

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]
House of Representatives, 12 August 1970.

Words struck out by the Committee are shown with black rule at beginning and after last line; words inserted are shown with double rule before first line and after last line.

Hon. Mr Riddiford

SALE OF LIQUOR AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Sale of Liquor Act 1962

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

1. **Short Title**—This Act may be cited as the Sale of Liquor Amendment Act 1970, and shall be read together with and deemed part of the Sale of Liquor Act 1962* (hereinafter referred to as the principal Act).

*1962, No. 139

Amendments: 1963, No. 114; 1964, No. 55; 1965, No. 70; 1967, No. 6; 1967, No. 34; 1968, No. 106; 1969, No. 129; 1969, No. 130

No. 30—2

Price 15c

2. Airport licence—(1) The principal Act is hereby amended by inserting, after section 65A (as inserted by section 2 (1) of the Sale of Liquor Amendment Act (No. 2) 1969), the following section:

“65B. (1) Subject to the provisions of this section, an airport licence shall authorise the licensee to sell and dispose of liquor, for consumption only on the premises specified in the licence,— 5

“(a) At any time between 11 o’clock in the morning and half an hour after the arrival or departure of the passenger aircraft last scheduled to arrive at or depart from the airport, but not later than 12 o’clock at night, on any day other than a day on which licensed premises are required to be closed for the sale of liquor; and 10

“(b) Only in the part or parts of the airport described in the licence (in this Act referred to as the licensed premises of the airport). 15

“(2) The Commission may, in granting an airport licence, or from time to time thereafter on the application of the licensee made with the approval of the airport authority, by order— 20

“(a) Fix in respect of the licensed premises of the airport times earlier or later than those specified in subsection (1) of this section for the opening or closing of those premises for the sale of liquor; or 25

“(b) Authorise the licensee to close the licensed premises of the airport for the sale of liquor for any period or periods during the day.

“On any application under this subsection the Commission shall hold a public sitting, of which public notice shall be given and at which all interested persons shall be entitled to be heard. 30

“(3) In determining whether to make an order under subsection (2) of this section the Commission shall have regard to— 35

“(a) The nature and frequency of the passenger services carried on at the airport:

“(b) The interests of air travellers, and in particular the interests of those departing from or arriving in New Zealand, and the times at which aircraft carrying them arrive and depart: 40

“(c) Such other considerations as the Commission thinks fit to take into account.

“(4) In making any order under subsection (2) of this section the Commission may—

5 “(a) Make different provision for different periods of the year or for different days in every week of the year or of any such period:

“(b) Make provision to take effect for particular periods only, or for particular days in every week of the year or of any such period, or in different circumstances:

10 “(c) In the case of an order under paragraph (a) of that subsection, make provision for the closing of the licensed premises of the airport for any period or periods during the day:

15 “(d) In the case of an order under paragraph (a) of that subsection, confer on the licensee authority to open or keep open or close the licensed premises of the airport for the sale of liquor at times earlier or later than those specified in or fixed under this section, in such circumstances and within such limits as may be specified by the Commission and
20 subject to such restrictions and conditions as may be imposed by it.

New

25 “(4A) Without limiting the foregoing provisions of this section, if the Commission makes provision in any such order for the keeping open of the licensed premises of the airport for any period after 12 o'clock at night—

30 “(a) The provision shall have effect notwithstanding that by reason of it the premises may be kept open for the sale and consumption of liquor during part of a day on which licensed premises are otherwise required to be closed for the sale of liquor:

35 “(b) In making the provision the Commission may if it thinks fit impose, as conditions of the licence, any special restrictions as to the persons or classes of persons to whom liquor may be sold, or as to the circumstances in which liquor may be sold, after 12 o'clock at night.

40 “(4B) The provisions of any order made by the Commission under the foregoing provisions of this section shall be deemed to be conditions of the licence, and the licence shall be read subject to them and to such modifications as are necessary to give effect to them.

