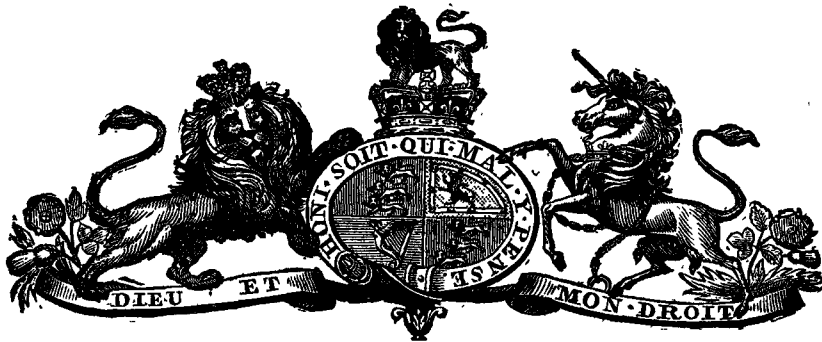


NEW ZEALAND.



TRICESIMÒ OCTAVO

VICTORIÆ REGINÆ.

No. X.

ANALYSIS.

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| <p>Title.
Preamble.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Construction. 3. Licensing Courts declared to have been duly constituted. Appointments of Magistrates, &c., declared legal. Licenses granted declared valid. Certain Ordinances to remain in force. 4. Alteration in constitution of Licensing Courts. 5. Courts now constituted to remain in operation, &c. 6. Governor to state what number of members of Court shall form a quorum. 7. Chairman or members of Courts may resign. Governor may remove member of Licensing Court from office. 8. Omission of certain words in section 5 of "The Licensing Act, 1873." 9. Holders of public-house licenses may have more than one bar. 10. Wholesale and packet licenses may be issued by Provincial Treasurer at any time. Brewers' licenses may be granted. Fees for wholesale, brewers' and packet licenses. Form of packet license altered. 11. Acts not to affect provisions of "The Distillation Act, 1868." 12. Repeal of sections 13, 14, and 15 of "The Licensing Act, 1873." Existing licenses to be deemed to be granted under this Act. 13. Quarterly licensing meetings. 14. Clerk to give notice of meetings. 15. Notice by applicants for a publican's license. 16. On application for renewal, not necessary to get certificate of householders. 17. Mode of applying for bottle licenses. Form and effect of bottle license. 18. Personal attendance not necessary to procure renewal. 19. Certain licenses may be transferred. 20. Objections to transfer may be made. 21. Appointees, how to be dealt with. | <ol style="list-style-type: none"> 22. Licenses to be in force for one year. 23. Fees for publicans' or bottle licenses, how payable. 24. Purchasers of licensed premises may obtain temporary transfer of license. 25. Licenses may be transferred to other premises. 26. Business may be carried on by executors in certain cases. 27. Resident Magistrate may grant an extension of licenses at races, &c. Or for balls, &c. 28. Rules for conduct of business at licensing meetings. 29. "Objection" to include memorial. 30. Penalty for insulting Chairman or member of Court, &c., or interrupting proceedings. 31. Court may take notice of any matter of objection although no notice given. Power to adjourn in such cases. 32. Persons giving false evidence guilty of perjury. 33. How orders of Court may be enforced. 34. Forms may be altered. 35. Record of applications to be kept. Governor may make regulations for transmission of particulars to Clerks of Licensing Courts. 36. Penalties, how recoverable. 37. Fees of Court may be charged. 38. All licenses to be deemed to be granted under Provincial Ordinances in force. 39. Special licensing districts on gold fields and outlying districts. 40. Licensing Court may take away license from improperly conducted house. 41. Contracts with dancing girls to be void. Penalty for hiring same. 42. Time during which females may be employed in bars. 43. Penalty for breach of last clause. 44. Refreshment licenses at railway stations may be granted by Minister for Public Works. 45. Acts not to apply to "The Outlying Districts Sale of Spirits Act, 1870." Schedules. |
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AN ACT to amend "The Licensing Act, 1873."

Title.

[31st August, 1874.]

Licensing Act 1873 Amendment.

Preamble.

WHEREAS it is expedient to amend "The Licensing Act, 1873:"
 BE IT THEREFORE ENACTED by the General Assembly of
 New Zealand in Parliament assembled, and by the authority of
 the same, as follows:—

Short Title.

1. The Short Title of this Act shall be "The Licensing Act 1873 Amendment Act, 1874."

Construction.

2. This Act shall be read with and as part of "The Licensing Act, 1873" (hereinafter called "the said Act").

Licensing Courts declared to have been duly constituted.

3. Every Licensing Court constituted under the said Act shall be deemed to have been duly constituted, notwithstanding any informality in such constitution.

Appointments of Magistrates, &c., declared legal.

Every Resident Magistrate or other person who shall have acted as the Chairman of any such Court or as a member of any such Court shall be deemed to have been lawfully appointed or nominated as the case may be, notwithstanding any informality in any such appointment or nomination.

Licenses granted declared valid.

All licenses of whatever kind granted under or in pursuance of the provisions of the said Act, or in supposed conformity therewith, and whether granted at the times and in the manner thereby provided or not, shall be deemed, from the date of the granting thereof, to have been lawfully granted; and if subsisting at the date of the passing of this Act, such licenses shall respectively continue to subsist until the expiration thereof, as if the same had been originally granted as required by law: Provided that nothing herein contained shall be deemed to exempt any such license from forfeiture for any cause for which the same may be forfeited under the said Act or any Ordinance incorporated or read therewith.

Certain Ordinances to remain in force.

