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An Act to amend the Licensing Act 1908

[1 December 1961]

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

1. Short Title and commencement—(1) This Act may be cited as the Licensing Amendment Act 1961, and shall be read together with and deemed part of the Licensing Act 1908* (hereinafter referred to as the principal Act).

(2) Parts I and II of this Act shall come into force on the first day of May, nineteen hundred and sixty-two:

Provided that section 17 hereof shall come into force on the passing of this Act.

(3) Part III of this Act shall come into force on the passing thereof.

PART I

LICENSING DISTRICTS AND COMMITTEES

Licensing Districts

2. Reconstitution of licensing districts—(1) The licensing districts named in the first column of the First Schedule to this Act are hereby constituted licensing districts for the purposes of the principal Act.

(2) Subject to the provisions of this Part of this Act, each of the licensing districts hereby constituted shall comprise the counties, parts of counties, and other districts and areas specified in the second column of the said First Schedule opposite the name of the licensing district.

(3) If at any time there is constituted a new county whose limits are wholly within one licensing district, the new county shall be deemed to be included in and to form part of that licensing district.

(4) If at any time there is constituted a new county from areas that were previously included in two or more licensing districts, the new county shall be deemed to be included in and to form part of such one of those licensing districts as may be declared in that behalf by the Governor-General by Order in Council. Any Order in Council under this subsection may be made retrospective so as to have effect as from the date of the constitution of the new county or from such later date as the Governor-General thinks fit. Any such Order in Council may at any time be revoked and another substituted therefor.

(5) For the purposes of this Act and the principal Act, every licensing district shall be deemed to include every wharf, pier, quay, jetty, mole, or work extending from any place in the district into or over any part of the sea, or any part of any river within the ebb and flow of the tide, and the Licensing Committee of the district shall have jurisdiction accordingly.

*1957 Reprint, Vol. 8, p. 1

Amendments: 1958, No. 76; 1959, No. 87; 1960, No. 122

3. Licensing districts to include boroughs, etc.—(1) Subject to the provisions of this Act, every licensing district shall include every city, borough, and town district that is surrounded by or contiguous to any county included in the licensing district, but shall not include any city, borough, or town district, or any part thereof, that comprises or is included in any licensing trust district.

(2) Subject as aforesaid, every licensing district shall include every island adjacent to any county included in the licensing district.

(3) For the purposes of this section, every city, borough, or town district that is not contiguous to a county shall be deemed to be contiguous thereto if—

- (a) It is contiguous to any other city, borough, or town district which is itself contiguous to that county; or
- (b) It is separated from that county by any public highway, river, harbour, or arm of the sea, or by any other natural feature.

4. Inclusion of county, etc., in licensing district in certain cases—(1) If at any time there is any county, city, borough, or town district, or any other district or area, to which none of the foregoing provisions applies so as to include it in a licensing district the Governor-General may, by Order in Council, declare that district or area to be included in such licensing district as he thinks fit, and it shall be included in that licensing district accordingly.

(2) Any Order in Council under this section may be made retrospective to such extent as may be necessary to secure the inclusion of the said district or area at all times in a licensing district.

(3) Any Order in Council under this section may at any time be revoked and another substituted therefor.

5. Union, reconstitution, or alteration of licensing districts—(1) Subject to the provisions of this Part of this Act, the Governor-General may from time to time by Order in Council, as from a date to be specified in the Order,—

- (a) Abolish any licensing district, or any two or more licensing districts, and constitute any new licensing district or districts, as he thinks fit, under a name or names to be specified in the Order; or

- (b) Alter the boundaries of any two or more contiguous licensing districts by excluding any county or district or area from any such licensing district and including it in another licensing district to which it is contiguous; or
- (c) Alter the boundaries of any licensing district by excluding therefrom the whole or any part of any licensing trust district hereafter constituted.

(2) Where any new licensing district is constituted under this section, it shall comprise such counties and other areas (if any) as are specified in the Order in Council.

(3) Where the boundaries of any licensing district are altered under this section, the Governor-General may by Order in Council alter the name of any licensing district affected by the alteration; and thereupon the name of the Licensing Committee of that district shall be deemed to have been altered accordingly.

(4) If at any time the boundaries of any county, city, borough, or town district comprised in any licensing district are altered, the alteration shall have effect with respect to the licensing district, and the boundaries of the licensing district shall be deemed to be altered accordingly.

6. Maximum number of licensing districts—The total number of licensing districts shall not at any time exceed twenty-four.

7. Exclusion of licensing trust districts—Notwithstanding anything in this Part of this Act, no licensing trust district or part thereof shall at any time be included in any licensing district.

8. Power to amend First Schedule—(1) Where any licensing district, or any county, city, borough, town district, or other district or area within any licensing district is created, abolished, merged, or otherwise altered, the Governor-General may from time to time by Order in Council amend the First Schedule to this Act by omitting, inserting, or altering the name or description of any such district or area, as the case may require, or make such other amendments to that Schedule as may be necessary for the purpose of properly describing every licensing district affected by the alteration.

(2) For the purpose aforesaid the Governor-General may in like manner amend the said First Schedule in any case where any licensing trust district is created, abolished, merged, or otherwise altered.

9. Repeals and consequential amendments—(1) This Part of this Act is in substitution for Part I of the principal Act, and the said Part I is hereby repealed.

(2) The enactments specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(3) The Masterton Licensing Restoration Act 1947 is hereby repealed.

No-licence Districts

10. No-licence districts—(1) Every no-licence district as constituted at the commencement of this Part of this Act shall, until it ceases to be a no-licence district by virtue of the determination of the electors of that district in favour of the restoration of licences, continue to be a no-licence district with the same name and boundaries as at the commencement of this Part of this Act, notwithstanding that the whole or any part of the no-licence district forms part of any licensing district constituted under this Part.

(2) Except as otherwise provided in the principal Act, no Licensing Committee, and no Chairman or member of any Licensing Committee, shall have any jurisdiction or exercise any power or authority in respect of any no-licence district, or any part thereof, comprised within any licensing district.

Licensing Committees

11. New sections substituted—The principal Act is hereby amended by repealing section 42, and substituting the following sections:

“42. Constitution of Licensing Committees—(1) For every licensing district, except the Chatham Islands Licensing District, there shall be a Licensing Committee consisting of five members, being—

“(a) A Magistrate, to be appointed from time to time by the Governor-General on the recommendation of the Minister; and

“(b) Four other qualified persons (hereinafter referred to as the elective members), to be elected by local authorities as hereinafter provided.

“(2) The Magistrate shall be the Chairman of the Committee.

“(3) Each of the elective members shall be a member of a local authority having jurisdiction within some part of the licensing district.

“(4) The elective members shall not include more than one member of any one local authority.

“42A. **Constitution of Licensing Committee for Chatham Islands Licensing District**—(1) For the Chatham Islands Licensing District there shall be a Licensing Committee consisting of five members, being—

“(a) A Magistrate, to be appointed from time to time by the Governor-General on the recommendation of the Minister; and

“(b) Four other qualified persons, to be appointed by the Governor-General on the recommendation of the Minister, whose names shall be selected by the Minister from a panel of names submitted by the Chatham Islands County Council and the Wharekauri Tribal Committee.

“(2) For the purposes of paragraph (b) of subsection (1) of this section, a panel of names shall be so submitted within three months after every day on which the triennial elections of members of local authorities are held; and the members to be appointed under that paragraph shall be appointed within one month after the expiry of the said period of three months, and shall come into office on their appointment.

“(3) If no names are so submitted, or if the number of names so submitted is less than four, the Governor-General may appoint such number of qualified persons resident in the district as will complete the required number.

“(4) The office of an appointed member of the Committee shall become vacant if the member resigns his office by writing addressed to the Chairman, or becomes disqualified, or is absent, without leave of the Committee, from two consecutive quarterly licensing meetings of the Committee. In any such case, or in the case of the death or removal from office of any such member, the vacancy shall be an extraordinary vacancy, and the Governor-General may appoint some qualified person to fill it.

“(5) Every person (other than the Chairman) appointed under this section shall, unless his office sooner becomes vacant, hold office until the next appointment of members of the Committee.

“(6) Subject to the foregoing provisions of this section, and to all necessary modifications, the provisions of this Act, so far as they are applicable, shall apply to the Licensing Committee for the Chatham Islands Licensing District.”

12. Deputy of Chairman—The principal Act is hereby further amended by inserting, after section 42A (as substituted by section 11 of this Act), the following section:

“42B. (1) In any case where the Chairman of the Committee is prevented by illness or any other cause from acting in his office, any Magistrate may act in his place, and while so acting shall have all the powers and may perform all the functions of the Chairman.

“(2) The fact that any Magistrate so acts shall be conclusive evidence of his authority to do so; and no acts done by him as Chairman, whether together with any other member of the Committee or not, and no acts done by the Committee while he is acting as such, shall in any proceedings be questioned on the ground that the occasion for his so acting had not arisen or had ceased.”

13. Election of members by local authorities—(1) The principal Act is hereby further amended by repealing sections 44 to 46, and substituting the following section:

“44. (1) Within three months after every day on which the triennial elections of members of local authorities are held, every local authority whose district is situated wholly or in part within the licensing district (not being a local authority whose district is situated wholly within a no-licence district) may nominate one of its members for election as a member of the Licensing Committee for the licensing district.

“(2) Every such local authority may within the same period appoint one of its members (not being a person nominated for election as aforesaid) as a representative to attend the meeting hereinafter referred to for the purpose of the election of members of the Licensing Committee.

“(3) No person shall be qualified to be appointed or to act as a representative under this section who would not be qualified under section 43 of this Act to be elected as a member of a Licensing Committee; and the provisions of that section shall extend and apply, with all necessary modifications, to the appointment of any representative and to his acting as such representative.

“(4) Within the same period every such local authority shall send to the Clerk of the controlling local authority appointed under section 63 of this Act a notice in writing specifying the name of any person nominated for election and the name of any representative appointed as aforesaid.

“(5) Where only four persons are nominated, they shall be deemed to have been elected, and the Clerk of the controlling local authority shall notify the other local authorities of the names of the persons so elected.

“(6) Where more than four persons are so nominated, then, within one month after the expiration of the said period of three months, a meeting of the representatives so appointed shall be held at a time and place to be appointed by the Mayor or Chairman of the controlling local authority, and the representatives present at that meeting shall elect, from the persons nominated for election, four qualified persons to be members of the Licensing Committee.