“(5) For the purpose of enabling adequate accommodation to be made available for the seating of persons using the airport at times when the licensed premises of the airport are closed for the sale of liquor, the Commission may in granting the licence, or at any time thereafter on the application of the airport authority and the licensee, and subject to such conditions and restrictions as the Commission thinks fit, make it a condition of the licence that at all times while the licensed premises are so closed a part of the licensed premises specified by the Commission shall be partitioned off from the sales area (being the area in which liquor is kept and from which it is dispensed), and that the sales area shall be locked or otherwise secured so that it is not accessible to the public. While the condition is complied with, the part so specified—

“(a) Shall be deemed, except for the purposes of sections 206 to 209 of this Act (which relate to inspection and entry by any Inspector or by any member of the Police), not to be licensed premises; and

“(b) May be used for the accommodation of persons using the airport otherwise than for the consumption of liquor.

Struck Out

“(6) Where the Commission makes any order under subsection (2) or imposes a condition under subsection (5) of this section, the Secretary of the Commission shall send particulars thereof to the officer in charge of the police station nearest to the airport.

New

“(6) Where the Commission grants an airport licence in respect of an airport in a no-licence district, it may if it thinks fit impose, as conditions of the licence, any special restrictions as to the persons or classes of persons to whom liquor may be sold, or as to the circumstances in which liquor may be sold, and may from time to time vary or revoke any such condition.

“(6A) Where the Commission makes any order or imposes, varies, or revokes any condition under the foregoing provisions of this section, the Secretary of the Commission shall send particulars of the order or decision to the officer in charge of the police station nearest to the airport.

“(7) An airport licence shall not be granted in respect of any airport unless—

5 “(a) The application for the licence is made with the approval of the Minister of Transport and of the airport authority; and

“(b) The Commission is of opinion that proper facilities for the sale, disposal, and consumption of liquor are or will be available on the licensed premises of the airport.

10 “(8) The granting of an airport licence shall not limit or affect the provisions of the Airport Authorities Act 1966.

“(9) An airport licence shall be deemed to be issued subject to the condition that the licensed premises of the airport shall at all times conform to the general standards prescribed by the Commission in respect of such premises.

15 “(10) The Commission may grant more than one airport licence in respect of any one airport.

20 “(11) In paragraph (a) of subsection (1) of this section, the term “scheduled” means listed in a timetable issued for the public and for the time being in force.”

(2) Section 2 of the principal Act is hereby amended by inserting, before the definition of the term “bar”, the following definition:

25 “‘Airport’ and ‘airport authority’ have the same meanings as in the Airport Authorities Act 1966.”

(3) Section 2 of the principal Act is hereby further amended by adding to the definition of the term “licensed premises” the words “, or, in the case of an airport licence, the part or parts of the airport in which liquor is sold for consumption there”.

30 (4) Section 10 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (dd) (as inserted by section 2 (3) of the Sale of Liquor Amendment Act (No. 2) 1969), the following paragraph:

“(ddd) To grant and renew airport licences.”

35 (5) Section 11 of the principal Act is hereby amended by inserting in subsection (1) (as amended by section 2 (4) of the Sale of Liquor Amendment Act (No. 2) 1969), after the words “restaurant licence, or theatre licence”, the words “or an airport licence”.

40 *Struck Out*

(6) Section 29 of the principal Act is hereby amended by inserting in subsection (2), after the words “a restaurant licence”, the words “or an airport licence”.

(7) Section 54 of the principal Act is hereby amended by inserting in subsection (2), after paragraph (aa) (as inserted by section 2 (5) of the Sale of Liquor Amendment Act (No. 2) 1969) the following paragraph:

“(aaa) Airport licences:”.

5

(8) Section 232 of the principal Act is hereby amended by inserting in subsection (1), after the words “restaurant licence”, the words “an airport licence”.

3. Management—(1) Section 66 of the principal Act is hereby amended by inserting in subsection (1) (as amended by section 3 (1) of the Sale of Liquor Amendment Act (No. 2) 1969), after the words “restaurant, or theatre licence”, the words “or an airport licence”.

(2) Section 176 of the principal Act is hereby amended by inserting in paragraph (a) of subsection (1) (as amended by section 3 (2) of the Sale of Liquor Amendment Act (No. 2) 1969), after the words “restaurant, or theatre licence”, the words “or of any airport licence”.

(3) Section 176A of the principal Act (as inserted by section 20 of the Sale of Liquor Amendment Act (No. 2) 1969) is hereby amended by inserting in subsection (1), after the words “tavernkeeper’s licence”, the words “or an airport licence”.

