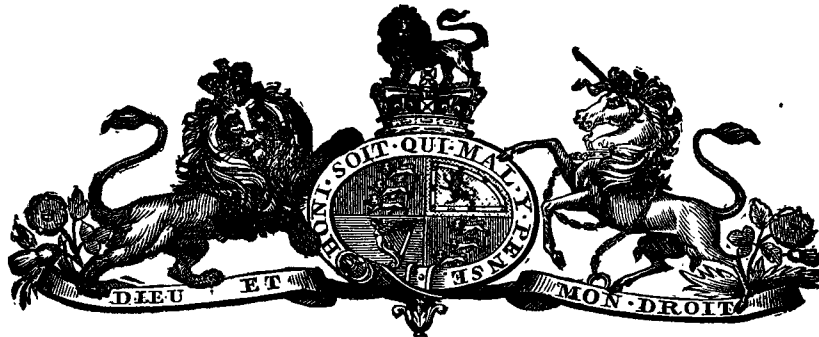


NEW ZEALAND.



TRICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. LXXIV.

ANALYSIS.

- | | |
|---|---|
| <p>Title.
Preamble.
1. Short Title.
2. Interpretation of certain terms.</p> <p style="text-align: center;">DISTRICTS.</p> <p>3. Governor may proclaim districts.
4. Resident Magistrate appointed to act.
5. Application for certificate to be made to the Resident Magistrate of nearest district.</p> <p style="text-align: center;">LICENSES.</p> <p>6. No person, unless duly licensed, to sell alcoholic liquors, &c.
7. What licenses may be granted.
8. Wholesale license.
9. Publican's license.
10. Holder of publican's license to have only one public bar, &c.
11. Packet license may be granted to master of vessel.
12. Provincial Treasurer to issue wholesale license on production of certificate.
13. Notice by applicants for publicans' licenses.
14. Clerk of the Court shall post list of applicants.
15. Meeting of Licensing Court.</p> | <p>16. Number of members of Licensing Court.
17. Mode in which Licensing Courts shall be constituted.
18. Chairman of Licensing Court.
19. Certain persons disqualified from sitting in Court.
20. Notice of Annual Licensing Court to be published.
21. Adjournment of Court.
22. Licensing Court to exercise discretion in granting, &c.
23. When certificate not to be granted.
24. Testing number of signatures, &c.
25. Police to attend Court and report, &c.
26. Householder may object to license being granted.
27. Upon hearing, Resident Magistrate to decide.
28. License not to be granted or transferred to constable, &c.
29. Clerk of Court to transmit list to Provincial Treasurer.
30. Certificate to be presented at Provincial Treasury before certain date.
31. Provincial Acts to be incorporated.
32. Appropriation of fees.
Schedules.</p> |
|---|---|

AN ACT to regulate the Sale of Intoxicating Liquors. Title.
[2nd October, 1873.]

WHEREAS it is expedient that amended provisions should be made for regulating the sale of intoxicating liquors : Preamble.

BE IT THEREFORE 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 shall be "The Licensing Act, 1873." Short Title.
 2. The expression "alcoholic liquors" in this Act shall mean and include every description of distilled spirits wine ale beer cider perry, or other fermented liquor of an intoxicating nature. The words "public bars" shall be deemed to mean and include any room pas- Interpretation of certain terms.

Licensing.

sage or lobby in any licensed public-house open immediately to any street highway or public thoroughfare, wherein the public may enter and purchase any spirituous or fermented liquors. The word "district" shall mean any licensing district created or defined by the provisions of this Act. The words "Resident Magistrate" shall mean the Resident Magistrate appointed to hold Licensing Courts in any such district.

DISTRICTS.

Governor may
proclaim districts.

3. The Governor shall, as soon as conveniently may be after the passing of this Act, by Proclamation in the Government *Gazette*, define such territorial divisions as he may think proper to be licensing districts for the purposes of this Act, and from time to time may alter and redefine the boundaries of the same. Such districts shall, wherever practicable and convenient, be identical with existing Municipal wards and Road Board districts or School districts; but if none of these can be conveniently adopted, then the licensing district shall be so defined as may be most convenient for the carrying into effect the objects of this Act.

Resident Magistrate
appointed to act.

