

Hon. Mr. Whitaker.

Public Entertainments.

ANALYSIS.

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A BILL INTITULED

AN ACT for regulating Places of Public Entertainment. Title.

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

1. The Short Title of this Act is "The Public Entertainments Act, 1879." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.
"County" means a county constituted under "The Counties Act, 1876."

10 "Borough" means a borough constituted under "The Municipal Corporations Act, 1876," and includes any town incorporated under "The Otago Municipal Corporations Ordinance, 1865."

15 "Licensing authority" means any person or persons appointed by the Governor to act as a licensing authority for the purposes of this Act.

"Entertainment" means and includes any interlude, tragedy, comedy, play, farce, burlesque, burletta, melodrama, pantomime, musical entertainment, concert, ballet, stage-

dancing, jugglery, tumbling, horsemanship, exhibition of animals or other similar exhibition, and also that kind of entertainment known as the drawing-room entertainment, and every sort or kind of entertainment, exhibition, or amusement presented, held, or given, to which admission shall or may be procured by payment of money, or by tickets, or by the purchase of any article as a condition of admission, or by any other means, token, or condition as the price, hire, or rent of admission ;

“Place of entertainment” means and includes any theatre, house, room, building, tenement, garden, or place in which entertainments as herein defined are or may be presented, held, or given.

3. This Act shall only be in operation in boroughs, but may be brought into operation in such counties as the Governor shall from time to time declare.

4. No entertainment shall be presented, held, or given in any borough or county in which this Act is or has been brought into operation, unless the place of entertainment where such entertainment is so presented, held, or given, has been licensed under this Act.

5. The Governor may from time to time, for any borough, or for any county in which this Act is in force, appoint not exceeding three persons to be a licensing authority for the purposes of this Act in each such borough or county.

Any such appointment may be made to any person by his name of office, and in such case the appointment shall include the person holding such office for the time being.

6. The Governor may, from time to time, make regulations not inconsistent with this Act for the following purposes :

- (1.) Regulating the duties of a licensing authority, and the number of persons to exercise the same ;
- (2.) Prescribing the forms of licenses or transfers thereof, and the mode of transfer ;
- (3.) Generally prescribing any other matters authorized under or that may be necessary to give effect to this Act.

7. Licenses may be issued by a licensing authority to such person or persons, in such form as may be prescribed, and may be either for one year or for one month, or for a single night.

- (1.) The fee payable for a yearly license shall be the sum of *thirty* pounds ;
- (2.) For a monthly license shall be the sum of *five* pounds ;
- (3.) For a license for a single night the sum of *five* shillings ;
- (4.) And all such license fees shall be paid to such person as the licensing authority may from time to time appoint.

Provided that when any person holds a license issued under “The Municipal Corporations Act, 1876,” or any other Act or Ordinance, authorizing the holding of public meetings or entertainments in any building or place named in such license, the same shall be deemed to be a license under this Act, on such terms and to such extent, as may be prescribed by regulations to be made as aforesaid.

8. The licensing authority may issue single night licenses without payment of any fee whatsoever, in cases where it shall be shown to its satisfaction that the proceeds, or a proportion of the proceeds, of the entertainment proposed to be presented, held, or performed, are to be applied for the benefit of any public institution or to any benevolent or charitable purpose.

9. Any license issued under this Act, or any regulations made under it (other than a single night license) may be transferred by the holder thereof to any other person or persons ; but no such transfer shall be effectual for any purpose until the same has been approved by the licensing authority.

Act only in operation in boroughs, but may be brought into operation in counties.

Entertainment only to be held in licensed places.

Governor may appoint licensing authority.

And may make regulations.

Yearly, monthly, or single night licenses may be issued.

Proviso.

Single night licenses may be issued without fee in certain cases.

Licenses may be transferred with consent of licensing authority.

10. If any person or persons, in any place of entertainment not licensed under this Act, does any or all of the acts or things following :

Penalty for giving entertainments in unlicensed places.

(1.) Presents, holds, or gives, or cause to be presented, held, or given, for hire, gain, or reward, any entertainment ;

(2.) Takes or receives, or causes to be taken or received, any money, goods, or valuable thing whatsoever, by way of rent, fee, or reward, for the use or hire of any place of entertainment wherein any such entertainment as aforesaid shall be presented, held, or given ;

(3.) Or if, being the owner of any such place of entertainment, he knowingly permits or suffers the same to be so used for the purposes of such entertainment :

Every such person shall upon conviction forfeit and pay for every such offence any sum not exceeding *fifty* pounds.

11. In every case in which any entertainment is presented, held, or given in any place of entertainment where any spirituous or fermented liquors are sold, every person taking part in the presentation or performance of such entertainment therein shall be deemed to be acting for hire.