(4) Section 177 of the principal Act is hereby amended by inserting in subsection (5) (as added by section 18 of the Sale of Liquor Amendment Act 1964 and amended by section 3 (3) of the Sale of Liquor Amendment Act (No. 2) 1969), after the words “or the licensed premises of a theatre”, the words “or of an airport”.

4. New sections inserted—The principal Act is hereby further amended by inserting, after section 112c (as inserted by section 4 of the Sale of Liquor Amendment Act (No. 2) 1969), the following heading and sections:

“Airport Licence

“112D. Application for airport licence, reports, and hearing—The provisions of sections 107, 108, and 111 of the principal Act, so far as they are applicable and with the necessary modifications, shall apply with respect to every application for an airport licence as if—

“(a) References in those provisions to a restaurant licence were references to an airport licence:

“(b) The reference in subsection (1) of section 107 to the restaurant business were a reference to the business of the licensed premises of the airport:

5 “(c) The references in paragraph (a) of subsection (2) of section 107 to restaurants and to any restaurant were references to licensed premises:

10 “(d) The first reference in paragraph (a) of subsection (6) of section 107 to the restaurant were a reference to the airport terminal, and the second and third references in that paragraph to the restaurant were references to the proposed licensed premises of the airport.

15 “112E. **Objections**—(1) Objections to the grant of an airport licence may be made by any person of or over the age of 20 years who is resident in the licensing district or licensing trust district in which the airport is situated.

20 “(2) Every objection shall be made by notice in writing filed with the Secretary of the Commission within 14 days after the first publication, under section 107 of this Act (as applied by section 112B of this Act), of the notice of the making of the application, or within such further time as the Chairman of the Commission may allow.

“(3) The grounds on which any such objection may be made are that the applicant—

25 “(a) Is of bad character or reputation or of drunken habits; or

“(b) Has been convicted of an offence against this Act or the Licensing Act 1908; or

30 “(c) Is not a suitable person to hold the licence having regard to his lack of experience in the conduct of licensed premises.

35 “112F. **Circumstances to be taken into account**—(1) Subject to subsection (7) of section 65B of this Act, in determining whether to grant any application for an airport licence the Commission shall have regard to—

“(a) The nature and frequency of the passenger services carried on at the airport:

40 “(b) The interests of air travellers, whether they are travelling within New Zealand or departing from or arriving in New Zealand:

“(c) The suitability of the proposed licensed premises and the facilities and services to be provided on those premises:

“(d) The experience of the applicant in the conduct of licensed premises and his character and reputation, and any convictions of the applicant for offences against this Act or the Licensing Act 1908:

“(e) Such other considerations as the Commission thinks fit to take into account, including the fact that an airport licence has been granted or applied for in respect of any other part of the airport. 5

“(2) It shall not be a ground for refusing an application for an airport licence that— 10

“(a) Any licence, other than an airport licence, has been or is proposed to be granted or applied for in respect of any other part of the airport or in respect of any premises in the vicinity of the airport; or

“(b) The business of the licensed premises under any such licence may be affected by the grant of the airport licence. 15

“(3) The fact that an airport licence has been or is proposed to be granted or applied for shall not be a consideration to be taken into account on the determination of any application for any licence, other than an airport licence, in respect of any other part of the airport. 20

“112G. **Issue of airport licence**—(1) Whenever the Commission grants any application for an airport licence it shall issue the licence on payment of the first minimum instalment of the fee in accordance with section 286A of this Act (as applied by subsection (2B) of section 286 of this Act) and when it is satisfied that the conditions (if any) specified by the Commission under subsection (2) of section 111 of this Act (as applied by section 112D of this Act) have been complied with. 25 30

“(2) The licence shall be in the prescribed form; and nothing in section 121 of this Act shall apply.”

5. Renewal of airport licence—(1) The principal Act is hereby further amended by inserting, after section 127A (as inserted by section 5 of the Sale of Liquor Amendment Act (No. 2) 1969), the following section: 35

“127B. (1) An airport licence may be renewed by the Commission in accordance with this section.