All Acts or Ordinances which have been passed by any Provincial Legislature since the passing of the said Act, and so far as the same shall not be inconsistent with the said Act and this Act, shall remain in force and be read as part of the said Act and this Act.

Alteration in constitution of Licensing Courts.

4. The fourth, sixteenth, seventeenth, and eighteenth sections of the said Act shall be and the same are hereby repealed, and the following provision shall be substituted in lieu thereof, that is to say,—

Licensing Courts shall be constituted in the following manner:—

- (1.) The Governor may from time to time, by warrant under his hand, appoint such persons as he shall think fit (being not more than seven nor less than three) to be members of a Licensing Court for any licensing district defined under the said Act; and the number of persons so appointed shall be notified in the *New Zealand Gazette*, in such form as the Governor shall think most convenient.

The persons so to be appointed as aforesaid shall (with the Chairman hereinafter mentioned) form the Licensing Court for the district for which they may be appointed.

- (2.) Every such member shall hold office for a period of two years, unless he shall die resign or be removed from such office, or become otherwise disqualified to act as a member of such Court.

In case of any such death resignation or removal from office, the Governor may in manner aforesaid, and as often as occasion shall require, appoint such person as he may think fit to be a member of such Licensing Court in the place of the person so dying resigning being removed or becoming disqualified.

Licensing Act 1873 Amendment.

- (3.) Every person appointed to be a member of any such Court in the place of any person dying resigning being removed or becoming disqualified as aforesaid, shall only hold office for such portion of the period of two years for which the Court was appointed as shall be unexpired at the time of the appointment of such first-mentioned person.
- (4.) The Resident Magistrate having jurisdiction within any licensing district, or if there be no such Resident Magistrate, then the Chairman of the Court of Petty Sessions having jurisdiction within such district, shall be the Chairman of the Licensing Court, and such Chairman shall be in addition to any members appointed as hereinbefore provided; but if there be more than one Resident Magistrate or Chairman of a Court of Petty Sessions having jurisdiction within any licensing district, then the Governor shall appoint such Resident Magistrate or Chairman of Petty Sessions, or such other person as he may think fit, to be Chairman of the Licensing Court:

Provided that in the absence of the Chairman of the Licensing Court from any meeting of the Court the members of the Court present at such meeting shall elect one of their number to be Chairman, and such Chairman shall act only for the occasion for which he shall be so elected.

- (5.) The Governor shall from time to time appoint such person as he may think fit to be Clerk to any Licensing Court, and any such Clerk may be removed from office by the Governor.
- (6.) Every Licensing Court shall hold its meetings in the Court House used as a Court House by the Resident Magistrate or Court of Petty Sessions in the licensing district, or if there be no such Court House in such district, then the Court shall hold its meetings at such place as may from time to time be appointed by the Governor.

5. All Licensing Courts constituted under the said Act, or the constitution of which is confirmed by this Act, shall continue in operation until the constitution of other Courts under this Act.

Courts now constituted to remain in operation, &c.

All appointments of Resident Magistrates and members of any Licensing Court made under the said Act or confirmed by this Act, shall remain and continue in force until other appointments shall be made under this Act. All Clerks to Resident Magistrates' Courts who may be acting as Clerks to Licensing Courts shall continue to act as such last-mentioned Clerks until other appointments shall be made under this Act.

6. Upon the passing of this Act, or as soon thereafter as conveniently may be, the Governor shall, by warrant published in the *New Zealand Gazette*, declare what number of members of any Licensing Court shall form a quorum thereof; and whenever hereafter any Licensing Court shall be constituted, the Governor may, in the Proclamation defining the district, declare what number of members shall form a quorum. Any quorum fixed under the authority of this Act may from time to time be altered or varied by the Governor by warrant published as aforesaid.

Governor to state what number of members of Court shall form a quorum.

7. Any Chairman of a Licensing Court or any member of such Court may, by writing under his hand addressed to the Governor, resign his office as such Chairman or member.

Chairman or members of Courts may resign.

The Governor may from time to time by warrant under his hand remove any Chairman or member of any such Court from his office; and if any such Chairman or member of such Court shall cease

Governor may remove member of Licensing Court from office.

Licensing Act 1873 Amendment.

to reside in the province in which the district for which he has been appointed is situated, or shall absent himself from two consecutive quarterly licensing meetings (unless in case of sickness or other lawful excuse), his office shall become void, and the Governor may appoint some other person in his stead.

Omission of certain words in section 5 of "The Licensing Act, 1873."

Holders of public-house licenses may have more than one bar.

8. In lieu of the words "Resident Magistrate or Licensing Board respectively," where such words occur in the fifth section of the said Act, there shall be substituted the words "Licensing Court."

9. Notwithstanding anything in the said Act contained, any person being the holder of a public-house license may have more than one bar for the sale of alcoholic liquors in or upon the premises in respect of which such license shall have been granted: Provided that wherever there shall be more than one such bar in or upon any such premises as aforesaid, the holder of the license shall pay a fee for each additional bar at the rate of one-third of the fee payable for a publican's license, or at such other rate as may be fixed by the Legislature of the province within which such premises are situated.

The number of bars in any licensed premises shall appear upon the face of the license, and after the grant of any publican's license no additional bar shall be opened or used in or upon the licensed premises except with the consent of the Licensing Court for the district (which consent shall be indorsed on the license), and on payment of the prescribed fee as hereinbefore provided; and if any person shall open or use any such bar for the sale of alcoholic liquors, or shall knowingly permit the same to be opened or used for such sale, without such consent and payment as aforesaid, he shall be deemed to have been guilty of selling without a license, and shall be liable to the penalty prescribed in the tenth section of the said Act.