“(7) At the meeting every representative present shall have one vote:

“Provided that where any person is nominated by any local authority mentioned in subsection (8) of this section the representative of that local authority shall not have a vote.

“(8) In the Auckland, Wellington, Canterbury, and Dunedin Licensing Districts, the persons (if any) nominated by the Auckland City Council, the Wellington City Council, the Christchurch City Council, and the Dunedin City Council shall at the said meeting be declared elected as members of the Licensing Committees for those districts.

“(9) Forthwith after the election of members of the Licensing Committee the Clerk of the controlling local authority shall cause to be published in the *Gazette* the names of the persons so elected.”

(2) Section 48 of the principal Act (which relates to the appointment of members of Licensing Committees on a failure to elect) is hereby amended by omitting the words “fit persons resident in the district”, and substituting the words “qualified persons, being members of local authorities,”.

14. Duration of office—The principal Act is hereby amended by repealing subsection (2) of section 47, and substituting the following subsection:

“(2) Every elective member shall come into office on his election, and shall, subject to the provisions of section 49 of this Act, hold office until the next election of members of the

Committee, notwithstanding that at the then last preceding triennial election of members of the local authority on whose nomination he was elected to the Committee he may have ceased to be a member of that local authority.”

15. Extraordinary vacancies—The principal Act is hereby further amended by repealing section 49, and substituting the following section:

“49. (1) The office of an elective member shall become vacant if the member—

“(a) Resigns his office by writing addressed to the Chairman; or

“(b) Becomes disqualified; or

“(c) Is absent, without leave of the Committee, from two consecutive quarterly licensing meetings of the Committee; or

“(d) Ceases, before the day fixed by law for any triennial election of members of the local authority, to be a member of the local authority.

“(2) Where the office of an elective member becomes vacant as aforesaid, or by reason of his death or removal from office, the vacancy shall be an extraordinary vacancy, and the local authority on whose nomination he was elected shall appoint some qualified person, being a member of that local authority, to fill it.

“(3) Every person appointed to fill an extraordinary vacancy shall, subject to the foregoing provisions of this section, hold office until the next election of members of the Committee.”

16. Consequential amendments—The enactments specified in the Third Schedule to this Act are hereby amended in the manner indicated in that Schedule.

17. Transitional provisions—(1) Elections of members of Licensing Committees by local authorities shall be held on the first day of May, nineteen hundred and sixty-two.

(2) For the purposes of every such election nominations of candidates and appointments of representatives shall be made by local authorities, and notice thereof given to the Clerk of the controlling local authority, not later than the first day of April, nineteen hundred and sixty-two.

(3) The persons elected under this section shall hold office until the next elections of members of Licensing Committees following the triennial elections of members of local authorities in the year nineteen hundred and sixty-two.

(4) The first appointments of members of the Licensing Committee for the Chatham Islands Licensing District shall be made during the month of April, nineteen hundred and sixty-two. For the purposes of this subsection a panel of names shall be submitted to the Minister not later than the first day of that month. Every member so appointed shall come into office on the first day of May in that year, and shall hold office until the next appointment of members of the Committee following the said triennial elections.

(5) Subject to the foregoing provisions of this section and to all necessary modifications, the provisions of Part III of the principal Act, as amended by this Act, shall apply to the elections held under this section, and to the members so elected, as if this Part of this Act were in force.

(6) Every Licensing Committee in existence at the passing of this Act shall continue to exist and to exercise its functions and powers until the first day of May, nineteen hundred and sixty-two. Every member of every such Committee shall, unless he sooner vacates his office, continue in office until the said date; and any vacancy in the office of any such member occurring before that date may be filled in accordance with the principal Act.

(7) Section 35 of the Licensing Amendment Act 1960 is hereby repealed.

PART II

LICENCES

18. Interpretation—(1) For the purposes of this Part of this Act, and of the principal Act, unless the context otherwise requires,—

“Extended hotel licence” means a hotel licence granted, under this Part of this Act, with an extension authorising the holder of the licence to conduct a tavern:

“Extended premises” means any premises on which the holder of an extended hotel licence is authorised to conduct a tavern:

“Hotel premises” means any premises in respect of which a hotel licence, granted under this Part of this Act, is in force; but does not include any extended premises, or the bar premises in respect of which a special hotel licence under this Part is in force:

“Public notice” means a notice published twice in newspapers circulating in the locality in respect of which a licence is proposed to be granted, with an interval of not less than five nor more than ten days between each notification:

“Publican’s premises” means any premises in respect of which a publican’s licence is in force.

(2) For the purposes of subsection (2) of section 25, subsection (2) of section 27, subsection (2) of section 37, subsections (4) and (6) of section 42, and subsection (4) of section 48 of this Act, the term “hotel premises” shall include any publican’s premises, if an application has been made under section 47 of this Act for the grant of a hotel licence in place of the publican’s licence for those premises and that application has not been finally disposed of by the Commission; and the references in section 46 of this Act to the hotel premises and to the existing hotel licence shall be construed accordingly.

Cf. 1948, No. 74, s. 52 (1)

19. No new publicans’ licences to be granted—(1) No new publican’s licence shall be granted after the date of the commencement of this Part of this Act, except in substitution, pursuant to the principal Act, for a publican’s licence which is in force in respect of the same premises on that date.

(2) Nothing in this section shall prevent the granting of any publican’s licence in respect of which the Commission has issued to a Licensing Committee, before the said date, a certificate under section 51 of the Licensing Amendment Act 1948 authorising the Committee to receive and consider applications for the licence in accordance with that Act and the principal Act.

(3) Nothing in this section shall be construed to prevent the removal of any publican’s licence to other premises in accordance with the principal Act.

20. New kinds of licences—(1) In addition to the kinds of licences that may be granted under the principal Act, the following kinds of licences may be granted in accordance with this Part of this Act, namely:

(a) Hotel licences:

(b) Special hotel licences within the meaning of section 57 of this Act:

(c) Tavern licences.

(2) There may also be granted, in accordance with this Part, an extension of a hotel licence to authorise the holder of the licence to conduct a tavern on the extended premises:

Provided that an extended hotel licence shall not be granted to a person who is then the holder of an extended hotel licence.

(3) For the purpose of section 27 of the Licensing Amendment Act 1948 (which relates to the maximum number of publicans' licences), a hotel licence or a special hotel licence or a tavern licence or an extended hotel licence shall be counted as if it were a publican's licence.

21. Effect of hotel licence—Subject to the provisions of this Part of this Act, a hotel licence or a special hotel licence shall have the same effect as a publican's licence issued under the principal Act, and all the provisions of the principal Act relating to publicans' premises and publicans' licences shall apply to a hotel and to a hotel licence or special hotel licence as if the holder of the licence were the holder of a publican's licence:

Provided that nothing in the principal Act relating to the supply of lodging, meals, or accommodation on licensed premises shall apply to the bar premises in respect of which a special hotel licence is in force.

22. Effect of tavern licence, etc.—(1) Subject to the provisions of the principal Act and of this Part of this Act, a tavern licence shall authorise the licensee to sell and dispose of liquor in any quantity, on the premises specified in the licence, for consumption on or off the premises, between the hours of nine in the morning and six at night.

(2) Nothing in the principal Act relating to the supply of lodging, meals, or accommodation on licensed premises shall apply to a tavern or to the holder of a tavern licence, or to any extended premises.

(3) Subject to the provisions of this Part of this Act, all the provisions of the principal Act relating to publicans' premises and publicans' licences shall apply to a tavern and to a tavern licence as if the holder of a tavern licence were the holder of a publican's licence, and shall apply to any extended premises:

Provided that nothing in section 76 of the principal Act relating to a separate front or principal entrance shall apply to any tavern or extended premises.

*Issue of New Hotel, Tourist House, Tavern, and
Wholesale Licences*

23. Authority for new licences—(1) No hotel licence, special hotel licence, tavern licence, or extended hotel licence, and no new tourist house or wholesale licence, shall be granted except with the authority of the Commission and in accordance with this Part of this Act.

(2) This section shall not apply to any tourist house or wholesale licence granted in substitution for a licence of the same kind that has been transferred or forfeited or has been cancelled or determined, if in any such case the licence is granted in respect of the same premises.

(3) Sections 52 to 57 of the Licensing Amendment Act 1948 shall not hereafter apply to the issue of new tourist house or wholesale licences, unless in any case the Commission has issued to the Licensing Committee, before the commencement of this Part, a certificate under section 51 of that Act.

Cf. 1948, No. 74, s. 49 (1)

24. Commission to determine whether new licence needed—

(1) Subject to the provisions of sections 27 and 28 of the Licensing Amendment Act 1948 (which relate to the maximum number of licences) if at any time the Commission is of opinion that the issue of any hotel, tourist house, tavern, or wholesale licence may be necessary or desirable in any locality or place, it may hold a public sitting, of which public notice shall be given, to determine whether the issue of any such licence is necessary or desirable.

(2) At the public sitting the Commission may hold such inquiry as it thinks fit, and shall afford all interested persons an opportunity to give evidence or make representations.

(3) If at any time any Licensing Committee is of opinion that an inquiry should be held in its district for any of the purposes of this section, the Committee may make to the Commission a recommendation to that effect.

Cf. 1948, No. 74, s. 50 (1)

25. Circumstances in which hotel or tavern licence may be granted—(1) In determining whether the issue of any hotel or tavern licence is necessary or desirable as aforesaid, the Commission shall have regard to—

(a) The requirements of the public in relation to the provision of accommodation in the locality or place:

Provided that if the locality or place forms part of or is near to any city or borough, or a number of adjoining or adjacent cities or boroughs, the Commission may if it thinks fit take into account the requirements of the public in relation to the provision of accommodation in the whole area within which those cities or boroughs are situated:

- (b) The requirements of the public in relation to the provision of facilities for the purchase and consumption of liquor in the locality or place:
- (c) Such other considerations as the Commission thinks fit to take into account.

(2) In determining whether the issue of any tavern licence is necessary or desirable, the Commission shall, in addition to the considerations set out in subsection (1) of this section, have regard to the effect that the grant of a tavern licence might have on the business of any hotel premises in the neighbourhood if, after taking into account the sales of liquor on those premises, the Commission is of opinion that the provision made for accommodation on those premises is such that it would be fair and equitable to have regard to such effect as aforesaid.