“(2) The provisions of sections 124 and 125 of this Act shall apply for the purposes of this section, with the necessary modifications, as if— 40

“(a) References to restaurant premises or to a restaurant licence were references to airport premises or to an airport licence, as the case may require:

5 “(b) References to the Chairman of the Licensing Committee were references to the Chairman of the Commission:

“(c) References to the Clerk of the Licensing Committee were references to the Secretary of the Commission.

10 “(3) The Commission may request the Police, any Medical Officer of Health, any inspector within the meaning of section 2 of the Health Act 1956, or a Chief Fire Officer to make a further report (in addition to any report made under section 125 of this Act as applied by this section).

15 “(4) The Commission, in its discretion, may renew an airport licence without a public sitting, or may set down any application for hearing at a public sitting of the Commission of which public notice shall be given.

20 “(5) Where the Commission sets down any application for hearing as aforesaid it shall cause at least 10 clear days’ notice of the date fixed for the hearing to be given to the applicant and to the airport authority, and shall cause to be sent to the applicant at his address for service, and to the airport authority, copies of all reports made to the Commission under section 125 of this Act or under this section, or such
25 extracts therefrom as the Chairman of the Commission directs.

“(6) At any such hearing the Commission shall hear the applicant and the airport authority, and may hear any member of the Police, any Medical Officer of Health or inspector under the Health Act 1956, any Chief Fire Officer or any
30 local authority within whose district the airport is situated, and any other person whom the Commission thinks fit to hear.

“(7) The Commission may decline to renew any such licence if it is satisfied—

35 “(a) That the licensee has failed to conduct the licensed premises of the airport in a proper manner, or has allowed them to be frequented by disorderly or disreputable persons, or that drunkenness or riotous or disorderly conduct is allowed on them; or

40 “(b) That the licensee has been convicted of any offence against this Act, or has committed a breach of any condition of his licence; or

“(c) That the licensee has been convicted of any offence against the Health Act 1956 or the Food and Drug

Act 1969, or any regulations thereunder, in relation to the conduct or state of the licensed premises; or

“(d) That the licensee has failed to fulfil his responsibilities under section 195B of this Act; or

“(e) That the licensee has been convicted of any offence and sentenced to imprisonment, or has been convicted of any offence involving moral turpitude or dishonesty. 5

“(8) If the Commission grants an application for the renewal of the licence the Secretary shall notify the applicant, in the prescribed form, of the renewal. Subject to the payment of the proper fee the notification shall have the effect of renewing the licence; and nothing in section 127 of this Act shall apply.” 10

6. Transfer of airport licence—(1) The principal Act is hereby further amended by inserting, after section 134A (as inserted by section 6 (1) of the Sale of Liquor Amendment Act (No. 2) 1969), the following section: 15

“134B. (1) An airport licence may be transferred by the Commission in accordance with this section: 20

“Provided that an airport licence shall not be transferred unless the Commission or the Chairman is satisfied that the application for the transfer of the licence is made with the approval of the airport authority.

“(2) Subject to subsection (1) of this section, the provisions of sections 129 to 134 of this Act (except subsection (3) of section 133) shall apply for the purposes of this section, with the necessary modifications, as if— 25

“(a) References to the Licensing Committee or to the Clerk were references to the Commission or to the Secretary, as the case may require: 30

“(b) The reference in subsection (1) of section 131 to a licensed restaurant were a reference to an airport.

“(3) Where the Commission grants an application for the transfer of an airport licence, a copy of the licence endorsed under section 134 of this Act (as applied by this section) shall be sent by the Secretary of the Commission to the Clerk of the Licensing Committee in whose register particulars of the licence are recorded.” 35

(2) Section 279 of the principal Act is hereby amended by inserting in subsection (1) (as amended by section 6 (2) of the Sale of Liquor Amendment Act (No. 2) 1969), after the word “theatre”, the word “airport”. 40

New

6A. Temporary authority to carry on business under airport licence—Section 135 of the principal Act is hereby amended by adding the following subsection:

5 “(6) This section, so far as it is applicable and with the necessary modifications, shall apply with respect to an airport licence as if—

“(a) References to the Chairman of the Licensing Committee were references to the Chairman of the Commission:

10 “(b) The reference in subsection (4) to the holder of a tavernkeeper’s licence entering into an agreement to assign his interest were a reference to the holder of an airport licence entering into such an agreement with the consent of the airport authority.”