Wholesale and packet licenses may be issued by Provincial Treasurer at any time.

10. Notwithstanding anything contained in the said Act, the Provincial Treasurer of any province, or if there be no such person, then any other person or persons appointed by the Superintendent of any such province, may at any time issue to any person a wholesale license or packet license, and it shall not be necessary for any person applying for a wholesale license or a packet license to obtain the certificate of a Licensing Court held under the said Act before the issue of such license, or to make any application whatsoever to any such Court.

Brewers' licenses may be granted.

Wherever by any Act or Ordinance in force in any province it is provided that brewers' licenses may be issued, such licenses may, subject to the provisions of the said Act and this Act, be issued in accordance with such first-mentioned Act or Ordinance: Provided that no person having taken out a brewer's license under any such Act or Ordinance as aforesaid shall be obliged to take out a wholesale license in order to obtain the benefit of such brewer's license.

Fees for wholesale, brewers', and packet licenses.

Such fees shall be paid for a wholesale license, a brewer's license or a packet license as shall have been or shall be prescribed by the Legislature of the province in which the same shall be granted, and every such license shall continue for one year from the date thereof: Provided that in any province where any such license fees as in this section mentioned have been made portion of the municipal revenue of any city town or borough incorporated under any Act or Ordinance, then the Mayor of such city town or borough shall have power to grant such licenses as aforesaid.

Form of packet license altered.

The form of a packet license contained in Schedule D to the said Act shall be amended by omitting the words "Province" where they occur therein, and inserting in lieu thereof the words "Colony of New Zealand," so as to carry out the intention of the eleventh section of the said Act.

Licensing Act 1873 Amendment.

11. No wine and spirit merchant, and no brewer or other person who may be required to register his name or place of business under the provisions of "The Distillation Act, 1868," shall be deemed to be exempted from the operation of that Act by reason that he is the holder of a wholesale license or a brewer's license issued under the provisions of "The Licensing Act, 1873," or of this Act, or of any Ordinance incorporated or read therewith.

Acts not to affect provisions of "The Distillation Act, 1868."

12. The thirteenth, fourteenth, and fifteenth sections of the said Act are hereby repealed, and in lieu of the annual licensing meetings required to be held under the said Act, quarterly licensing meetings shall be held as hereinafter provided; but all the provisions of the said Act respecting annual licensing meetings, and the powers duties and authorities of Licensing Courts thereat, and the rights privileges and liabilities of all persons who are or may be affected by the proceedings of any such Licensing Court, whether prior to or after the holding thereof, and the duties and liabilities of all officers of police and other persons, shall, so far as circumstances admit, and except where any such provisions shall be expressly repealed, or be contrary to this Act, apply and extend to the quarterly licensing meetings hereinafter directed to be held: Provided that all annual licenses which have been granted under the said Act, and which shall be in force at the date of the passing hereof, shall, unless forfeited under any law in force for the time being, continue to subsist until the expiration thereof, or until new licenses shall have been granted under the said Act and this Act; and, subject to this Act, all such licenses may be dealt with transferred and renewed at any quarterly licensing meeting as hereinafter provided.

Repeal of sections 13, 14, and 15 of "The Licensing Act, 1873."

Existing licenses to be deemed to be granted under this Act.

13. On the first Tuesday at noon, in the months of December, March, June, and September, in each year, there shall be holden in each licensing district a meeting of the Licensing Court appointed for such district, to be called "the quarterly licensing meeting," for the purpose of taking into consideration all applications for certificates for such licenses as by the said Act (as amended by this Act) are authorized to be granted by Licensing Courts, and the transfer or renewal or removal of such licenses of which due notice shall have been given to the Clerk of the Licensing Court for the district in which the premises in respect of which such application is made are situated: Provided that after the end of the present year a license for any house that has not been previously licensed shall be granted only at the quarterly licensing meetings to be held in the month of June of each year.

Quarterly licensing meetings.

14. The Clerk of the Licensing Court in every licensing district at which any quarterly licensing meeting is to be held, shall, one calendar month at least before the holding of such meeting, cause a notice thereof to be fixed to the outer door of every Court House within the licensing district, whether the same be a Court House where meetings of the Licensing Court are held or not, and shall also cause an advertisement of the time and place of holding such licensing meeting to be inserted at least thrice in at least one newspaper circulating in the district.

Clerk to give notice of meetings.

15. Every person who shall desire to obtain a publican's license under the said Act at any quarterly licensing meeting, shall, at least twenty-one days before such meeting, deliver in duplicate, to the Clerk of the Licensing Court at which such application is to be heard, a notice in writing signed by him in the form in Schedule E to the said Act annexed, or to the effect thereof (accompanied by a certificate signed by at least ten householders in the form in the said Schedule E), of his intention to apply for a certificate for such license; and the Clerk of

Notice by applicants for a publican's license.

Licensing Act 1873 Amendment.

the Court to whom any such notice shall have been given, shall cause to be affixed, on or before the eighteenth day before the licensing meeting, a list of the names of the applicants, with their places of abode, together with the names of those persons signing their certificates, on some conspicuous place on the inside and outside of every Court House as aforesaid, there to remain until the day whereon the licensing meeting shall be held.

On application for renewal, not necessary to get certificate of householders.

16. On any application for a renewal of a publican's license, it shall not be necessary for the applicant to obtain the certificate of any householders, as provided by the last preceding section.

Mode of applying for bottle licenses.