(3) The Commission shall not authorise the issue of a tavern licence unless, having regard to the considerations referred to in subsection (1) of this section, it is of opinion that it is not necessary or desirable that accommodation be provided on the premises to be licensed, and that accommodation is not likely to be required on those premises in the near future.

(4) In determining whether the issue of any hotel or tavern licence is necessary or desirable, it shall be the object of the Commission as far as practicable, having regard to the number of licences available to it, to secure the provision of reasonable and adequate accommodation, and, subject to the provision of such accommodation, to secure the provision of reasonable and adequate facilities so that those who wish to do so may drink in reasonable comfort and so that the demand for facilities for the purchase and consumption of liquor is met but not stimulated.

Cf. 1948, No. 74, s. 50 (2), (3)

26. Circumstances in which tourist house licence may be granted—In determining whether the issue of any tourist house licence is necessary or desirable, the Commission shall have regard to—

- (a) The desirability of increasing the amount and improving the standard of accommodation for the travelling public (including visitors from overseas and New Zealand holidaymakers); and
- (b) The convenience of persons who will be staying on the premises.

Cf. 1948, No. 74, s. 50 (2), (3)

27. Circumstances in which wholesale licence may be granted—(1) In determining whether the issue of any wholesale licence is necessary or desirable, the Commission shall have regard to the demand, in the area that is likely to be served by the licence, if granted, for facilities for the supply of liquor—

(a) To other licensees; and

(b) To the public, for consumption off the premises, in the quantities authorised by a wholesale licence.

(2) The Commission shall also have regard to the effect that the grant of a wholesale licence might have on the provision or future provision of adequate accommodation on any hotel premises that are or may become situated in the area that is likely to be served by the licence if granted.

Cf. 1948, No. 74, s. 50 (2), (3)

28. Commission may authorise such kind of licence as it considers necessary—If on the holding of an inquiry under the foregoing provisions of this Act the Commission is of opinion that the issue of a hotel, tourist house, tavern, or wholesale licence is necessary or desirable, the Commission may, in accordance with the succeeding provisions of this Act, after granting any adjournment of the inquiry that may be necessary to afford all interested persons an opportunity to give evidence or make representations, proceed to authorise the issue of such licence as it considers necessary or desirable, whether or not the licence is of a class that was the subject of the inquiry.

29. Commission may define area and standards—(1) Where the Commission is of opinion that it should authorise the issue of a licence it shall define, with such particularity as it thinks fit, the locality or area within which the licence is proposed to be granted.

(2) Where the Commission proposes to authorise the issue of a hotel, tourist house, or tavern licence it shall define, with such particularity as it thinks fit, the actual or minimum standards of accommodation, services, and other facilities to be provided on the proposed premises.

(3) In the case of a hotel or tavern licence, the Commission, if it thinks fit, may direct that the facilities for any bar shall include facilities for sit-down drinking, or may direct that provision be made for a bar at which liquor and light refreshments may be served but not consumed, and for chairs and tables, or other facilities of a like nature, at which liquor and light refreshments may be consumed.

(4) The fact that the Commission has prescribed actual or minimum standards under the provisions of this section shall not affect the powers of the Commission or of the Licensing Committee at any time to give directions to licensees, pursuant to the principal Act or this Act, as to the standards to be complied with in the provision of accommodation, services, and other facilities.

Cf. 1948, No. 74, s. 50 (4), (5)

30. Notice of intention to invite applications for hotel or tavern licence—(1) Whenever the Commission is of opinion that it should authorise the issue of a hotel or tavern licence it shall cause public notice to be given that unless objections under section 31 of this Act are filed with it within thirty days after the first publication of the notice it intends to invite applications for a licence of the kind specified in the notice.

(2) The notice shall specify the locality or area within which the licence is proposed to be authorised. The locality or area shall be sufficiently described or referred to in the notice to enable it to be readily identified without the necessity of reference to the plans or records of any office.

(3) The notice shall contain sufficient brief details of any actual or minimum standards fixed by the Commission to indicate the general nature of the accommodation, services, or other facilities to be provided. Any local authority or resident qualified to make or join in an application for a poll under section 31 of this Act shall be entitled, on application to the Commission, to be informed of the actual or minimum standards fixed by the Commission.

(4) The Commission may if it thinks fit, at any time before it has invited applications for any such licence, extend the time for filing objections as aforesaid. Any extension may be for such period as it thinks fit, not being longer than thirty days after the grant of the extension.

Cf. 1948, No. 74, s. 52

31. Objections—The local authority of any district, or any two or more local authorities of adjoining districts, or any fifty or more electors residing in any such district or districts as aforesaid, may, at any time within thirty days after the first publication of the notice that the Commission intends to invite applications for a hotel or tavern licence in any area in any such district or districts as aforesaid, or within such

further time as is allowed by the Commission under subsection (4) of section 30 of this Act, apply in writing to the Commission for the taking of a poll for the purpose of ascertaining whether a majority of the electors residing in that area desire that the licence be not granted in that area.

Cf. 1948, No. 74, s. 50A (1)

32. Application for Trust poll—(1) Within thirty days after the first publication of the notice that the Commission intends to invite applications for a hotel or tavern licence in any locality or area, or within such further time as the Commission may allow, any local authority referred to in subsection (2) of this section may apply to the Commission for the taking of a poll for the purpose of ascertaining whether, if any such licence is granted, the electors residing in any area in any district referred to in that subsection desire that the licence be issued to a local Trust.

(2) For the purposes of subsection (1) of this section, the expression "local authority" means the local authority of any district, or any two or more local authorities of adjoining districts, where the locality or area in which the Commission intends to invite applications for the licence—

- (a) Is wholly or partly within such district or districts; or
- (b) Is a locality or area to which a substantial proportion of the residents of the district or districts are accustomed to pay visits for purposes of business or entertainment or other like purposes.

33. Hearing of objections and of applications for a Trust poll—(1) On any application under section 31 or section 32 of this Act the Commission may hold such inquiry and take such evidence as it thinks fit; and if it is of opinion that the application is made in good faith and that a poll should be taken it shall, subject to the provisions of subsection (2) of this section, direct that a poll be taken.

(2) The Commission may decline to direct that a poll be taken if it is of opinion that, having regard to the locality or area in which it is proposed to issue the licence, it is impracticable to define a reasonably substantial area having sufficient community of interest to justify the taking of a poll or the creation of a local Trust, as the case may be.

(3) In any case where applications are made under section 31 and section 32 of this Act in respect of the same proposal to invite applications for a licence, the applications shall be dealt with together, and if polls are authorised they shall be taken simultaneously.

(4) If the Commission directs that a poll be taken on an application under the said section 31, it may also direct that a further poll be taken, simultaneously therewith, for the purpose of ascertaining whether, if a licence is issued, the electors residing in the area desire that it be issued to a local Trust, although no application has been made to the Commission for such a poll.

Cf. 1948, No. 74, s. 50A (2), (3)

34. Commission may give directions as to poll—(1) If the Commission directs that a poll be taken, it may, by the same or any further direction—

- (a) Determine an area within which the poll is to be taken and define the boundaries of that area:
- (b) Fix a date for the taking of the poll:
- (c) Fix a date for the closing of the rolls of electors:
- (d) Appoint a Returning Officer to conduct the poll:
- (e) Give such directions as may be necessary in relation to the form of notices to be given by the Returning Officer in respect of the poll:
- (f) Determine the form of the ballot paper:
- (g) Direct how the costs of preparing rolls and conducting the poll shall be borne by the local authorities having jurisdiction in the area in which the poll is to be taken, or by any one or more of them:
- (h) Authorise or direct the doing of any other thing necessary or expedient for the taking of the poll.

(2) The Commission may direct that the rolls of electors of the appropriate electoral districts for the time being in force, or the rolls of electors of the districts or portions of the districts of any local authorities for the time being in force, shall be suitably marked to indicate the persons entitled to vote and used as the rolls of electors for the purposes of the poll; and, for the purpose of ensuring that electors residing, on the date fixed for the closing of the rolls, in the area in which the poll is to be taken are entitled to vote, may direct that the Returning Officer shall prepare a supplementary roll.

(3) Every poll under this section shall be a poll of the electors residing, on the date fixed for the closing of the rolls, in the area determined by the Commission as aforesaid.

(4) Subject to the provisions of this section, and of any regulations made under the principal Act, and of any directions given by the Commission as aforesaid, and subject to any necessary modifications, the provisions of the Local Elections and Polls Act 1953, as far as they are applicable, shall apply to the poll.

(5) Every decision or direction given under this section shall be final and binding on all parties.

Cf. 1948, No. 74, s. 50A (4)–(8)

35. Effect of poll where result is against granting of licence—(1) If in the case of a poll taken on an application under section 31 of this Act a majority in number of the valid votes recorded at the poll is in favour of the proposal that no hotel or tavern licence be granted, the Commission shall not invite applications for any such licence in the area in which the poll was taken unless in its opinion, having regard to the proportion that the total number of valid votes bears to the number of electors entitled to vote, the proportion that the number of valid votes recorded in favour of the proposal not to grant the licence bears to the total number of valid votes, the convenience of travellers in the case of a proposed hotel licence, and all such other matters as it considers relevant, there are special circumstances which make it desirable in the public interest that a licence should be granted.

(2) If in any such case the Commission does not decide to invite applications, the Commission shall not take any further steps relating to the issue of any such licence in that area for a period of three years commencing from the day of the poll.

(3) At any time after the expiration of three years from the taking of any such poll as aforesaid, or of any poll under section 50A of the Licensing Amendment Act 1948 (as inserted by section 29 of the Licensing Amendment Act (No. 2) 1953), the Commission may hold a public sitting under section 24 of this Act, and proceedings for the grant of any such licence may thereafter be taken in accordance with this Part of this Act.

Cf. 1948, No. 74, ss. 50 (2A), 50A (9); 1960, No. 122, s. 24

36. Commission to invite applications for licence—

(1) In the case of a hotel or tavern licence, the Commission shall, subject to the provisions of section 35 of this Act, cause public notice of its intention to consider applications for a licence to be given as soon as practicable after—

(a) The expiry of the time, or the extended time, for filing objections, in any case where no objection is filed;
or

(b) The declaration of the result of any poll taken on an application under section 31 of this Act, in any case where that result is in favour of the granting of the licence; or

(c) It has declined to direct that such a poll be taken:

Provided that where an application has been made for a Trust poll under section 32 of this Act the Commission shall not give any such notice until it has declined to direct the taking of the poll or, as the case may require, until after the declaration of the result of the poll.