4. The provisions of this Act shall be carried into effect in every district by such Resident Magistrate as shall be appointed for the purpose by the Governor, by warrant notified in the Government *Gazette*, whether he be the Resident Magistrate acting within the district for other purposes or not.

Application for
certificate to be made
to the Resident
Magistrate of nearest
district.

5. If any certificate shall be applied for beyond the limits of any district defined under this Act, the application shall be made to and disposed of by the Resident Magistrate or Licensing Board respectively of the nearest district, in conformity in all respects with the provisions of this Act.

LICENSES.

No person, unless
duly licensed, to sell
alcoholic liquors, &c.

6. No person, unless he shall be duly licensed under this Act, shall sell any alcoholic liquors, or permit or suffer the same to be sold by any other person on his behalf; and any person who shall be convicted of doing so shall be liable to a penalty of not exceeding fifty pounds for every such offence: Provided that no license shall be required for the sale of any alcoholic liquors as perfumery and not for drinking, or for the sale by any chemist druggist or apothecary of spirits as medicine, or for any *bona fide* sale at auction by a duly licensed auctioneer.

What licenses may
be granted.

7. Licenses of the following kinds and designated as follows, and such as may be provided for by any Act or Ordinance of the Provincial Council of the Province in which the house for which such license is to be granted is situated, may be granted, namely:—Wholesale license, publican's license, bottle license, and packet license; and such licenses shall be in force from the time of granting the same until the thirtieth day of June next ensuing, and no longer.

Wholesale license.

8. The wholesale license shall be in the form in the Schedule B hereunto annexed, and shall authorize the holder thereof to sell and deliver alcoholic liquors in quantities of not less than two gallons of any one description of liquor to one person at any one time, such liquors not to be consumed in or upon the vendor's house or premises.

Publican's license.

9. The publican's license shall be in the form in the Schedule C hereunto annexed, and shall authorize the holder thereof to sell and dispose of alcoholic liquors in any quantity in the house or on the premises therein specified.

Holder of publican's
license to have only
one public bar, &c.

10. No person, being the holder of a publican's license issued under this Act, shall be entitled to have in or upon the premises in respect of which the said license shall have been issued, more than

Licensing.

one public bar for the sale of spirituous and fermented liquors therein; and any person offending against this provision shall be held to be guilty of selling without a license, and liable on conviction thereof to a penalty of not less than five pounds nor more than fifty pounds.

11. The packet license shall be in the form in the Schedule D hereunto annexed, and may be granted to the master or commander for the time being of any steam packet or other vessel therein mentioned, being a vessel making passages and carrying passengers from any place to any other place within the said Colony of New Zealand; and such master or commander shall be thereby authorized, while such packet or vessel is actually being navigated between any port or harbour or on any river or lake within the limits of the said Colony, to sell and dispose of any alcoholic liquors on board such packet or vessel to any *bona fide* passengers by such packet or vessel.

Packet license may be granted to master of vessel.

12. The Provincial Treasurer of any Province, or if there shall be no such person, then any other person or persons appointed by the Governor, may and shall issue to any person a wholesale license for any house or premises within any town or borough, or in any licensing district, on production of a certificate from any Licensing Court held under this Act. Applications for wholesale licenses shall be lodged with the Clerk of the Court at the same time and in the same manner as hereinafter provided for the application for and granting of certificates for publicans' licenses; but no certificate of householders shall be necessary in the case of wholesale licenses or steam packet licenses: Provided always that in any Province where such license fees have been made portion of municipal revenue, any person authorized by any such Municipality shall have power to issue such licenses on the production of such certificate as aforesaid.

Provincial Treasurer to issue wholesale license on production of certificate.

13. Every person who shall desire to obtain a publican's or bush license or the renewal of one under this Act shall, on or before the first Tuesday in the month of March in every year, cause to be delivered to the Clerk of the Resident Magistrate of the district a notice in writing signed by him, in the form in Schedule E hereunto annexed, accompanied by a certificate signed by at least ten householders of the district, in the form contained in Schedule E hereunto appended.

Notice by applicants for publicans' licenses.

14. The Clerk of the Court to whom any such notice shall have been given shall on or before the second Tuesday in the said month of March in each year, cause a list of the names and places of abode of all such applicants to be posted on the door of the Court House, or other conspicuous place in the district, there to remain until the day whereon the licensing meeting hereinafter mentioned shall be held.