17. The provisions of the fifteenth section of this Act shall apply to applications for bottle licenses, and the form of application shall be altered to suit the circumstances of such application: Provided that no householders' certificate shall be necessary on any application for a bottle license.

Form and effect of bottle license.

A bottle license shall be in the form in the Schedule hereto marked A or to the effect thereof, and shall authorize the holder thereof to sell and dispose of any alcoholic liquors in bottles corked and sealed, capsuled or wired, of sizes not less than those of which six or twelve are usually reckoned to the gallon, and not to be drunk in or upon the house or premises for which such license is granted: Provided that the provisions of the said Act and this Act relating to bottle licenses shall only apply and be of force in such provinces as may have provided or shall hereafter provide for the grant and issue of such licenses.

Personal attendance not necessary to procure renewal.

18. No licensed person, having given such notice as by this Act prescribed, shall be required to attend any licensing meeting for the purpose of procuring a renewal of his license, unless notice of opposition to the renewal of such license, stating the grounds thereof, shall have been given to the Clerk of the Court to which the application for renewal shall be made, who shall forthwith forward a copy of the notice of objection to the person interested.

Certain licenses may be transferred.

19. If any holder of a license (except a wholesale license, a brewer's license, or a packet license) shall desire to transfer his license to any other person, he shall, in the manner provided in section fifteen of this Act, deliver in duplicate a notice in writing, in the form in the Schedule hereto marked B, to the Clerk of the Licensing Court for the district within which the house or premises in respect of which the license is held is or are situate; and such Clerk shall cause one of such notices to be posted up in the same manner as is hereinbefore directed in respect to the application for granting a publican's license, and such application for transfer of licenses shall be heard at the usual quarterly meeting.

Objections to transfer may be made.

20. All the provisions of the said Act and of this Act with respect to the time and mode of objections to the granting of any license, and the persons by whom the same may be made, shall be applicable to proceedings for the transfer of any license under the provisions of this Act.

Appointees, how to be dealt with.

21. The Licensing Court may transfer any license (except as aforesaid) to the appointee of the holder of such license by an indorsement upon the license in the form in the Schedule hereto marked C, and thereupon the transferee shall, instead of such original holder, possess all the rights, and shall be subject and liable to the same duties obligations and penalties, as if such license had been originally granted to him: Provided that such transfer shall not be granted unless the appointee of the holder is approved of by the Court as such appointee.

Licenses to be in force for one year.

22. All certificates authorizing the issue of any license which

Licensing Act 1873 Amendment.

shall or may be granted at any quarterly licensing meeting under this Act in the month of June in any year, shall entitle the holders thereof to the license mentioned in such certificate, and such license shall be dated on the first day of July next ensuing to the granting of such certificate, or, if the first day of July fall on a Sunday, then on the second day of July; and all licenses issued at any other time of the year shall be dated on the first day of the month next following that in which the certificate authorizing the issue of such license shall have been granted, or if the first day of such month be a Sunday, then on the second day of such month; and all such licenses, whenever issued, shall have effect on and after the date thereof respectively, and shall remain in force till the first day of July then next following, unless forfeited in the meantime under the provisions of the said Act or of any Act or Ordinance incorporated or read therewith.

23. The fees payable for such licenses shall be as follows, that is to say,—

- (1.) For all licenses dated on the first or second day of July in any year, the full amount of the license fees for the time being prescribed by any Act or Ordinance in force.
- (2.) For all licenses dated on the first or second day of October in any year, three-fourths of the license fees prescribed as aforesaid.
- (3.) For all licenses dated on the first or second day of December in any year, one-half of the license fees prescribed as aforesaid.
- (4.) And for all licenses dated on the first or second day of April in any year, one-fourth of the license fees prescribed as aforesaid: Provided that the Legislature of any province may from time to time alter or vary the fees payable under this section in such manner and to such extent as may be thought fit.

24. Any person being the holder of a license under this Act other than a wholesale license or a brewer's license, who shall during the currency thereof sell or assign his house or store, in respect of which such license was granted, may make written application to the Chairman of the Licensing Court in the licensing district within which the house or store is situate in respect of which such person holds such license, in the form in the Schedule hereunto annexed marked D, for a temporary transfer of such license to the person named in such notice at any time after he shall have delivered the notice mentioned in section fifteen of this Act in manner therein directed; and if such Chairman think fit, he may at once, upon production of a receipt for the payment by the applicant of a fee of two pounds to the Provincial Treasurer, or such other fee as may from time to time be prescribed by the Legislature of any province, by a memorandum under his hand indorsed upon the original license in the form in the Schedule hereunto annexed marked E, grant such temporary transfer of such license accordingly: And the effect thereof shall be to authorize the person named in such memorandum to carry on the business specified in such license at the house or store in respect of which the same is held until the next quarterly licensing meeting after such temporary transfer shall have been granted, and no longer.

25. In case any person holding a publican's license or a bottle license under this Act shall be desirous of removing his business from the house or premises named in such license to any other house in the same district, he shall deliver in duplicate a notice in writing in the

Fees for publicans' or bottle licenses, how payable.

Purchasers of licensed premises may obtain temporary transfer of license.

Licenses may be transferred to other premises.

Licensing Act 1873 Amendment.

form in the Schedule hereunto annexed marked F, to the Clerk of the Licensing Court for the district in which the first-mentioned house or premises is situated, and such Clerk will cause one of such notices to be posted up in manner hereinbefore directed, in respect to the applications mentioned in section fifteen of this Act, and it shall be lawful for the Licensing Court, at the next quarterly licensing meeting to be held after the delivery of such notice, to authorize such removal forthwith, by an indorsement upon the original license in the form in the Schedule hereunto annexed marked G: Provided nevertheless that objections to such transfer may be made in manner provided by the said Act and this Act, and dealt with as therein and herein mentioned: Provided also that before such indorsement shall be made, the applicant shall pay to the Provincial Treasurer a fee of two pounds for such transfer, or such other fee as may from time to time be prescribed by the Legislature of any province.