7. Responsibilities of licensee or manager under airport licence—(1) The principal Act is hereby further amended by inserting, after section 195A (as inserted by section 8 (1) of the Sale of Liquor Amendment Act (No. 2) 1969), the following heading and section:

“Airport Licences

“195B. (1) For the purposes of this Act, every holder of an airport licence shall in respect of the licensed premises
25 of the airport be responsible at all times for—

“(a) Providing adequate facilities for the sale, supply, and consumption of liquor pursuant to his licence:

“(b) Providing adequate facilities for sanitary purposes and all other purposes related to public health:

30 “(c) Providing adequate facilities by way of handbasins and a proper hot-water service in respect of bars:

“(d) Providing adequate facilities for the prevention of fire and for means of warning and escape in case of fire:

35 “(e) Maintaining all such facilities as aforesaid in good order and condition.

“ (2) The following provisions of this Act, with the necessary modifications, shall extend and apply, so far as they are applicable, to the holder of an airport licence as if he were
40 the holder of a tavernkeeper’s licence, and to the licensed premises of the airport as if they were a tavern, namely:

“(a) Subsections (1) to (3) of section 185, except paragraphs (a) and (c) of subsection (3):

“(b) Subsections (3) and (5) of section 187, except paragraph (b) of subsection (5):

“(c) Subsections (2) to (7) of section 188 and sections 191, 192, 194, and 200.”

8. Inspection—Section 205 of the principal Act is hereby amended by adding to paragraph (a) of subsection (1) the words “and on the licensed premises of any airport”.

9. Cancellation or suspension of airport licence—(1) Section 212 of the principal Act (as amended by section 10 (1) of the Sale of Liquor Amendment Act (No. 2) 1969) is hereby further amended by adding the following subsection:

“(7) This section, so far as it is applicable and with the necessary modifications, shall extend and apply with respect to an airport licence as if the holder of the licence were the holder of a tavernkeeper’s licence, and as if—

“(a) References to the Licensing Committee were references to the Commission:

“(b) In subsection (3) the words ‘the airport authority’ were substituted for the words ‘the holder of the premises licence’.”

(2) Section 213 of the principal Act is hereby amended by inserting in subsection (7) (as added by section 10 (2) of the Sale of Liquor Amendment Act (No. 2) 1969), after the words “theatre licence”, the words “or an airport licence”.

10. Appeals against certain decisions of Commission—Section 229 of the principal Act is hereby amended by inserting, after subsection (4A) (as inserted by section 12 of the Sale of Liquor Amendment Act (No. 2) 1969), the following subsection:

“(4B) Where the Commission—

“(a) Under subsection (2) of section 65B of this Act, makes any decision in respect of which the applicant or the airport authority is dissatisfied; or

“(b) Under section 112D of this Act, refuses to grant an application for an airport licence; or

“(c) Under subsection (7) of section 127B of this Act, declines to renew any such licence; or

“(d) Under section 134B of this Act, refuses to grant an application for the transfer of any such licence; or

“(e) Under sections 212 or 213 of this Act, suspends or
cancels any such licence—
the applicant, or, as the case may require, the licensee, and
the airport authority in the case of a decision to which para-
5 graph (a) of this subsection relates, may appeal to the
Supreme Court against the Commission’s decision.”

11. Notice of prohibition order—Section 237 of the principal Act is hereby amended by inserting, after the word “tavernkeepers’”, the word “airport”.

10 **12. Allowing consumption of liquor outside authorised hours**—(1) Section 249 of the principal Act is hereby amended by inserting, after subsection (4A) (as inserted by section 14 (1) of the Sale of Liquor Amendment Act (No. 2) 1969), the following subsection:

15 “(4B) Every holder of an airport licence, and every manager conducting the licensed premises of any airport under the authority of such a licence, commits an offence who allows the consumption of liquor on the licensed premises of the airport at any time while the premises are required to
20 be closed for the sale of liquor:

“Provided that it shall not be an offence against this subsection to allow the consumption on the premises, at any time within 15 minutes after any time when the premises are required to be so closed, of liquor that was lawfully supplied
25 to the person consuming it before the last-mentioned time.”