(2) In the case of a tourist house or wholesale licence, the Commission shall cause public notice of its intention to consider applications for a licence to be given as soon as practicable after it decides, under section 28 of this Act, that the licence should be authorised.

(3) The notice shall specify the locality or area within which the licence is proposed to be authorised and shall invite applications for the licence. The locality or area shall be sufficiently described or referred to in the notice to enable it to be readily identified without the necessity of reference to the plans or records of any office.

(4) The notice shall either specify any actual or minimum standards of accommodation, services, and other facilities fixed by the Commission, or contain a statement that particulars of those standards may be obtained from the office of the Commission or such other place as is stated in the notice.

37. Applications to be made within sixty days—(1) Within sixty days after the last publication of the said notice, or within such further time as the Commission may allow, any person entitled under this Act to apply for the licence may apply in writing to the Commission therefor in accordance with this Part of this Act.

(2) Notwithstanding anything to the contrary in the principal Act, whenever the Commission gives notice of its intention to consider applications for a tavern licence, the owner of any hotel premises in or in the neighbourhood of the area or locality in respect of which such applications are invited may apply to the Commission to authorise the issue of an extended hotel licence instead of the tavern licence.

(3) Any application for a licence may be made in respect of premises then existing or in respect of any land on which premises are to be erected if the licence is granted to the applicant.

(4) Every such application shall be accompanied by a statement in writing specifying particulars of the site and of the premises or proposed premises in respect of which the application is made.

(5) Every applicant under this section shall from time to time furnish to the Commission such further information and particulars as may be required by the Commission.

Cf. 1948, No. 74, s. 53

38. Application to be made by true owner—(1) In the case of a hotel, tavern, or tourist house licence, every application for the licence shall, except as otherwise provided in this Part of this Act, be made only by the person who will be the owner of the premises if a licence is granted, or by some person acting on his behalf and in his name.

(2) In the case of a wholesale licence, every such application shall be made by the person who will be the owner of the wholesale business if a licence is granted, or by some person acting on his behalf and in his name.

(3) If any other person will have, or is likely to have, any estate or interest (otherwise than by way of mortgage, debenture, or charge) in the premises or, in the case of a wholesale licence, in the business, that fact and the names of all persons having or likely to have any such estate or interest, and the nature of every such estate or interest, shall be set out in the application or otherwise disclosed to the Commission.

(4) If before the issue of any licence any agreement, whether oral or in writing, is entered into for the sale, transfer, or disposal, in the case of a wholesale licence, of the licence or the business or of any estate or interest in the licence or the business, or, in the case of any other licence, for the sale, transfer, or disposal of the licence or the premises or of any estate or interest in the licence or the premises, whether directly or indirectly or by means of any trust, or by any transfer or exchange of or other transaction in the shares of any company, particulars of the agreement shall be disclosed to the Commission.

(5) Where any of the provisions of this section are not complied with in respect of any application, the Commission may reject the application.

(6) If the Commission grants the application, and it is afterwards shown to its satisfaction that there has been a wilful breach of this section, the Commission may refuse to authorise the issue of the licence or, if the licence has been issued, may cancel it.

39. Applications on behalf of local Trust—In any case where the Commission has directed that a Trust poll be taken, and a majority in number of the valid votes recorded at that poll is in favour of the proposal that if a licence is granted it be issued to a local Trust, any local authority, either acting alone or with or on behalf of any other local authority, or any two or more local authorities, authorised by section 32 of this Act to apply for a Trust poll, may within sixty days after the last publication of the notice under section 36 of this Act apply for the licence to be issued to a local Trust.

40. Special provisions as to applications for tourist house licences—(1) The owner of any premises may at any time apply in writing to the Commission for a tourist house licence in respect of those premises, notwithstanding that a public sitting has not been held under section 24 of this Act and that public notice has not been given under subsection (2) of section 36 of this Act.

(2) In any such application the owner may set out particulars of any alterations or additions that he is prepared to make to the premises if the licence is granted. The provisions of subsections (4) and (5) of section 37 and of section 38 of this Act shall apply to the application, so far as they are applicable and with the necessary modifications.

(3) Every applicant under this section shall give public notice of his application. The notice shall state that any person who objects to the issue of the licence shall file a notice in writing of his objection in the office of the Commission within thirty days after the first publication of the public notice.

(4) When the time for filing objections as aforesaid has expired, the Commission shall fix a time and place for hearing the application and shall give notice thereof to the applicant and to any person who has filed a notice of objection.

(5) After hearing the applicant and any such objector and any other interested person the Commission in its discretion, subject to section 67 of the Licensing Amendment Act 1948 and to sections 26, 41, 44, and 45 of this Act, may grant the application, and thereupon section 46 of this Act shall apply accordingly.

41. Commission to fix fair price—(1) As soon as practicable after the receipt by it of particulars of any application for a licence the Commission shall, having regard to the situation of the premises or proposed premises in respect of which the application is made, and the accommodation, services, and

other facilities proposed to be provided, fix a fair price for a licence or, in the case of an extended hotel licence, for the extension of that licence, in respect of those premises.

(2) In the case of any hotel, tavern, or tourist house licence the fair price shall be such sum as in the opinion of the Commission will represent the difference between the value of the premises, in the state in which those premises will be when a licence is issued, and the value thereof as licensed premises, increased or reduced by such sum as the Commission may consider fair and equitable in the circumstances.

(3) In the case of any wholesale licence or extension of a hotel licence, the fair price shall be such sum as the Commission considers fair and equitable, having regard to all such circumstances as the Commission considers relevant.

(4) When the Commission has fixed a fair price it shall forthwith cause notice thereof to be given to the applicant.

Cf. 1948, No. 74, s. 54

42. Hearing of applications for licence—(1) Except as otherwise provided in this Part of this Act, no application for a licence shall be heard until—

- (a) The time prescribed or allowed for lodging applications has expired; and
- (b) The fair price has been fixed in respect of every application lodged within the time so prescribed or allowed.

(2) The Commission shall fix a time and place for the hearing of applications for a licence and shall give public notice thereof and also notice to each applicant.

(3) The Commission shall at that hearing, or at any adjourned hearing, consider and deal with all applications so received.

(4) In any case where the owner of any hotel premises applies for an extended hotel licence, the Commission shall have regard to—

- (a) The nature and extent of the accommodation, services, and other facilities provided on the premises:
- (b) Any additions or improvements undertaken to be made in respect of the accommodation, services, or other facilities, if the licence is granted:
- (c) The effect that the grant of a tavern licence to any other person might have on the business of the hotel premises if, after taking into account the sales of liquor on those premises and the matters referred

to in paragraphs (a) and (b) of this subsection, the Commission is of opinion that it would be fair and equitable to have regard to such effect as aforesaid:

- (d) The distance between the premises and the proposed site of the extended premises:
- (e) The public interest in the supply of accommodation:
- (f) Such other matters as the Commission thinks fit.

(5) Where a poll has been held, in the area in which a hotel or tavern licence is intended to be granted, on the proposal that the licence be granted to a local Trust, and a majority in number of the valid votes recorded at the poll is in favour of that proposal, and the licence is applied for by any local authority on behalf of a Trust to be formed to hold the licence, the Trust shall be entitled to the licence unless in the opinion of the Commission, having regard to the proportion that the total number of valid votes bears to the number of electors entitled to vote, the proportion that the number of valid votes recorded in favour of the proposal bears to the total number of valid votes, and all other matters that it considers relevant, there are special circumstances in which it is desirable in the public interest that the licence should be granted to some other applicant.

(6) Notwithstanding anything in subsection (5) of this section, where a tavern licence is applied for on behalf of a local Trust to be formed to hold the licence, and an application is also made by the owner of any hotel premises for an extended hotel licence instead of the tavern licence, the Commission may authorise the issue of the extended hotel licence to that owner or his nominee if, after taking into account the sales of liquor on the hotel premises and the matters referred to in paragraphs (a) and (b) of subsection (4) of this section, the Commission is of opinion that it is fair and equitable to do so.

Cf. 1948, No. 74, s. 55 (1), (5A)

43. Special provisions as to grant of hotel or tavern licence—(1) If the licence applied for is a hotel or tavern or extended hotel licence, the Commission shall not authorise the issue of the licence immediately, but shall determine the premises or proposed premises in respect of which it considers the licence should be issued, and shall as

soon as practicable thereafter cause public notice to be given of the fact that it intends to authorise such a licence in respect of those premises.

(2) Every notice under subsection (1) of this section shall specify the site of the premises or proposed premises, and the description of licence proposed to be granted. The site shall be sufficiently described or referred to in the notice to enable it to be readily identified without the necessity of reference to the plans or records of any office.

(3) Within thirty days after the first publication of the notice, any twenty or more electors residing within the area described in subsection (4) of this section may apply to a Magistrate for an order—

(a) That licensed premises be not established on any site specified in the notice, on the ground that the premises are or will be in the vicinity of a place of public worship, hospital, or school; or

(b) That a poll of electors under this section be taken on the ground that the said area is predominantly a residential area and that there is reason to believe that a substantial number of residents of the area object to the establishment of licensed premises on that site.

(4) The area referred to in subsection (3) of this section shall be—

(a) Where it is intended to grant a licence in respect of premises on any land in a city, borough, town district, or county town, the area contained within a radius of one-quarter of a mile from a point at the middle of the frontage of that land:

(b) Where it is intended to grant a licence in respect of premises on any other land, the area contained within a radius of one mile from a point at the middle of the frontage of that land.

(5) A copy of every application made to a Magistrate under this section shall be sent to the Commission.

(6) On any application under this section the Magistrate may hold such inquiry and take evidence from such interested parties as he thinks fit; and if he is of opinion that the application is made in good faith and that an order under this section should be made he shall make an order accordingly.

(7) If the Magistrate orders that a poll be taken under this section, he may, by the same or any further order—

(a) Determine an area within which the poll is to be taken and define the boundaries of that area:

Provided that, so far as may be practicable for the purpose of defining the boundaries, the area so determined shall not be less than the area described in paragraph (a) or, as the case may require, paragraph (b) of subsection (4) of this section:

- (b) Fix the date for the taking of the poll:
- (c) Direct that, instead of the appropriate rolls within the meaning of the Electoral Act 1956, the rolls of electors of every local authority within whose district the whole or any part of the said area is situated shall be the rolls of electors for the poll.