Business may be carried on by executors in certain cases.

26. In case of the decease or insolvency of a holder of a license, his executor or administrator, or any trustee assignee or other legal representative, may, by an agent specially authorized in writing for that purpose by the Chairman of the Licensing Court for the licensing district in which the premises in respect of which such license is held are situated, carry on the business of the person so licensed, without any renewal or formal transfer, for three months from the date of the death or insolvency if the license has so long to run: Provided that such agent shall be subject to the same obligations as the licensee: And in case of the death of any such licensee, his widow, or if he have not left a widow any member of his family, or any person on behalf of such family, may carry on the business of dealing in alcoholic liquors for one month from his death: Provided that probate of his last will and testament or letters of administration of his effects shall not be sooner granted; and every license granted under the said Act or this Act shall confer upon the executor or administrator the same privileges, and (if such executor or administrator avails himself of such privileges) shall impose on him the same duties obligations and liabilities, as if such license had been granted to him originally.

Resident Magistrate may grant an extension of licenses at races, &c.

27. Notwithstanding anything in the said Act contained, it shall be lawful for any Resident Magistrate or any two members of the Licensing Court having jurisdiction in any licensing district within which any application under this section may be made, to grant to the holder of an existing publican's license an extension thereof to sell and dispose of alcoholic liquors at any volunteer encampment races fair market games regatta rowing matches cricket-grounds or other like places of public amusement for any period not exceeding four days, subject to any special conditions which such Resident Magistrate or such two members of a Licensing Court may in each case attach to such permission.

Or for balls, &c.

In like manner any such Resident Magistrate or any two members of a Licensing Court having jurisdiction as aforesaid may, on any occasion of a public ball dinner or other festivity, permit any house or premises to be kept open for the sale of liquor for such period as he or they may think fit.

In any case where such an extension shall have been granted, the person obtaining the same shall pay such fee as the Resident Magistrate or any two members of a Licensing Court as aforesaid shall in each case decide, being not less than five shillings nor more than two pounds, or such other fee as may from time to time be prescribed by the Legislature of any province; and the Resident Magistrate or the two members of such Licensing Court shall forward the same to the

Licensing Act 1873 Amendment.

Provincial Treasurer to be by him received and dealt with as other fees for licenses are authorized to be dealt with under the said Act.

28. In order that uniformity may be observed in the conduct of business before Licensing Courts, the following provisions shall be observed:—

Rules for conduct of business at licensing meetings.

- (1.) The Chief Officer of Police in every district shall obtain and furnish to the Clerk of the Licensing Court in each licensing district, at least ten days before each quarterly meeting a report of every licensed house in such district, and as to applications for new houses or new applications for old houses, as soon after the application as possible; such report to contain a description of the conditions of the house premises and furniture, the manner in which the house has been conducted during the past twelve months, the character of the persons frequenting the house, and a statement of the number locality and distance of other licensed houses in the neighbourhood.
- (2.) In the case of applications for new houses and new applications for old houses, and of transfers of licenses, it shall be the duty of the Clerk to the Licensing Court to search the register to be kept by him as hereinafter provided, and upon the consideration of such application to report to the Court whether the applicants, or, in case of transfers, whether the intended transferees, have previously applied for any licenses, or have been intended transferees of licenses, together with the result of such applications respectively, and in case of the refusal or rejection thereof, then the cause of such rejection or refusal.
- (3.) At the quarterly meetings of Licensing Courts, the applications for new houses shall take precedence, the new applications for old houses shall be taken next, and the rest of the business shall follow.
- (4.) The Clerks to the Licensing Courts shall give notice to applicants applying for a renewal of their licenses, when such licenses have been objected to under the said Act or this Act, to attend at the meeting, and such applicants shall be heard immediately after the applications for new houses, and in such notices the Clerks to the Licensing Courts shall state the nature of the objections.
- (5.) On any application for a license for a new house, the applicant shall produce to and deposit with the Clerk, for the information of the Court, plans of such house, and the Court may require the applicant to give such explanation thereof by skilled witnesses as it shall think fit: Provided that in the event of such plans showing that any portion of such house, or any portion of the building of which such house forms a part, is fitted up as a retail store, it shall not be lawful for the Court to grant such application.
- (6.) At any licensing meeting the Court shall hear and determine all applications, and also all objections which may be made to such applications, on such evidence as shall seem to it sufficient, whether the same be strictly legal evidence or not; and for the purposes aforesaid the Court may summon and examine on oath all witnesses and other persons as it shall deem necessary; and, subject as aforesaid, the evidence, if any, shall be given in the same manner as in Courts of law.

Licensing Act 1873 Amendment.

