licensing Court of a licensing district;
- 30 "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;

“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; 5

“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; 10

“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.

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. 15

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— 20

- (1.) Boroughs;
- (2.) Wards of boroughs;
- (3.) Ridings of counties; 25
- (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. 30

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 alter and reconstitute such districts.

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. 40

CONDITIONS OF OBTAINING NEW LICENSES.

New licenses to be granted only once a year.

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 month of *June* in each year. 45

New licenses to be granted subject to vote of ratepayers.

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 hereinafter provided, whether the number of publicans’ licenses within the district may or may not be increased. 50

Chairman to appoint day for taking poll 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 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 Elections Act, 1876,” which, for this purpose, is hereby incorporated with this Act. 55 60

10. At such poll the proposal following shall be submitted, and no other, that is to say,—

Question to be submitted to vote.

The proposal that the number of publicans' licenses in the district may be increased.

5 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.

10 (2.) The Chairman shall give notice in writing to the Presiding Officer, requiring him to take the poll upon the day appointed.

15 (3.) The Presiding Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by "The 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.

20 (4.) The voting papers shall be printed in the form in the Schedule, setting forth the proposal mentioned in the *eleventh* section, with the declaration in such form set forth, and the words, "I vote for the above proposal," and, "I vote against the above proposal," legibly printed at the foot of each voting paper.

25 (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 un erased.

(6.) Each ratepayer shall have only one vote, but there may be more polling-booths than one in each district.

30 (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.

35 (8.) In the Act last named the words "Presiding Officer" shall be read, instead of the words "Returning Officer," wherever the same occur.

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.

Result to be publicly notified.

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.

45 13. 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.

Roll of voters when no ratepayers' roll in force.

50 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 55 sign the same as correct.

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.

60 14. If from any mischance or misadventure no determination is arrived at at the appointed time for the poll in any district as

If election miscarry, another day to be appointed.

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. 5

Negation of question not to be imperative on Court.

15. Every determination shall continue in force until another determination shall subsequently have been made; but the affirmation of the above-mentioned proposal shall in no case render it imperative upon the Licensing Court to issue any new publicans' licenses. 10

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. 15

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 of a new publican's 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. 20 25

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,—

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; 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. 30 35

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 memorials lodged with him as aforesaid, and every such list and petition or memorial shall be open for public inspection without fee. 40

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

Definition of "neighbourhood."

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 and ratepayers therein. 45

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 *for* the above proposal.
2. I vote *against* the above proposal.