Clerk of the Court shall post list of applicants.

15. On the third Tuesday in the month of April following, or on some day to be fixed by the Resident Magistrate as soon thereafter as conveniently may be, there shall be holden at the office of the Resident Magistrate, or other place appointed by him, a Court to be called the Annual Licensing Court, for the purpose of taking into consideration applications for certificates.

Meeting of Licensing Court.

16. In the Proclamation declaring the several districts as hereinbefore prescribed, the Governor shall in each case declare the number of persons of whom the Licensing Court of such district shall consist, such number not being more than seven nor less than three.

Number of members of Licensing Court.

17. Such Licensing Courts shall be constituted in the following manner:—

Mode in which Licensing Courts shall be constituted.

- (1.) The Resident Magistrate or Chairman of Petty Sessions having jurisdiction within any district proclaimed under clause three, and any other persons to be nominated as Commissioners for the purpose by His Excellency the Governor.

Licensing.

- (2.) Every member of such Licensing Court shall hold office for two years. Vacancies occurring in the interval, by death bankruptcy or becoming otherwise disqualified to sit on such Court, shall be filled up by the Governor, such nominated member to hold office only till the expiry of the current period.
- (3.) The Clerk to the Resident Magistrate of the district shall act as Clerk to the Licensing Court, unless in case of necessary absence or personal disability, in which case the Court may appoint a Clerk.

Chairman of
Licensing Court.

18. At every meeting of the Licensing Court, the Resident Magistrate or Chairman of Petty Sessions, if present, shall be Chairman thereof, and in the event of his absence the members of the Licensing Court shall elect one of their number to be Chairman thereof; and the Chairman of every such Licensing Court shall have an original and casting vote, and shall sign on behalf of the Court all certificates and other documents, if any, issued or recorded by it.

Certain persons
disqualified from
sitting in Court.

19. No person shall be qualified to be appointed or to sit as a member of such Court who is a brewer wine or spirit merchant maltster distiller importer of or a dealer in alcoholic liquors, or in partnership with any such person, or the owner in fee or for any less estate of any licensed house or house or building in which any trade in a manufacture of alcoholic liquors is carried on, or interested therein, or as mortgagee or otherwise in any such house or building; and any person so disqualified acting or sitting as a member of any Licensing Court shall be liable to a penalty of fifty pounds for every such offence.

Notice of Annual
Licensing Court to
be published.

20. The Clerk of the Court shall cause a notice of such Annual Licensing Court to be inserted not less than three times in one or two newspapers published in the nearest town, and usually circulating in the district, at least one calendar month previous to the date of such Court, and such notice shall set forth the names of all applicants in respect of premises previously or not previously licensed, together with the situation of the premises in respect of which their applications have severally been made, and shall also deliver notices of such Court specially to the members thereof.

Adjournment of
Court.

21. If any cause shall prevent the Court being held on the day advertised, or on any other day to which it may be adjourned, the Court shall stand adjourned from day to day until the members thereof shall be able to hold such Court.

Licensing Court
to exercise discretion
in granting, &c.

22. The Licensing Court shall exercise its discretion in granting or refusing any certificate for any description of license, and shall not be obliged to grant the same merely because the requirements of the law as to accommodation or personal fitness of the applicant are fulfilled, unless in its opinion there is a necessity for the public-house or other establishment for the sale of spirituous liquors for which application is made.

When certificate not
to be granted.

23. No certificate shall be granted if a memorial against the granting of the same, signed by at least two-thirds of the adult residents in the district, be presented to the Court. The genuineness of such signatures to be verified on oath before the Court by the person or persons in whose presence the same may have been written.

Testing number of
signatures, &c.

24. Such memorial shall be in the form contained in Schedule F, hereto appended.

Upon the receipt of any such memorial the Licensing Court shall, before granting or refusing the said certificate objected to, satisfy itself by such means as it shall think fit of the number and authenticity of the signatures thereto, and if it shall contain the requisite number of genuine signatures shall give it effect as heretofore directed; if it

Licensing.

shall not contain such signatures, then the Court shall exercise its discretion in granting such certificate as if no such memorial had been presented: Provided that such memorial shall be deposited with the Clerk of the Licensing Court of the district seven clear days before the day appointed for the annual or other licensing meeting at which the same is to be decided.