- (7.) In addition to any powers of adjournment given by the said Act or this Act, every Licensing Court may from time to time adjourn its sitting to such other day as it shall think fit, but no applications that have been decided at any licensing meeting shall be reopened at an adjourned meeting, unless in pursuance of leave granted at the original meeting: Provided that nothing herein contained shall be construed to prevent any person renewing his application at any subsequent quarterly meeting of the Licensing Court, although such application may have been refused at a former meeting of such Court.
- (8.) On the hearing of any application, except for renewals, the applicant, by himself or his counsel or solicitor, shall open his case, then the objectors who have given due notice are to be heard by themselves or their counsel or solicitor, and the applicant may reply. The signers of any memorial or any of them, under section twenty-three of "The Licensing Act, 1873," may appear to support such memorial by counsel or in person.
- (9.) In the case of applications for renewal, the objectors shall commence and the applicant shall reply only.
- (10.) The Licensing Court shall then consider the application, and, if unanimous, shall give their decision through its Chairman; but if not, it shall decide by vote (retiring to a private room if necessary) whether the license shall be granted or refused. The decision, and all remarks made thereon, shall be given through the Chairman, and the other members of the Court shall not comment upon the decision announced or the remarks made by the Chairman.
- (11.) In case of an equality of votes, the Chairman of the Court shall have a casting vote in addition to his original vote, and such Chairman shall, on behalf of the Court, sign all certificates and other documents, if any, issued or recorded by it.
- (12.) The decision of the Court, when once announced by the Chairman, shall not be questioned or reconsidered.
- (13.) No objection in respect of the character of any applicant shall be entertained unless notice has been given to the applicant; and should any such objection or any other objection made under the provisions of the said Act or this Act appear to the Court to be frivolous, the costs occasioned by any such objection shall be ordered by the Court to be paid by the party making the same: Provided that no such costs shall be given against any officer of police who shall have made any such objection.

No objection from any Officer of Police shall be entertained unless the nature of the objection shall have been stated in the report of the Chief Officer of Police; and no objection of any kind shall be entertained unless notice thereof shall have been given in the terms of the said Act and this Act.

- (14.) The "Chief Officer of Police" shall mean and include any Commissioner or Superintendent of Police in any province, and also the chief or only officer of police other than any such Commissioner or Superintendent residing in or stationed in any licensing district.

29. Wherever the expression "objection" occurs in the preceding sections of this Act, such expression shall be construed

"Objection" to include memorial.

Licensing Act 1873 Amendment.

to mean and include any objection to the grant of a certificate for the issue of a license, or the renewal transfer or removal of any such license, as the case may be, upon memorial, as provided by the twenty-third and twenty-fourth sections of the said Act: Provided that notice of the lodging of any such memorial shall in all cases be given to the persons affected thereby, in like manner as is provided by this Act with respect to objections in ordinary cases.

30. If any person shall wilfully insult any Chairman of any Licensing Court or any member of such Court or the Clerk thereof, while any such Chairman or member of any Licensing Court or the Clerk thereof shall be sitting or acting in any proceedings under the said Act or this Act, or shall wilfully interrupt the proceedings of the Court, every such person shall be liable to a penalty not exceeding ten pounds for each offence, and in default of payment the offender may be committed to prison for any term not exceeding fourteen days, unless the fine shall be sooner paid.

Penalty for insulting Chairman or member of Court, &c., or interrupting proceedings.

31. Notwithstanding anything in the said Act or this Act contained, any Licensing Court may of its own motion take notice of any matter or thing which in the opinion of the Court would be an objection to the grant or issue of a certificate for a license, or for the renewal transfer or removal of a license, although no notice of objection has been given as by the said Act and this Act is provided; and in any such case the Court shall inform the applicant, and the Court shall adjourn for any period not exceeding fourteen days, in order that the person affected by any such matter of objection may have an opportunity of replying to the same: Provided also that the Court shall forthwith after such adjournment cause full notice in writing of the matter or thing which, in the opinion of the Court, would be such an objection as aforesaid, to be given to the person or persons affected thereby, or if he or they cannot be found, to be left at his or their last known place of abode in the place where such application shall be made; such notice shall also specify the day on which the adjourned application shall be heard.

Court may take notice of any matter of objection although no notice given.

Power to adjourn in such cases.

32. If any person shall, in any proceedings before any Licensing Court, or upon any examination before any such Licensing Court, wilfully and corruptly give any false evidence, such person shall be deemed and taken to be guilty of perjury.

Persons giving false evidence guilty of perjury.

33. Every order made by any Licensing Court shall and may be enforced in the same manner as any order or judgment of a Resident Magistrate may be enforced, according to the law for the time being in force for regulating summary proceedings before Justices of the Peace.

How orders of Court may be enforced.

34. All forms of notices certificates and licenses, and other documents authorized or required to be issued or granted under the said Act or this Act, shall be deemed sufficient if made in the form therein or herein respectively prescribed or to the effect thereof; and the forms of such notices certificates and licenses may be altered to suit the circumstances of any case to which such forms may be applicable.

Forms may be altered.

35. A record of all applications made to the Licensing Courts, showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the date on which the application was heard, and the manner in which the same was disposed of, including in case of a refusal the cause thereof, shall be kept by the Clerk of each Licensing Court.

Record of applications to be kept.

The Governor may from time to time make and revoke regulations prescribing that extracts from any such register may from time to time be transmitted by the Clerks of the Licensing Courts to each other,

Governor may make regulations for transmission of particulars to Clerks of Licensing Courts.

Licensing Act 1873 Amendment.

and in and by any such regulations may direct the mode in which such particulars shall be recorded by any such Clerks.

Penalties, how recoverable.

36. All penalties imposed by the said Act, or by any Act or Ordinance incorporated therewith, or by this Act, shall be recovered in a summary manner in the manner provided by "The Justices of the Peace Act, 1866," and any Act amending the same.

Fees of Court may be charged.