(8) Every order or decision of the Magistrate under this section shall be final and binding on all parties.

(9) Every poll under this section shall be a poll of the electors residing, on a date to be determined in accordance with regulations, in the area determined by the Magistrate as aforesaid.

(10) Every such poll shall, subject to the provisions of this section, be held and conducted in such manner as may be prescribed.

(11) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing the manner in which and the authorities by whom any poll shall be held and conducted:
- (b) Providing for the preparation and closing of the roll for any poll:
- (c) Prescribing the form of voting paper to be used at any poll:
- (d) Prescribing the manner in which the electors shall be entitled to vote at any poll:
- (e) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this section and for the due administration thereof.

(12) If in the case of a poll being ordered a majority in number of the valid votes recorded at the poll is not in favour of the granting of the licence, the Commission shall not authorise the issue of the licence.

Cf. 1948, No. 74, ss. 55 (3), (4), 56

44. Granting of application—(1) The Commission may grant an application for a hotel or tavern or extended hotel licence—

- (a) If a poll is held under section 43 of this Act and the result of the poll is in favour of the granting of a licence, at any time after the declaration of the poll; or
- (b) If a poll is applied for under that section, and the Magistrate does not order that a poll be taken, at any time after the Magistrate's decision is given; or
- (c) If a Magistrate refuses to make an order that licensed premises be not established on any site specified in the notice on an application made on the ground that the premises are or will be in the vicinity of a place of public worship, hospital, or school, at any time after the Magistrate's decision is given; or
- (d) If no application is made to a Magistrate under that section within the period prescribed thereby, at any time after the expiration of that period.

(2) The Commission may grant an application for a tourist house or wholesale licence at any time after the hearing.

(3) If the Commission grants any application for a licence it shall forthwith notify the applicant that the application has been granted, and that a licence will be issued when all the requirements of the Commission (being requirements lawfully imposed) as to the provision of accommodation, services, and other facilities or, in the case of an extended hotel licence, as to any improvements to be made immediately in the hotel premises and as to the provision of services and other facilities in the tavern, have been complied with.

(4) The Commission may at the same time, or at any time thereafter, fix a period within which such requirements as aforesaid are to be complied with, and may from time to time extend the period as it thinks fit.

(5) If within the period so fixed, or any such extended period, the said requirements are not complied with, or provision for compliance has not been made to the satisfaction of the Commission, the Commission may give notice in writing to the applicant calling on him to appear before the Commission on a date stated in the notice (not being earlier than ten clear days after the giving of the notice) to show cause why the notification under subsection (3) of this section should not be revoked.

(6) After hearing the applicant and any person having any interest in the premises or proposed premises who wishes to be heard, or if no person appears, the Commission may, if it thinks fit, revoke the notification given under subsection (3) of this section and declare the application for the licence to be refused, or extend the period for compliance as aforesaid.

(7) If under subsection (6) of this section the Commission declares the application to be refused, it may without further inquiry again cause public notice to be given of its intention to consider applications for the licence, and the provisions of this Part of this Act shall apply accordingly. The Commission may, if it thinks fit, accept as an application in the new proceedings any application previously made for the licence.

Cf. 1948, No. 74, ss. 55 (5), 57 (1), (1A), (1B), (1C), (1D)

45. Holder of licence to be approved by Licensing Committee—(1) No licence shall be issued under this Part of this Act except to a person approved by the Licensing Committee for the district within which the premises are or will be situated:

Provided that this subsection shall not apply in any case where an extended hotel licence or a special hotel licence is granted to the person who at the time of the issue of the licence is the holder of a hotel or publican's licence.

(2) In the case of a wholesale or tourist house licence an application for approval of the proposed licensee may be made when or at any time after the application is made for the grant of the licence under section 37 or section 40 of this Act. In the case of a hotel or tavern licence an application for approval of the proposed licensee may be made at any time after the Commission notifies the applicant under section 44 of this Act that the licence will be issued.

(3) Every person who applies to the Licensing Committee for an approval under this section shall give public notice of his application in the prescribed form.

(4) With every application under this section the applicant shall forward testimonials as to his character and fitness to hold the particular licence applied for, and such further information as the Licensing Committee may require.

(5) Within twenty-one days after the last publication of the notice under subsection (3) of this section, any person may give notice in writing to the Licensing Committee of his objection to the approval of the applicant, on the ground—

- (a) That the applicant is of bad character or of drunken habits, or has previously forfeited a licence or had it cancelled or suspended under the principal Act, or has, within a period of three years before the date of the objection, been convicted of an offence against the principal Act or this Act; or

(b) That any licensed premises conducted by the applicant within a period of three years before the application for approval is made have been conducted in an improper manner or that drunkenness has been permitted therein.

(6) On the receipt of an application for approval under this section the Licensing Committee shall obtain a Police report.

(7) If no objections are filed and the Police report is not unfavourable the Licensing Committee may approve the application without any hearing. In any other case the Licensing Committee shall hear the applicant and any objectors and determine whether or not to grant the application.

(8) The Chairman of the Licensing Committee may at any time call a special meeting of the Committee for the purpose of dealing with any application under this section.

(9) This section shall apply, so far as it is applicable and with the necessary modifications, to the issue of a wholesale licence to a corporation.

46. Issue of licence—(1) Except in the case of an extended hotel licence, when all the requirements of the Commission have been complied with and the fair price fixed by the Commission has been paid to the Licensing Fund, or payment thereof has been secured in manner prescribed by regulations made under the principal Act, the Commission shall issue a certificate authorising the Licensing Committee to issue a licence to the applicant or other person approved under section 45 of this Act. On receipt of the certificate, and on payment of the prescribed fee, the Licensing Committee shall issue the licence accordingly.

(2) In the case of an extended hotel licence, when all the requirements of the Commission have been complied with (other than any improvements undertaken to be made in the future in respect of the hotel premises) and the fair price has been paid to the Licensing Fund, or payment thereof has been secured in manner prescribed by regulations made under the principal Act, the Commission shall issue a certificate authorising the Licensing Committee to issue the licence. On receipt of the certificate, and on payment of the prescribed fee, the Licensing Committee shall, subject to subsection (3) of this section, cancel the existing hotel licence and issue to the person who is then the holder of that licence, or to some

approved person nominated by the owner of the hotel premises (including the owner) with the consent in writing of the then holder of that licence, a new hotel licence for the hotel premises together with an extension of that licence authorising the holder thereof to conduct a tavern on the extended premises.

(3) If the person who is then the holder of the existing hotel licence referred to in subsection (2) of this section is in possession of the premises under a lease which was entered into before the owner applied for the tavern licence, and the term of the lease has more than three months to run, and either the owner or the licensee applies for a temporary licence under this subsection, the Licensing Committee shall leave the existing hotel licence in force, and issue to the owner of the premises (if approved under section 45 of this Act), or to some approved person nominated by him, a temporary tavern licence authorising the holder thereof to conduct a tavern on the new premises.

(4) Any temporary tavern licence issued under subsection (3) of this section shall terminate when the lease expires or is sooner terminated, and the Licensing Committee shall then cancel the existing hotel licence and issue to the owner of the hotel premises (if approved under section 45 of this Act), or to some approved person nominated by him, a new hotel licence with an extension thereof in accordance with subsection (2) of this section.

Conversion of Publican's and Accommodation Licences

47. Grant of hotel licence in place of publican's or accommodation licence—(1) The holder of any publican's or accommodation licence, with the consent in writing of the owner of the premises (if the owner is not the licensee), may apply to the Commission for the grant to him of a hotel licence in place of his publican's or accommodation licence.

(2) The owner of any premises in respect of which a publican's or accommodation licence is in force may apply to the Commission for the grant to the licensee of a hotel licence in place of the publican's or accommodation licence.

(3) Where an application is made under this section in respect of premises on which accommodation, services, and other facilities are provided to the satisfaction of the Commission, the Commission shall grant the application forthwith. In the case of any other premises, the Commission shall

prescribe the standards to be complied with in the provision of accommodation, services, and other facilities, and shall notify the applicant and the owner thereof; and when its requirements have been complied with the Commission shall grant the application.

48. Tavern licence may be granted in place of publican's or accommodation licence—(1) The holder of any publican's or accommodation licence, with the written consent of the owner of the premises (if the owner is not the licensee), may apply to the Commission for the grant to him of a tavern licence in place of his publican's or accommodation licence.

(2) Before authorising the issue of a tavern licence under this section the Commission shall hold a public sitting of which it shall give public notice. At that public sitting the Commission shall hold such inquiry and take evidence from such interested persons as it thinks fit.

(3) In determining whether to grant any application under this section the Commission shall have regard to the requirements of the public in relation to the provision of accommodation in the locality or place, including the accommodation likely to be required in the near future:

Provided that if the locality or place forms part of or is near to any city or borough, or a number of adjoining or adjacent cities or boroughs, the Commission may if it thinks fit take into account the requirements of the public in relation to the provision of accommodation in the whole area within which those cities or boroughs are situated.

(4) In addition to the consideration set out in subsection (3) of this section, the Commission shall have regard to the effect that the grant of the tavern licence might have on the business of any hotel premises in the neighbourhood if, after taking into account the sales of liquor on those premises, the Commission is of opinion that the provision made for accommodation on those premises is such that it would be fair and equitable to have regard to such effect as aforesaid.

(5) The Commission shall not authorise the issue of a tavern licence under this section unless, having regard to the consideration referred to in subsection (3) of this section, it is of opinion that it is not necessary or desirable that accommodation be provided on the premises, and that accommodation is not likely to be required on the premises in the near future.

(6) In determining whether to grant any application under this section it shall be the object of the Commission to secure the provision of reasonable and adequate accommodation, and, subject to the provision of such accommodation, to secure the provision of reasonable and adequate facilities so that those who wish to do so may drink in reasonable comfort and so that the demand for facilities for the purchase and consumption of liquor is met but not stimulated.

(7) If the Commission decides that the application should be granted it may at the same or any subsequent time prescribe the standards to be complied with in the provision of facilities for the purchase and consumption of liquor, including such facilities for sit-down drinking as it thinks fit, and shall notify the applicant and the owner thereof; and when its requirements have been complied with the Commission shall grant the application.

