

SUPPLEMENTARY ORDER PAPER.

HOUSE OF REPRESENTATIVES.

Tuesday, the 1st Day of October, 1901.

Mr. FOWLDS, in Committee, to move the following new clauses:—

LICENSING ACT AMENDMENT BILL.

“Tied houses.”

1A. In order to prevent any evasion or avoidance of the provisions of section thirty-five of the Amendment Act relating to “tied houses,” it is hereby declared as follows:—

- (1.) In every case where a rent is reserved under a lease of premises licensed or to be licensed, and the lessor has in any way arranged or agreed to abate the same or refund any part thereof in consideration of the lessee purchasing any liquor or goods exclusively from the lessor or some person named by the lessor, then the covenant or agreement to pay the rent shall to the extent of such abatement or refund be deemed to be a covenant or agreement within the meaning of subsection five of section thirty-five of the Amendment Act, and the instrument of lease may be rectified as provided in that subsection.
- (2.) This section shall apply to leases now current as well as to leases hereafter executed.
- (3.) In every case where liquor or goods are supplied to a licensee the price charged shall be not more than ten per cent. above the fair market price, and any sum paid in excess may be recovered by the licensee as a debt due by the person to whom it was paid.

Transferee of license to hold lease.

2A. (1.) The Licensing Committee shall not grant any publican's license or the transfer of such license unless the applicant, if a tenant, is entitled to hold the premises, the subject of the application, under a good and subsisting written lease, nor unless, if the lease is executed after the passing of this Act, it is granted for a term of not less than four years.

(2.) Every such lease shall be lodged with the Clerk to the Licensing Committee together with such application.

(3.) If the applicant is a new tenant there shall also be lodged with the Clerk a full and true statement of all moneys paid by him in respect of good-will, purchase of stock, and otherwise in respect of his tenancy.

Consideration for landlord's consent to transfer void.

3A. (1.) It shall not be lawful for the owner or landlord of any licensed premises to demand or receive any fine, payment, bonus, premium, or consideration for his consent to any assignment, sub-lease, or transfer of the licensed premises or the license by the licensee.

(2.) In any case where any such fine, payment, bonus, premium, or consideration has been paid after the commencement of this Act, then any moneys so paid may be recovered as a debt from the person receiving the same by the person paying the same.

(3.) The owner or landlord shall not refuse his consent as aforesaid to any assignment, sub-lease, or transfer as aforesaid to any person who has a certificate of fitness to hold a publican's license signed by a Stipendiary Magistrate, anything to the contrary in any lease, deed, or document notwithstanding.

Mr. ELL, in Committee, to move the following new clause:—

Interpretation of “public bar” or “bar.”

The interpretation of “public bar” or “bar” given in section four of “The Licensing Act, 1881,” is hereby repealed, and the following substituted in lieu thereof, that is to say: “‘Public bar’ or ‘bar’ means and includes any room, passage, or lobby in any licensed premises wherein the public may enter and purchase liquors.”