37. The fees of Court mentioned in the Schedule hereto marked H, or such other fees as the Governor in Council shall from time to time prescribe, shall and may be taken from every person making any application for a license, or a renewal transfer or removal thereof, under the said Act and this Act, or otherwise in respect of the matters in such Schedule mentioned. Such fees shall be paid to the Clerk of the Licensing Court before the time when the proceedings for which such fees are payable are taken, and all such fees shall be paid into the New Zealand Public Account, and form part of the Consolidated Revenue of the colony: Provided that no such fees shall be charged to any chief officer of police or to any other officer of police who may lodge any notice of objection to the grant of a certificate or the issue of any license under the said Act or this Act, or for or in respect of any other proceeding taken by any such chief officer of police, or other officer of police, under the provisions of the said Act or this Act.

All licenses to be deemed to be granted under Provincial Ordinances in force.

38. Every license granted or issued under or in pursuance of the said Act, as amended by this Act shall, subject to the said Act and this Act, be deemed to have been granted under any Act or Ordinance of any Provincial Legislature in force for the time being in the province where such license shall have been so granted or issued for the purpose of regulating the sale of spirituous or fermented liquors, but only so far as any such Act or Ordinance shall be applicable to the particular kind of license, and so far as such Ordinance shall not be inconsistent with or repugnant to the said Act and this Act.

Special licensing districts on gold fields and outlying districts.

39. In order to make provision for the granting of licenses on gold fields and in outlying districts, it shall be lawful for the Governor from time to time to proclaim any district in any province of the colony, the boundaries whereof shall be defined in such Proclamation, to be a special licensing district, and the boundaries of such district from time to time to alter, and to abolish any such district.

Within any such district it shall be lawful for the Governor to appoint some person or persons to grant licenses therein, and such person or persons shall, notwithstanding anything to the contrary in the said Act or this Act, have power to hear applications and to grant licenses on payment of such fees as may from time to time be prescribed as hereinafter provided, without requiring any certificate of householders, or giving any notice of application, or otherwise complying with the said Act and this Act; and the person so to be appointed shall have all such powers and authorities with regard to the issue renewal transfer and removal of such licenses as by the said Act and this Act are given to the Provincial Treasurer of any province, or to any Licensing Court, or to the Clerk of such Court, or to any Resident Magistrate.

Provided that it shall be lawful for the Legislature of any province in which any such districts may be proclaimed to provide and declare—

What fees shall be payable for any such license.

To attach conditions to the exercise and duration of any such license, and to impose upon the licensee such duties liabilities and obligations as shall be thought fit, and, subject to this Act, to

Licensing Act 1873 Amendment.

Prescribe the forms time and mode of granting any such licenses :

Provided further, that, until any such Legislature shall have passed any such Ordinance as aforesaid, it shall be lawful for the Governor in Council to make any regulations for all or any of the purposes for which any such Ordinance may or can be passed under or by virtue of this section, and all such regulations shall be made with the consent of the Superintendent of the province in which they are to take effect, and shall be published in the *New Zealand Gazette* and in the *Gazette* of the province in which they are so to take effect.

40. It shall be lawful for any Licensing Court, on any quarterly sitting of the same, to determine and put an end to any license then current, if it shall be proved to the satisfaction of such Bench that the licensed house is conducted in an improper manner. The Chairman of the Bench shall indorse the forfeiture of such license on the back thereof, and duly file the same in his office, after which such license shall be null and void.

Licensing Court may take away license from improperly conducted house.

41. Whereas a practice exists in certain parts of this colony of hiring women and young girls to dance with men in rooms and places where intoxicating liquors are sold, with the intention of exciting and inducing such men to drink, any contract by which any females shall be hired to dance in any such room or place shall be null and void.

Contracts with dancing girls to be void.

Any room or place in which females shall be so employed or permitted, whether by contract or by a share of the produce of a sale of tickets, or in any other way, shall be taken to be a disorderly house, and the licensee of the premises on which such dancing goes on shall be liable on conviction to a penalty of twenty pounds for the first offence, fifty pounds for a second offence, and forfeiture of his license for a third offence; and any such conviction shall be indorsed by the Magistrate convicting on the license.

Penalty for hiring same.

42. No female other than the licensee, or the wife or daughter of the licensee, as the case may be, shall be employed in the bar of any licensed house for more than ten hours in each day of twenty-four hours; and no female except as aforesaid shall be employed in the bar of any licensed house before the hour of eleven in the forenoon or after the hour of eleven post meridian.

Time during which females may be employed in bars.

43. Any holder of a license who shall permit the provisions of the last preceding section to be broken upon his licensed premises shall be deemed guilty of a breach of this Act, and shall forfeit and pay for every such offence any sum not exceeding twenty pounds.

Penalty for breach of last clause.

44. Notwithstanding anything contained in the said Act or in any Act or Ordinance incorporated or read therewith, it shall be lawful for the Minister for Public Works for the time being, or any Minister acting for him, to grant to such person as he may think fit a license to sell and dispose of alcoholic liquors by retail in any rooms or buildings attached to or connected with any railway station, on any railway constructed under the authority of "The Immigration and Public Works Act, 1870," or any Acts amending the same or construed therewith.

Refreshment licenses at railway stations may be granted by Minister for Public Works.

Every such license may be in such form and shall be granted upon such terms and conditions as the said Minister shall think fit, and may be revoked by him upon any breach of such conditions.

45. Nothing in the said Act or in this Act shall prejudice or interfere with the special provisions of "The Outlying Districts Sale of Spirits Act, 1870," or any Proclamation made thereunder, or that may hereafter be made thereunder, or any act or proceeding done or taken, or that may hereafter be done or taken, by virtue thereof.

Acts not to apply to "The Outlying Districts Sale of Spirits Act, 1870."