25. At such Annual Licensing Court it shall be the duty of the principal Officer of Police, and any other police officers within the district, to be present, and report to the Court on the conduct of every licensed house within the district for which a renewal of license is desired, and upon the accommodation provided in such houses and in any houses for which a new license is desired.

Police to attend Court and report, &c.

26. At such Annual Licensing Court it shall be lawful for any householder within the district to appear in person and state objections to the granting or renewal of any license applied for: Provided, however, that any householder desiring to appear in opposition to any application shall give to the Clerk of the Court seven days' notice in writing of his intention to oppose such application, and such notice shall set forth the grounds of opposition.

Householder may object to license being granted.

27. Upon the hearing of such applications report and objections (if any), it shall be lawful for the Court to grant to such persons as shall be approved by it certificates authorizing licenses to be issued, which certificates shall be in the form hereunto annexed, or as near thereto as circumstances require.

Upon hearing, Resident Magistrate to decide.

28. No such certificate or publican's license shall be granted or transferred to any constable or bailiff, or in respect of any house or premises of which any constable or bailiff shall be owner, or wherein any constable or bailiff shall be directly or indirectly interested.

License not to be granted or transferred to constables, &c.

29. The Clerk of the Court at which any such meeting shall have been held shall within fourteen days of the sitting thereof, on any adjournments thereof, transmit to the Provincial Treasurer of the Province in which such district is, a list, signed by the Chairman of Court, specifying the names and residences of all the persons to whom such certificates as aforesaid shall have been granted.

Clerk of Court to transmit list to Provincial Treasurer.

30. Every such certificate shall be void unless the same shall have been presented at the office of the Provincial Treasurer, and the fee payable in respect of the license to be issued by him be paid in respect thereof, on or before the thirtieth of June next following the sitting of the Annual Licensing Court at which such certificate was granted; and upon such presentation and payment, the Provincial Treasurer shall issue a publican's license, in the form in Schedule C hereunto annexed, to the person named in such certificate.

Certificate to be presented at Provincial Treasury before certain date.

31. This Act shall be taken and read as part of any existing Provincial Act or Ordinance, or any Act or Ordinance hereafter passed by any Provincial Council for the purpose of licensing or regulating the sale of alcoholic liquors: Provided that no clause in any such Act or Ordinance shall be valid or capable of being enforced if in conflict with any of the provisions of this Act.

Provincial Acts to be incorporated.

32. The fees payable in respect of any certificate or license issued under this Act shall be such, and payable to such person, as may be or may have been directed by any Act of any Provincial Council.

Appropriation of fees.

Licensing.

Schedules.

SCHEDULES.

SCHEDULE A.

FORM OF CERTIFICATE BY CHAIRMAN OF LICENSING COURT TO AUTHORIZE THE GRANTING OF A LICENSE.

Province of _____, } At the Annual Licensing Court [*or* an adjournment of the
to wit. _____} Annual Licensing Court] in and for the District of _____,
holden at _____, on the _____ day of _____, in the year of our Lord one
thousand eight hundred and _____, pursuant to "The Licensing Act, 1873," for the
purpose of considering applications made to us for _____ licenses, pursuant to the
said Act, the said Court do, in virtue of the power vested in it, hereby authorize the
Provincial Treasurer to deliver to A.B., of _____, the license in the said Act called a
license, for [*Here state the house, sign, and district*] for the year commencing
from the first day of July next.

Dated the _____ day of _____, at the place aforesaid.

A.B.,
Chairman of the Court.

SCHEDULE B.

FORM OF WHOLESALE LICENSE.

Province of _____, } KNOW ALL MEN by these presents, that A.B., of _____,
to wit. _____} [*Merchant, as the case may be*] is hereby licensed, pursuant to
"The Licensing Act, 1873," to sell any quantity of alcoholic liquors, provided the same
be not sold in quantities less than two gallons of any description of liquor, and to be
delivered at one time, from the _____ day of _____ until the thirtieth day of June
next, the said A.B. having this day paid the sum of _____ pounds into the Provincial
Treasury.

Dated this _____ day of _____, one thousand eight hundred and _____.

N.O.,
Provincial Treasurer.

SCHEDULE C.