Persons taking part in entertainments where liquors sold to be deemed actors for hire.

12. In any proceedings to be instituted against any person or persons for having or keeping an unlicensed place of entertainment, if it shall be proved that the same is used for the public performance of entertainments, the burden of proof that such place of entertainment is duly licensed shall be upon the party accused, and until the contrary shall be proved, such place shall be taken to be unlicensed.

In proceedings for keeping unlicensed place of entertainment, &c., burden of proof on licensee.

13. If any person presents, holds, or gives, or causes to be presented, held, or given, any entertainment, or any part thereof, or any prologue or epilogue, or part thereof, of a lewd, indecent, or immoral description in any place of entertainment :

Penalty for indecent or immoral performances.

Every such person so offending,—

(1.) If the place of entertainment wherein the same has been presented, held, or given, be without the written authority of a licensing authority, shall forfeit and pay for every such offence any sum not exceeding *one hundred* pounds over and above any separate penalty such person may have incurred under any other provision of this Act ;

If place unlicensed, offender liable to penalty of £100.

(2.) And if such place wherein the same has been presented, held, or given, be duly licensed, shall forfeit and pay any sum not exceeding *fifty* pounds, and the license by or under which the said theatre or other place was opened shall become absolutely void.

If licensed, penalty of £50, and forfeiture of license.

14. The Colonial Secretary may order any place of entertainment to be closed on such public occasions as to him shall seem fit, and while any license shall be suspended, or any such order shall be in force, the place of entertainment to which the same applies shall not be entitled to the privilege of any license, but shall be deemed an unlicensed house.

Colonial Secretary may order place of entertainment to be closed on public occasions.

15. The Colonial Secretary, whenever he shall be of opinion that it is fitting for the preservation of good manners, decorum, or the public peace so to do, may forbid by writing under his hand the presenting, holding, or giving of any entertainment, or part thereof, or any prologue or epilogue, or any part thereof, in any place of entertainment for which a license may have been granted in pursuance of this Act.

Colonial Secretary may prohibit indecent or tumultuous exhibitions.

16. Every person who presents, holds, or gives, or causes to be presented, held, or given, any entertainment as aforesaid, or any act, scene, or part thereof, or any prologue or epilogue, or part thereof, contrary to such prohibition as aforesaid shall forfeit and pay for every such offence any sum not exceeding *fifty* pounds.

Penalty of £50 for disregard of prohibition.

And every authority or license (in case there be any such) by or under which the place of entertainment was opened in which such offence shall have been committed shall become absolutely void.

17. If any person, having or keeping any place of entertainment licensed under this Act, knowingly permits or suffers any lewd or disorderly conduct in any part thereof, or any common prostitutes or persons of notoriously bad character to assemble therein or in any appurtenance thereof, such person so offending shall forfeit and pay for every such offence any sum not exceeding *twenty* pounds.

And, in addition thereto, the license for such place of entertainment may be suspended for such time as the convicting Justices shall think fit, or declared to be forfeited.

18. Every police constable when on duty may demand and have free access to any place of entertainment licensed under this Act.

If any person having or keeping such place of entertainment, or the servant of any such person, shall knowingly refuse free access to such police constable, such person shall forfeit and pay any sum not exceeding *twenty* pounds.

The term "police constable" includes all officers of Police, of whatever grade or however designated, and all constables enrolled or serving under "The Armed Constabulary Act, 1867," or any Act amending the same.

19. In order to provide as far as possible against accident to the public from the insecurity of any building or place sought to be licensed as a place of entertainment, or from any alarm while people are assembled therein, the licensing authority shall, before granting such license, at the expense of the applicant, order a survey of such building or place by a person of skill, and a report to be made to it with regard to the strength and safety of such building or place, and the facilities it affords or otherwise for egress from the same in the event of any alarm from fire or other cause while any large number of persons are assembled therein.

But no such report shall be necessary in the case of a transfer of license, or where a license is held under the three hundred and twenty-third section of "The Municipal Corporations Act, 1876."

20. The licensing authority may, nevertheless, withhold any license in any case in which it shall appear that any alterations or other measures are requisite as precautions against accident, until the same shall be performed, or on the ground that such building or place has, since the issue of any previous license in respect thereof, become insecure or defective in any of the particulars set forth in section *nineteen*.

21. The Colonial Secretary may delegate any power or authority vested in him under sections *fourteen* and *fifteen* of this Act to a licensing authority in the County or borough for which such licensing authority acts.

22. All fees, fines, penalties and other moneys received or recovered under this Act shall be paid to and form part of the County or Borough Fund respectively.