Licensing Act 1873 Amendment.

Schedules.

SCHEDULES.

SCHEDULE A.

FORM OF BOTTLE LICENSE.

"The Licensing Act, 1873;"

"The Licensing Act 1873 Amendment Act, 1874."

New Zealand,
to wit.
Province of }

WHEREAS A.B., of , hath deposited in this office a certificate dated the day of , 18 , authorizing the issue to the said A.B. of a "Bottle License:" And whereas the said A.B. hath paid into my office the sum of pounds sterling as the fee on this license, pursuant to the provisions of the above-mentioned Acts: Now I, the Provincial Treasurer of the said province, by virtue of the powers vested in me by the said Acts, do hereby license the said A.B. to sell any alcoholic liquors in bottles corked and sealed, capsuled or wired, of sizes not less than those of which six or twelve are usually reckoned to the gallon (not to be drunk in or upon the house [or store] and premises licensed), in his house [or store] situate at , in the Province of aforesaid, and on the premises thereunto appertaining, but not elsewhere. And this license shall commence on the day of , and shall continue in force until the day of next, both days inclusive.

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

H.B.,
Provincial Treasurer.

B.

FORM OF APPLICATION FOR TRANSFER OF LICENSE.

"The Licensing Act, 1873;"

"The Licensing Act 1873 Amendment Act, 1874."

Province of

To the Worshipful the Licensing Court of the Licensing District of , in the Province of

I, A.B., of [*Here state the place of residence and house licensed, the sign if any*] being the holder of a [*State nature of license*] license under the above-mentioned Acts in respect of the said house and premises, do hereby give notice that it is my intention to apply to the Court, at the next Quarterly Licensing Meeting to be holden in and for the said district, to transfer the said license from myself to C.D., my appointee.

Signed this day of , 18

A.B.

C.

FORM OF INDORSEMENT OF A TRANSFER OF LICENSES.

"The Licensing Act, 1873;"

"The Licensing Act 1873 Amendment Act, 1874."

Province of

BE it remembered that the Licensing Court, at a Quarterly Licensing Meeting for the District of , held at , for the purpose of transferring licenses, do hereby, upon the application of the within-named , transfer the rights and privileges of the within license to , for the residue of the term for which the same has now to run.

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

Chairman of Court.

Licensing Act 1873 Amendment.

D.

FORM OF APPLICATION FOR TEMPORARY TRANSFER OF LICENSE TO PURCHASER OR ASSIGNEE OF LICENSED PREMISES.

"The Licensing Act, 1873;"

"The Licensing Act 1873 Amendment Act, 1874."

Province of

I, A.B., the holder of a [*State the nature of the license*] license for the house and premises known as , situate at , do hereby apply to have the said license transferred temporarily to C.D., who has purchased [*or to whom I have assigned the lease of, as the case may be*] the said house and premises.

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

To the Chairman of the Licensing Court for }
the Licensing District of }

E.

FORM OF INDORSEMENT OF A TEMPORARY TRANSFER OF LICENSE TO A PURCHASER OR ASSIGNEE OF LICENSED PREMISES.

"The Licensing Act, 1873;"

"The Licensing Act 1873 Amendment Act, 1874."

Province of

I, , Chairman of the Licensing Court for the Licensing District, do hereby, upon the application of the within-named A.B., it having been proved to me that the necessary notice has been given by the said A.B., and the said A.B. having paid to the Provincial Treasurer the fee of pound , transfer the license granted to the said A.B. [*State the nature of the license*] for the house and premises known as , situate at , to E.F., the purchaser [*or assignee of the lease*] of the said house and premises, until the next Quarterly Licensing Meeting to be holden for this district.

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

F.

FORM OF APPLICATION FOR REMOVAL OF LICENSE.

"The Licensing Act, 1873;"

"The Licensing Act 1873 Amendment Act, 1874."

Province of

To the Worshipful the Licensing Court for the Licensing District of , in the Province of .

I, A.B. [*Here state place of residence, the house licensed, the sign if any*], being the holder of a [*Here state nature of license*] license under "The " in respect of the said house and premises, do hereby apply for permission to remove my business from the said house to [*Here state the house to which license is to be removed, describing its situation, sign, or any other particulars*].

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

G.

FORM OF INDORSEMENT OF CHANGE OF HOUSE AND PREMISES ON LICENSE.

"The Licensing Act, 1873;"

"The Licensing Act 1873 Amendment Act, 1874."

MEMORANDUM.—I do hereby declare that A.B. having paid the fee of pound to the Provincial Treasurer, the within license shall henceforth cease to apply to the house and premises therein described, and shall apply instead thereof to the house and premises situate [*Describe new premises*].

Dated this day of , one thousand eight hundred and .

Chairman of Licensing Court for the District.

Licensing Act 1873 Amendment.

H.

FEES OF COURT.

	s.	d.
On filing notice of intention to apply for a license where no license has been previously issued	2	6
On filing notice of application for renewal, transfer, or removal of a license ...	1	6
On the grant of a certificate for a license where no license has been previously issued	5	0
On the grant of a certificate of renewal or of transfer	2	6
On making application to open an additional bar, for each bar	1	0
For every summons to a witness	1	0
For every oath administered	1	0
For any order as to payment of costs on objections made	1	6
For lodging any notice of objection	1	0
For depositing any memorial against grant of a license	2	6
And where any order made by a Licensing Court shall be enforced by process, the like fees shall be payable in respect of any proceedings taken for that purpose as would be payable in like cases under "The Justices of the Peace Act, 1866."		

 WELLINGTON, NEW ZEALAND:

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