(2) The said section 249 is hereby further amended by inserting in subsection (2) (as amended by section 14 (2) of the Sale of Liquor Amendment Act (No. 2) 1969), after the words “other than a theatre licence”, the words “or an airport
30 licence”.

13. Persons unlawfully on licensed premises of airport—(1) The principal Act is hereby amended by inserting, after section 252, the following section:

35 “252A. (1) Every person commits an offence and is liable to a fine not exceeding \$20 who is found on any licensed premises conducted under an airport licence at any time while the licensed premises are required to be closed for the sale of liquor.

“(2) Nothing in this section shall apply to—

40 “(a) The licensee or manager of the premises; or

“(b) Any employee of the licensee at any time while he is employed on the premises or at any time not later

than one hour after such employment has ceased for the day; or

“(c) Any person who has lawfully been supplied with liquor before any time at which the licensed premises are required to be closed for the sale of liquor, and is found on the premises not later than 15 minutes after that time; or 5

“(d) Any employee or agent of the licensee, or any person acting under any contract with the licensee or manager, who with the authority of the licensee or manager is on the premises for the purpose of cleaning, repairing, maintaining, altering, or restocking the premises or any equipment therein, or removing or replacing any such equipment, or stocktaking, or checking cash in the premises or removing it therefrom.” 10 15

(2) Section 254 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Any member of the Police may demand the name and address of any person found— 20

“(a) In any bar, tavern premises, bar premises, or extended premises; or

“(b) In possession of liquor in any part of any licensed premises; or 25

“(c) Consuming or procuring or attempting to procure liquor on any licensed premises—

on any day when the premises are required to be closed for the sale of liquor, or at any time on any other day if there is reasonable ground to believe that his being in such bar or premises as aforesaid, or, as the case may be, his being in possession of liquor or his consuming or procuring or attempting to procure liquor as aforesaid, at that time is in contravention of any of the provisions of this Act.” 30

14. Supply of liquor to minors—(1) Section 259 of the principal Act (as substituted by section 2 (1) of the Sale of Liquor Amendment Act 1969 and amended by section 16 of the Sale of Liquor Amendment Act (No. 2) 1969) is hereby further amended by inserting in subsection (8), after the words “a theatre”, the words “or of an airport”. 35 40

(2) The said section 259 is hereby further amended by adding to paragraph (c) of subsection (9) the words “other than the licensed premises of a theatre or of an airport”.

15. Fees—(1) Section 286 of the principal Act (as amended by section 17 (1) of the Sale of Liquor Amendment Act (No. 2) 1969) is hereby further amended by inserting, after subsection (2A), the following subsection:

5 “(2B) For every airport licence, and every renewal thereof, there shall be paid to the Secretary of the Commission a sum fixed in accordance with section 286A of this Act, which sum shall be payable in accordance with that section. For the purposes of this subsection the said section 286A shall apply,
10 so far as it is applicable and with the necessary modifications, as if—

“(a) References to a tavernkeeper’s licence were references to an airport licence:

15 “(b) References to tavern premises or a tavern were references to the licensed premises of the airport:

“(c) References to the Licensing Committee or to the Clerk were references to the Commission or to the Secretary, as the case may require:

20 “(d) The reference in the definition of ‘purchases’ in subsection (1) of that section to the tavern business were a reference to the business of the licensed premises of the airport:

25 “(e) In paragraph (b) of subsection (17) of that section the words ‘the airport authority’ were substituted for the words ‘the holder of the tavern premises licence (if the licensee is not the holder of the premises licence)’.”

(2) The said section 286 is hereby further amended by inserting in subsection (7), after the words “tavernkeeper’s
30 licence”, the words “or an airport licence”.

(3) Section 17 of the principal Act is hereby amended by inserting in subsection (2) (as amended by section 17 (2) of the Sale of Liquor Amendment Act (No. 2) 1969), after paragraph (bb), the following paragraph:

35 “(bbb) All fees paid for airport licences, and for the renewal of such licences:”.

16. Power to authorise closing of premises—(1) Section 290 of the principal Act is hereby amended by inserting at the beginning of that section, before the words “The Licensing Committee”, the words “Subject to subsection (2) of this
40 section”.