(8) Where the Commission authorises the issue of a tavern licence under this section, and the licence is issued before the first day of January, nineteen hundred and sixty-four, the following provisions shall apply:

- (a) On the issue of the licence the licensee shall not be liable to pay the fee for the licence:
- (b) On the renewal of the licence for any period up to the thirtieth day of June, nineteen hundred and sixty-four, the fee payable shall be that prescribed by this Part of this Act for the renewal of a hotel licence:
- (c) On the renewal of the licence for any period after the last-mentioned date the fee payable shall be that prescribed for the renewal of a tavern licence.

49. Commission may review publicans' and accommodation licences—(1) At any time after the first day of January, nineteen hundred and sixty-four, the Commission may review—

- (a) Any publican's or accommodation licence; or
- (b) If it thinks fit, all or any two or more of the publicans' and accommodation licences held in respect of premises situated in any locality or place—

for the purpose of determining, in respect of every licence so reviewed, whether a hotel licence or a tavern licence should be granted in place thereof.

(2) Where the Commission decides to review any such licence or licences as aforesaid, it shall send to every licensee whose licence is to be reviewed, and to the owner of the licensed premises (if the owner is not the licensee) at his last known address, a notice in writing of its intention to review

the licence. The Commission shall also give notice of such intention to the local authority in whose district the premises are situated.

(3) For the purpose of any such review the Commission shall hold a public sitting, of which public notice shall be given. At that public sitting the Commission shall hold such inquiry and take evidence from such interested persons as it thinks fit. In particular, the Commission may, if it thinks fit, hear evidence from any other licensee whose licensed premises are situated in or in the vicinity of the locality or place in which the premises under review are situated, and take into consideration the effect that its decision might have on the business of any such licensee.

50. Considerations to be taken into account by Commission—(1) In any such review the Commission shall have regard to—

(a) The requirements of the public in relation to the provision of accommodation in the locality or place in which the licensed premises are situated, or in any part thereof:

Provided that if the locality or place forms part of or is near to any city or borough, or a number of adjoining or adjacent cities or boroughs, the Commission may if it thinks fit take into account the requirements of the public in relation to the provision of accommodation in the whole area within which those cities or boroughs are situated:

(b) The requirements of the public in relation to the provision of facilities for the purchase or consumption of liquor in the locality or place or in any part thereof:

(c) The accommodation, services, and other facilities which at the time of the review are available in the locality or place or, in any case where the proviso to paragraph (a) of this subsection applies, in the whole of the area referred to therein, or which in the opinion of the Commission should be made available in that locality, place, or area:

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

(2) In addition to the considerations set out in subsection (1) of this section, the Commission shall have regard to the effect that the grant of a tavern licence might have on the business of any hotel premises in the neighbourhood if, after

taking into account the sales of liquor on those premises, the Commission is of opinion that the provision made for accommodation on those premises is such that it would be fair and equitable to have regard to such effect as aforesaid.

(3) The Commission shall not authorise the issue of a tavern licence in place of a publican's or accommodation licence unless, having regard to the considerations referred to in subsection (1) of this section, it is of opinion that it is not necessary or desirable that accommodation be provided on the premises under review, and that accommodation is not likely to be required on those premises in the near future.

(4) In determining whether to authorise the issue of a hotel licence or a tavern licence in place of a publican's or accommodation licence in a review under section 49 of this Act, it shall be the object of the Commission to secure the provision of reasonable and adequate accommodation, and, subject to the provision of such accommodation, to secure the provision of reasonable and adequate facilities so that those who wish to do so may drink in reasonable comfort and so that the demand for facilities for the purchase and consumption of liquor is met but not stimulated.

51. Commission may grant hotel or tavern licence after review—(1) On the review of any such licence as aforesaid the Commission shall, subject to the provisions of section 52 of this Act,—

(a) If it is of opinion that the provision of accommodation is necessary or desirable on the licensed premises, authorise the issue of a hotel licence in place of the licence so reviewed:

(b) If it is of opinion that the provision of accommodation on the premises is not necessary or desirable and is not likely to be required thereon in the near future, authorise the issue of a tavern licence in place of the licence so reviewed.

(2) Where under this section the Commission decides to authorise the issue of a tavern licence in respect of any premises the provisions of section 47 of this Act shall not apply in respect of those premises.

52. Procedure on granting of licence—(1) If on any such review the Commission is of opinion that a hotel licence should be granted in respect of any premises on which accommodation, facilities, and services are provided to its satisfaction, the Commission shall authorise the issue of

the licence forthwith. In the case of any other premises the Commission shall prescribe the standards to be complied with in the provision of accommodation, services, and other facilities.

(2) If on any such review the Commission is of opinion that a tavern licence should be granted, it shall prescribe the standards to be complied with in the provision of services and other facilities on the premises, including such facilities for sit-down drinking as it thinks fit.

(3) Where the Commission prescribes any standards as aforesaid it shall give notice thereof to the licensee and the owner of the premises (if the owner is not the licensee), and shall state in the notice that when its requirements have been complied with the hotel licence or, as the case may require, the tavern licence will be issued in place of the publican's or accommodation licence.

(4) The Commission may at the same time, or at any time thereafter, fix a period within which its requirements are to be complied with, and may from time to time extend the period as it thinks fit.

(5) If within the period so fixed, or any such extended period, the said requirements are not complied with, or provision for compliance has not been made to the satisfaction of the Commission, the Commission may call upon the licensee to show cause why his publican's or accommodation licence should not be cancelled or suspended, and the provisions of subsections (7) and (8) of section 75 of this Act shall apply.

53. Effect of conversion to tavern licence—(1) Where under section 51 of this Act the Commission decides to authorise the issue of a tavern licence in respect of any premises the holder of the publican's or accommodation licence then in force for those premises shall thereupon be relieved from the obligation to provide lodging, meals, and accommodation imposed by the principal Act.

(2) On any renewal of the last-mentioned licence before the issue of the tavern licence the licensee shall pay the fee prescribed by this Part of this Act for the renewal of a tavern licence as if a tavern licence were then in force in respect of the premises, and, if the tavern licence is issued before the publican's or accommodation licence would otherwise expire by effluxion of time, the renewal fee so paid shall be deemed to have been paid for the issue of the tavern licence.

54. Issue of licence—Where a hotel or tavern licence is granted under section 47 or section 48 or section 51 of this Act the Commission shall, when its requirements, if any, have been complied with, issue a certificate authorising the Licensing Committee to issue the licence to the person who is then the holder of the publican's or accommodation licence in place of which it is granted. On receipt of the certificate, and on payment of the prescribed fee, the Licensing Committee shall issue the licence and cancel the publican's or accommodation licence.

55. Expiry of licences not converted—(1) Every publican's or accommodation licence that is still in force on the thirtieth day of June, nineteen hundred and sixty-seven, shall expire at the close of that day, and shall not be renewed.

(2) Notwithstanding anything in subsection (1) of this section, the Commission may from time to time authorise the Licensing Committee to renew any such licence for any period ending not later than the thirtieth day of June, nineteen hundred and sixty-nine, if the Commission is satisfied that it would be a hardship to the owner or licensee of the licensed premises to comply with the standards prescribed by the Commission in respect of the premises.

Special Hotel Licences

56. Special hotel licences—The Commission may in accordance with this Part of this Act authorise the issue of special hotel licences.

57. Effect of special hotel licence—(1) A special hotel licence shall authorise the licensee to conduct his hotel business in two separate premises, in one of which (hereinafter referred to as the house premises) accommodation is to be provided in accordance with the provisions of the principal Act and liquor may be sold in accordance with the provisions of paragraph (a) of subsection (2) of this section, and in the other of which (hereinafter referred to as the bar premises) liquor may be sold in accordance with the provisions of paragraph (b) of that subsection.

(2) A special hotel licence shall authorise the licensee, subject to the provisions of the principal Act, to sell and dispose of liquor—

(a) **On the house premises—**

(i) To any person who is for the time being living or staying on those premises or to any employee of the licensee, for consumption on or off the premises; and

(ii) To any person actually partaking of a meal in a room set apart as a dining room, for consumption by that person as part of the meal:

(b) **On the bar premises, in any quantity, for consumption on or off the premises, between the hours of nine in the morning and six at night.**

58. Distance between house premises and bar premises—

Except in special circumstances approved by the Commission, the distance between the house premises and the bar premises held under any special hotel licence shall not exceed one-quarter of a mile when both premises are situated in a city or borough, and two miles in any other case.

59. Application for special hotel licence—(1) Whenever pursuant to section 36 of this Act the Commission gives public notice of its intention to consider applications for a hotel licence, any person may in accordance with the foregoing provisions of this Part of this Act apply to the Commission for the grant of a special hotel licence instead of a hotel licence, and, subject to the provisions of this section, the provisions of this Part relating to the grant and issue of hotel licences shall apply accordingly.

(2) No application shall be made under subsection (1) of this section unless the proposed site of the bar premises is within the locality or area in which the licence is proposed to be granted.

(3) In the application of section 43 of this Act to a special hotel licence, the references in that section to the premises and to the site of the premises shall be read as if they were references only to the bar premises and to the site of the bar premises.

60. Holder of hotel or publican's licence may apply for special hotel licence—(1) Notwithstanding anything in the foregoing provisions of this Part of this Act, the holder of any hotel or publican's licence, with the consent in writing of the owner of the premises, may at any time apply in writing to the Commission for the grant of a special hotel licence in place of his hotel or publican's licence.

(2) Every such application shall be accompanied by a statement in writing stating whether it is proposed, if the application is granted, that the existing premises shall become the house premises or the bar premises, and giving particulars of any alterations proposed to be made to the existing premises, and of the proposed site for the new premises, and of any buildings thereon and any alterations to be made thereto, or of any new premises proposed to be erected.

(3) Every applicant under this section shall from time to time furnish to the Commission such further information and particulars as may be required by the Commission.

(4) Before granting any application under this section, the Commission shall hold a public sitting, of which public notice shall be given. The public notice shall state the name and locality of the existing premises and particulars of the site of the proposed new premises, and shall state whether the proposed new premises are to be the house premises or the bar premises. At that public sitting (which shall not be held earlier than thirty days after the first publication of the notice) the Commission shall hold such inquiry and take evidence from such interested persons as it thinks fit.