FORM OF A PUBLICAN'S LICENSE.

Province of _____, } WHEREAS A.B., of _____, hath deposited in this office a
to wit. _____} certificate from the _____, at the Annual Licensing Court
held under "The Licensing Act, 1873," at _____, on the _____ day of _____, in
the year of our Lord one thousand eight hundred and _____, authorizing the issue to
the said A.B. of the license in the said Act called a publican's license, for the house
known [*or* to be known] by the sign of _____, situated at _____, in the District of
_____, in the said Province of _____: And whereas the said A.B. hath paid into
my office the sum of _____ pounds sterling as the duty on the license: Now I, the
Treasurer of the Province, in pursuance of and by virtue of the powers vested in me
by the said Act, do hereby license the said A.B. to keep a public-house, and to sell
alcoholic liquors in any quantity in the house in which he [*or* she] now dwelleth [*or* is
about to dwell], being the sign of _____, situated at _____ aforesaid, and the
appurtenances thereto belonging, but not elsewhere; and this license shall commence
upon the first day of _____ next, and continue in force till the thirtieth day of June
then next ensuing, both days inclusive, provided it be not forfeited in the meantime
according to the provisions of the said Act.

Given under my hand at _____, this _____ day of _____, one thousand eight
hundred and _____.

N.O.,
Provincial Treasurer.

Licensing.

SCHEDULE D.

FORM OF PACKET LICENSE.

WHEREAS A.B., master or commander of the steam packet named [*or if any other kind of vessel, describe it*] conveying passengers between places within the Province of _____, hath deposited in my office a certificate from the Licensing Court of _____ District authorizing the issue to the said A.B. of a packet license, within the meaning of "The Licensing Act, 1873," and hath paid into my office the sum of £ _____, as the fee on such license, pursuant to the provisions of "The Licensing Act, 1873:" Now I, the Provincial Treasurer, by virtue of the powers in me vested by the said Act, do hereby license the said A.B. to sell by retail alcoholic liquors to any passengers on board of such vessel, during any part of the actual passage of such vessel, as is made within the limits of the said Province. This license shall commence on the date hereof, and shall continue in force until the thirtieth day of June next ensuing, both inclusive.

Given under my hand, at _____, this _____ day of _____, one thousand eight hundred and _____

N.O.,
Provincial Treasurer.

SCHEDULE E.

FORM OF NOTICE OF APPLICATION FOR A PUBLICAN'S LICENSE FOR AN INN OR PUBLIC-HOUSE.

To the Resident Magistrate of the District of _____, in the Province of _____, in the Colony of New Zealand.

I, A.B. [*State trade or occupation*], now residing at _____, in the Parish, City, or District of _____, do hereby give notice that it is my intention to apply, at the next Annual Licensing Court to be holden for this district, for a publican's license for the sale of alcoholic liquors, in the house and appurtenances thereto belonging, situated at _____ [*Here describe the house proposed to be licensed, specifying the situation of it, the person of whom rented, the present occupier, whether now licensed, and if so, under what sign*], and which I intend to keep as a public-house. [*If previously licensed add—That I now hold a publican's license within the meaning of "The Licensing Act, 1873."*]

Dated this _____ day of _____, one thousand eight hundred and _____ A.B.

FORM OF HOUSEHOLDERS' CERTIFICATE TO BE APPENDED TO THE ABOVE.

WE, the undersigned ten householders, residing in the immediate neighbourhood of the above-mentioned house, do hereby certify that the above A.B. is a person of good fame and reputation, and fit and proper to be licensed to keep an inn or public-house for the sale of alcoholic liquors therein.

Witness our hands this _____ day of _____, one thousand eight hundred and _____

SCHEDULE F.

To the Licensing Court for the District of _____, in the Province of _____ WE, the undersigned adult male and female residents within the Licensing District of _____, do hereby request that no certificate shall be granted to enable a publican's license to be issued in respect of a house or houses [*Describe it or them*] within the said district for which a license or licenses is or are applied for by [*Name of applicant or applicants.*]

SIGNATURES.

Name.		Age.	Occupation.	Date of Signature.	Place of Residence, Street, and Number, if any.
Male.	Female.				

(Signature of the Collector of Signatures).

WELLINGTON, NEW ZEALAND:

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUZY, Government Printer.