(2) The said section 290 is hereby further amended by adding the following as subsection (2):

“(2) In the case of a theatre licence or an airport licence, subsection (1) of this section shall apply as if the references to the Licensing Committee were references to the Commission.”

17. Alterations in licensed premises of airport—Section 291 5
of the principal Act is hereby amended by repealing sub-
section (3), and substituting the following subsection:

“(3) Before—

“(a) The holder of a restaurant licence makes any sub- 10
stantial alterations to the premises or to the
number of diners for whom the restaurant can
provide; or

“(b) The holder of an airport licence makes any substantial
alterations to the licensed premises of the airport— 15
he shall obtain the consent in writing of the Commission or
the Chairman thereof. Such consent shall not be granted in
respect of premises at an airport unless the Commission or
the Chairman is satisfied that the approval of the airport
authority to the alterations has been obtained pursuant to 20
the Airport Authorities Act 1966.”

New

“**18. Sale of liquor at airport in licensing Trust district**—”

(1) Any district licensing Trust may, with the prior approval 25
in each case of the Minister of Justice, the Minister of
Transport, and the airport authority, establish and maintain
premises for the sale of liquor, for consumption only on the
premises where it is sold, at any airport (within the meaning
of the Airport Authorities Act 1966) within its district.

(2) Any approval given by the Minister of Justice under 30
subsection (1) of this section may be given on and subject
to such terms and conditions as the Minister thinks fit, and
may at any time be varied or revoked.

(3) Without limiting the application to the Trust or to the 35
premises of any of the provisions of the Sale of Liquor Act
1962 that for the time being apply by virtue of any enact-
ment, where pursuant to this section the Trust maintains
premises at an airport—

(a) The provisions of subsection (1) of section 65B of that 40
Act shall apply to the Trust and to the premises as if
the Trust were a licensee and the premises were
licensed premises:

(b) For the purposes of that subsection and of all other
provisions of that Act that so apply, the premises

New

- 5 shall be deemed to be the licensed premises of an airport and not to be premises in respect of which a tavern licence is in force; and in respect of them the Trust shall be deemed to be the holder of an airport licence and not of a tavern premises or tavern-keeper's licence, and the person for the time being charged with the management of the premises shall be deemed to be a manager duly appointed under that Act.
- 10 (4) Subject to subsection (5) of this section, the Trust may from time to time, by resolution, and with the approval of the airport authority,—
- 15 (a) Fix in respect of any such premises times earlier or later than those specified in subsection (1) of section 65B of the Sale of Liquor Act 1962 for the opening or closing of those premises for the sale of liquor; or
- 20 (b) Provide for the closing of the premises for the sale of liquor for any period or periods during the day; or
- (c) Vary or revoke any resolution passed under this subsection.
- (5) No such resolution shall have effect until it is approved by the Minister of Justice.
- 25 (6) In determining whether to exercise its powers under subsection (4) of this section the Trust shall have regard to the matters specified in subsection (3) of the said section 65B.
- 30 (7) In the exercise of its powers under subsection (4) of this section the Trust may make any provision that the Licensing Control Commission could make under subsections (4), (4A), and (5) of the said section 65B if the premises were the licensed premises of an airport, and the provisions of those subsections shall apply, so far as they are applicable and with all necessary modifications.
- 35 (8) Before passing any such resolution the Trust shall—
- (a) Give public notice (within the meaning of the Sale of Liquor Act 1962) of its intention to consider the resolution, setting out in the notice the terms of the proposed resolution and a statement to the effect that written representations may be made to the Trust, by any interested persons, within 30 days after the first publication of the notice:
- 40 (b) Consider all such representations so made.

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(9) Forthwith after the receipt by the Trust of notice of the approval by the Minister of Justice of any resolution under this section, the Trust shall cause particulars of the resolution to be sent to the officer in charge of the police station nearest to the airport. 5

(10) In this section, the expression “district licensing Trust”, or “Trust”, means the Invercargill Licensing Trust constituted by the Invercargill Licensing Trust Act 1950, the Masterton Licensing Trust constituted by the Masterton Licensing Trust Act 1947, and any district licensing Trust constituted by or under the Licensing Trusts Act 1949. 10

(11) The enactments referred to in subsection (10) of this section shall be read subject to the provisions of this section.