(5) Whenever in any application under this section the applicant proposes that the new premises shall be the bar premises, any twenty or more electors residing within the area described in subsection (6) of this section may, within thirty days after the first publication of the notice under subsection (4) of this section, apply to a Magistrate for an order—

(a) That a special hotel licence be not granted, on the ground that the proposed site of the new bar premises is or will be in the vicinity of a place of public worship, hospital, or school; or

(b) That a poll of electors under this section be taken on the proposal that a special hotel licence be not granted, on the ground that the proposed site of the new bar premises is or will be in a predominantly residential area and that there is reason to believe that a substantial number of residents in that area object to the establishment of bar premises in that area.

(6) The area referred to in subsection (5) of this section shall be—

(a) Where it is intended to establish bar premises on any land in a city, borough, town district, or county

town, the area contained within a radius of one-quarter of a mile from a point at the middle of the frontage of that land:

- (b) Where it is intended to establish bar premises on any other land, the area contained within a radius of one mile from a point at the middle of the frontage of that land.

(7) The provisions of subsections (5) to (12) of section 43 of this Act shall apply to every application made to a Magistrate under this section. Where any such application is made the Commission shall not proceed with the public sitting under subsection (4) of this section until the application is disposed of and either the Magistrate has declined to make an order under the said section 43 or, if a poll is held and the result of the poll is in favour of the granting of the licence, the result of the poll is declared.

61. Procedure on grant of application for a special hotel licence in place of a hotel or publican's licence—(1) If the Commission grants any application made under section 60 of this Act, it shall forthwith notify the applicant and, if the applicant is not the owner of the existing premises, the owner of those premises, that the application has been granted and that a special hotel licence will be issued in place of the hotel or publican's licence when all the requirements of the Commission, being requirements lawfully imposed, have been complied with.

(2) The provisions of subsections (4) to (6) of section 44 of this Act shall apply, with all necessary modifications, whenever the Commission has granted an application for a special hotel licence and given notice as aforesaid.

(3) When all the requirements of the Commission have been complied with, the Commission shall issue a certificate authorising the Licensing Committee to issue the licence. On receipt of the certificate, and on payment of the prescribed fee, the Licensing Committee shall cancel the existing hotel or publican's licence and issue to the person who is then the holder of that licence a special hotel licence.

General Provisions as to Licences

62. Power of Commission to have regard to certain matters on application for grant, issue, or transfer of licence—Where an application is made to the Commission for the grant of a hotel, tavern, or tourist house licence, or of an extended

hotel licence or special hotel licence, the Commission, in deciding whether to grant the application, may have regard to the financial resources available in respect of the premises to which the licence will relate.

63. Licences to be issued by Licensing Committees—Notwithstanding anything in the principal Act, all licences issued with the authority of the Commission under this Part of this Act shall be issued by Licensing Committees and shall be in forms to be prescribed by regulations made under the principal Act.

64. Renewal, transfer, and removal of licences—(1) Every licence issued under this Part of this Act shall expire on the thirtieth day of June next after its issue, but may, subject to the provisions of this section, be renewed by the Licensing Committee for a period of twelve months from the thirtieth day of June of the year in which the licence or the last preceding renewal thereof expires.

(2) Notwithstanding anything in the principal Act, where the Licensing Committee renews any such licence, the renewal shall be issued by the Licensing Committee on payment of the prescribed fee.

(3) Subject to the provisions of subsection (2) of this section, the provisions of the principal Act relating to the renewal, transfer, and removal of licences shall extend and apply, with all necessary modifications, to all licences issued under this Part.

65. Reconversion of tavern licence to hotel licence—

(1) The owner of any premises in respect of which a tavern licence is in force may, with the consent in writing of the licensee, apply to the Commission for the grant of a hotel licence in place of the tavern licence.

(2) In any such application the owner may set out particulars of the alterations or additions that he is prepared to make to the premises if the licence is granted.

(3) Every applicant under this section shall from time to time furnish to the Commission such further information and particulars as may be required by the Commission.

(4) If in the opinion of the Commission the granting of the hotel licence in respect of the premises is necessary or desirable, having regard to the considerations set out in subsection (1) of section 25 of this Act, the Commission shall prescribe

the standards to be complied with in the provision of accommodation, services, and other facilities, and shall notify the applicant thereof. When its requirements have been complied with, the Commission shall issue a certificate authorising the Licensing Committee to issue the hotel licence.

(5) On receipt of the certificate, and on payment of the prescribed fee, the Licensing Committee shall issue the licence to the holder of the tavern licence in place of which it is granted, and shall cancel the tavern licence.

66. Fees—(1) Notwithstanding anything to the contrary in the principal Act, all fees in respect of licences issued under this Part of this Act shall be paid to the Clerk of the appropriate Licensing Committee.

(2) Subject to the provisions of this Part of this Act, the following fees shall be paid in respect of licences issued under this Part, namely:

- (a) For every hotel licence, and for every renewal thereof, fifty pounds:
- (b) For every special hotel licence, and for every renewal thereof, fifty pounds for the bar premises, and twenty pounds for the house premises:
- (c) For every extended hotel licence, and for every renewal thereof, one hundred pounds:
- (d) For every tavern licence, such sum, being not more than five hundred pounds and not less than fifty pounds, as may be fixed by the Commission in each case:
- (e) For every renewal of a tavern licence, a sum equal to three per cent of the gross amount (including any customs and excise duties and sales tax thereon) paid or payable for all liquor (other than liquor sold by the licensee to other licensed persons) which, during the twelve months that ended with the thirty-first day of March preceding the renewal, was purchased for the tavern, or, where the person carrying on the tavern business is the holder of a brewer's licence or a wholesale licence, was purchased for the tavern business or delivered to the tavern for the purpose of sale:
- (f) For every wholesale licence, and for every renewal thereof, one hundred pounds:
- (g) For every tourist house licence, and for every renewal thereof, twenty pounds.

(3) Out of the fees paid to the Clerk of the Licensing Committee under this section there shall be paid to the local authority in whose district the licensed premises are situated—

- (a) For every hotel licence or tavern licence, and for every renewal of any such licence, thirty pounds if the premises are situated in a city or borough, and twenty pounds in any other case:
- (b) For every extended hotel licence, and for every renewal thereof, thirty pounds in respect of the hotel premises and thirty pounds in respect of the extended premises; such sum to be paid in each case to the local authority in whose district the hotel premises or, as the case may be, the extended premises, are situated:
- (c) For every special hotel licence, and for every renewal thereof, thirty pounds in respect of the bar premises if situated in a city or borough and twenty pounds in any other case, and ten pounds in respect of the house premises; such sum to be paid in each case to the local authority in whose district the bar premises or, as the case may be, the house premises, are situated:
- (d) For every wholesale licence, and for every renewal thereof, fifteen pounds:
- (e) For every tourist house licence, and for every renewal thereof, ten pounds.

(4) Out of the fees paid to the Clerk of the Licensing Committee under this section there shall be paid to the Consolidated Fund—

- (a) For every hotel licence, special hotel licence, or extended hotel licence, and for every renewal of any such licence, the balance of the fee after deducting the amount payable to the local authority under subsection (3) of this section:
 - (b) For every tavern licence, and for every renewal thereof, twenty pounds:
 - (c) For every wholesale licence, and for every renewal thereof, thirty-five pounds:
 - (d) For every tourist house licence, and for every renewal thereof, ten pounds.
- (5) The balance of all fees paid for tavern and wholesale licences, and for the renewal of such licences, after deducting the amounts payable to the local authority and the Consolidated Fund, shall be paid to the Licensing Fund.

67. Fees for renewal of existing wholesale licences—

(1) Notwithstanding anything to the contrary in the principal Act, every person who after the date of the commencement of this Part of this Act desires to obtain from a Licensing Committee a certificate authorising the renewal of a wholesale licence in force on that date shall pay to the Clerk of the Licensing Committee the same annual fee for the renewal of that licence that he would pay under section 66 of this Act if that licence were a wholesale licence issued under this Part of this Act.

(2) Payment of the said fee shall be deemed to be payment to the proper officer in accordance with section 106 of the principal Act.

(3) No wholesale licence shall be renewed until the fee payable under subsection (1) of this section has been paid as aforesaid.

(4) All fees paid under this section shall be applied in the same manner and for the same purposes as if they were fees paid for the renewal of wholesale licences issued under this Part.

68. Managers—(1) For the purposes of this section, the Licensing Committee or the Chairman thereof may at any time, after making such inquiries as the Committee or the Chairman thinks fit, grant a manager's certificate to any fit and proper person.

(2) The holder of every extended hotel licence shall from time to time appoint a manager of the extended premises, and may at any time cancel such appointment.

(3) The holder of every special hotel licence shall from time to time appoint a manager of the bar premises, and may at any time cancel such appointment.

(4) Except as provided in subsection (5) of this section, no person shall be appointed as manager of any premises under this section unless he is the holder of a manager's certificate granted under subsection (1) of this section and for the time being in force.

(5) In any case where a manager is ill or is absent for any reason, or resigns, or is dismissed, or leaves his position, and the licensee wishes to appoint as manager some person who is not then the holder of a manager's certificate, he may appoint such person as manager. Any person appointed as manager under this subsection shall within forty-eight hours after his appointment apply to the Licensing

Committee or the Chairman thereof for a manager's certificate, and, if he does so apply, he shall from the time of his appointment until his application is disposed of be deemed to be the holder of a manager's certificate and shall be liable accordingly. If any such person does not apply for a manager's certificate within forty-eight hours after his appointment as manager, or if he does apply and his application is refused, then it shall not be lawful for the licensee to continue to employ him as manager after the expiration of forty-eight hours from his appointment, or from the time when the application for a certificate was refused, as the case may be.

(6) Notwithstanding anything to the contrary in this section, the licensee may at any time appoint an acting manager for any period not exceeding three weeks if the manager is unable to perform his duties because of illness or absence, and may appoint an acting manager for one period not exceeding three weeks in each period of twelve months to enable the manager to have annual leave. It shall not be necessary for any person appointed as acting manager under this subsection to apply for or to hold a manager's certificate. Every acting manager shall be liable in all respects under the principal Act and this Part of this Act as if he were the manager and the holder of a manager's certificate.

(7) Forthwith on the appointment or cancellation or termination of the appointment of any manager or acting manager, the licensee shall send notice in writing thereof to the chief officer of Police in the district, and shall send a copy of the notice to the Clerk of the Licensing Committee, who shall enter particulars thereof in the Register of Licences kept under section 149 of the principal Act.

(8) If at any time while any such extended premises or bar premises are open there is no such manager or acting manager actually and lawfully in charge of the premises the holder of the extended hotel licence or special hotel licence in respect of those premises commits an offence and shall be liable on summary conviction to a fine not exceeding ten pounds for every day during which the offence has continued.

69. Cancellation or suspension of manager's certificate—

(1) The Licensing Committee may cancel any manager's certificate, or suspend it for such period as it thinks fit, if after giving notice and holding a public inquiry,

and after having regard to the record of the manager and all relevant circumstances, the Committee is of opinion that he is not a fit and proper person to hold a certificate.

(2) Where the Committee refuses to grant or cancels or suspends a manager's certificate the manager may appeal to the Supreme Court on giving notice of appeal within fourteen days after the cancellation or suspension; and the provisions of subsections (2) to (5) of section 64 of the Licensing Amendment Act 1948 shall apply, so far as they are applicable and with the necessary modifications.

70. Responsibilities of licensees and managers—(1) In any case where an extended hotel licence is in force—

- (a) The licensee shall be responsible for the conduct of both the hotel premises and the extended premises, and shall be liable accordingly, without affecting any liability imposed on the manager under the provisions of paragraph (b) of this subsection; and
- (b) The manager of the extended premises shall, subject to the directions of the licensee, be responsible for the conduct of the extended premises, and shall be liable under the provisions of the principal Act in all respects as if he were the licensee, except that he shall not be liable for any act done by the licensee or by any person, other than himself, when that person is acting under the direct personal control of the licensee.

(2) In any case where a special hotel licence is in force—

- (a) The licensee shall be responsible for the conduct of both the house premises and the bar premises and shall be liable accordingly, without affecting any liability imposed on the manager under the provisions of paragraph (b) of this subsection; and
- (b) The manager of the bar premises shall, subject to the directions of the licensee, be responsible for the conduct of the bar premises, and shall be liable under the provisions of the principal Act in all respects as if he were the licensee, except that he shall not be liable for any act done by the licensee or by any person, other than himself, when that person is acting under the direct personal control of the licensee.

(3) For the purposes of this section, the provisions of the principal Act relating to the endorsement of convictions on licences, the recording of convictions in Part I of the Register

of Licences, the forfeiture or cancellation of licences on the conviction of licensees, and the disqualification of licensees from holding licences after cancellation, shall extend and apply, with all necessary modifications, to managers and to managers' certificates.

71. Directions by Licensing Committees as to premises—

(1) Section 58 of the Licensing Amendment Act 1948 is hereby amended by repealing paragraph (d) of subsection (1).

(2) The said section 58 is hereby further amended by inserting, after subsection (1A) (as inserted by subsection (3) of section 11 of the Licensing Amendment Act 1952), the following subsection:

“(1B) Where at any time the Committee is of opinion that any such premises as aforesaid should be rebuilt, the Committee may refer the matter to the Commission and make such recommendations in relation thereto as it thinks fit.”

72. Member of Licensing Committee may sit with Commission in certain cases—(1) Where the Commission holds any public sitting, hearing, or meeting for the purposes of section 24, subsection (3) of section 42, section 47, subsection (2) of section 48, subsection (3) of section 49, or section 75 of this Act, the Licensing Committee for the district within which the locality or place or premises to which the proceedings before the Commission relate may appoint one of its members, other than the Chairman, to sit with the Commission.

(2) Every member so appointed shall, while sitting with the Commission as aforesaid, be deemed for all purposes to be a member of the Commission.

(3) The fact that any such member of the Licensing Committee sits with the Commission in any proceedings to which subsection (1) of this section relates shall be conclusive evidence of his authority to do so; and no acts done by him as a member of the Commission, and no acts done by the Commission while the member is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased, or on the ground that he was a party to any recommendation made by the Licensing Committee to the Commission under subsection (1B) of section 58 of the Licensing Amendment Act 1948 (as inserted by subsection (2) of section 71 of this Act).

73. Regulations—(1) In addition to the power to make regulations under the principal Act, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Prescribing the procedure to be followed in proceedings before the Commission:
- (b) Providing for the keeping of records relating to the endorsement of any licence issued under this Part of this Act:
- (c) Providing for accounts and records to be kept, and returns to be made to the Commission, in respect of hotel, publicans', tavern, and tourist house licences, as to—
 - (i) The extent of the accommodation available on the premises:
 - (ii) The staff employed in the provision of accommodation and meals:
 - (iii) The use made by the public of the facilities referred to above:
 - (iv) The earnings and expenditure derived from or paid in respect of the sale of liquor on the one hand, and derived from or paid in respect of the provision of accommodation, meals, amenities, and services on the other hand:
- (d) Providing for returns to be made by the holders of tavern licences of purchases or deliveries of liquor, for the purpose of ascertaining the fees payable for the renewal of such licences under this Part, and providing for the verification of such returns:
- (e) Prescribing fees to be paid in proceedings before the Commission under this Part of this Act, other than for matters in respect of which fees are prescribed by this Part:
- (f) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Part and for the due administration thereof.

(2) Any such regulations may apply any of the provisions of the principal Act, with such modifications as may be necessary to give effect to the provisions of this Part of this Act.

(3) Where regulations are made under subparagraph (iv) of paragraph (c) of subsection (1) of this section, all information in any return provided for by those regulations shall be treated as confidential, and shall not be disclosed to any person except for the purposes of the administration of this Act.

(4) All regulations made under this section shall be laid before Parliament.

74. Consequential repeals and amendments—(1) Sections 49 to 51 of the Licensing Amendment Act 1948 are hereby repealed:

Provided that the repeal of the said section 49 shall not affect the amendment made by subsection (2) of that section to section 103 of the principal Act.

(2) The Licensing Amendment Act 1948 is hereby further amended by omitting from subsection (2) of section 22 the words “with the concurrence in each case of the Commission”, and also the words “the Commission and”.

(3) The Licensing Amendment Act 1948 is hereby further amended by inserting in section 22, after subsection (2), the following subsection:

“(2A) For the purpose of advising the State Advances Corporation on applications for advances to be made under subsection (2) of this section, the Minister may from time to time appoint an advisory committee of three persons. There may be paid out of money appropriated by Parliament for the purpose to the members of the committee remuneration by way of fees or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the committee were a statutory Board within the meaning of that Act.”

(4) The Licensing Amendment Act 1948 is hereby further amended by inserting in subsection (2) of section 22, after the words “by the Licensing Committee pursuant to this Act”, the words “or by the Commission pursuant to Part II of the Licensing Amendment Act 1961”.

(5) The Licensing Amendment Act 1948 is hereby further amended by omitting from subsection (4) of section 22 the words “with the concurrence of the Commission in each case”.

(6) Section 4 of the principal Act (as amended by subsection (4) of section 67 and paragraph (a) of subsection (1) of section 70 of the Licensing Amendment Act 1948) is hereby further amended—

(a) By adding to the definition of the term “innkeeper” the words “and also includes the holder of a hotel licence issued under Part II of the Licensing Amendment Act 1961, and the holder of any extended

hotel licence in respect of his hotel premises, and the holder of any special hotel licence in respect of his house premises”:

(b) By adding to the definition of the term “tourist house licence” the words “or to Part II of the Licensing Amendment Act 1961”.

(7) The Licensing Amendment Act 1910 is hereby amended—

(a) By inserting in section 6, after the words “publican’s licence”, the words “hotel licence, extended hotel licence, special hotel licence, tavern licence”:

(b) By inserting in subsection (2) of section 20, after the words “publican’s licence”, the words “hotel licence, extended hotel licence, special hotel licence, tavern licence”:

(c) By inserting in subsection (1A) of section 37 (as inserted by subsection (2) of section 117 of the Licensing Amendment Act 1948), after the words “publican’s licence”, the words “hotel licence, extended hotel licence, special hotel licence, tavern licence”.

(8) The following enactments are hereby repealed, namely:

(a) Sections 29 and 30 of the Licensing Amendment Act (No. 2) 1953:

(b) Section 24 of the Licensing Amendment Act 1960.

Enforcement of Standards

75. Enforcement of standards by Commission—(1) The Commission may at any time review the accommodation, services, and facilities provided on any premises in respect of which a hotel, tourist house, publican’s, accommodation, or tavern licence is in force, whether or not it has prescribed minimum standards under section 15 of the Licensing Amendment Act 1948 applicable to those premises.

(2) The Commission shall give public notice of its intention to make any such review, and shall also serve notice on the licensee and on the owner of the premises (if the licensee is not the owner). The Commission may also if it thinks fit send a copy of the notice to the local authority in whose district the premises are situated.

(3) Not less than thirty days after the service of the notice on the licensee and the owner the Commission may, after holding a public sitting and hearing the licensee (if he appears) and all other interested persons, make an order directing the licensee to cause to be carried out—

- (a) The rebuilding of the licensed premises:
- (b) Such additions, alterations, or repairs in respect of the premises or the furnishings or equipment thereof as the Commission may stipulate in that behalf:
- (c) The installation of a proper hot water service in connection with any bar, bedroom, bathroom, or other part of the premises:
- (d) The provision of sufficient sanitary or other accommodation for the comfort or convenience of the public or of lodgers, guests, or employees in the licensed premises:
- (e) The doing of such other acts or things as the Commission thinks proper in respect of the premises.

(4) The Commission may at the same time, or at any time thereafter, fix a period within which its directions are to be complied with, and may from time to time extend the period so fixed as it thinks fit.

(5) The Commission shall serve a copy of the order on the licensee and on the owner (if the licensee is not the owner) and shall, either in such order or by notice in writing, inform the licensee, and, where applicable, the owner, of the period fixed for compliance with the directions and of any extension thereof. Any other interested party shall be entitled to a copy of the order and to such information upon request.

(6) Before making any order under this section the Commission may require the licensee to submit plans for any new building or additions to any building or for the rebuilding or alteration of any building, and may from time to time require such modifications or alterations as it thinks fit to be made in the plans. In any such case the Commission may at any time notify the licensee of its provisional approval of the plans.

(7) Where within the period fixed, or any extension thereof, the directions of the Commission are not complied with, the Commission may give notice in writing to the licensee calling upon him to appear before the Commission at a time and place to be specified in the notice, being not earlier than ten clear days after the giving of the notice, to show cause why his licence should not be cancelled or suspended. A copy of the notice shall be served on the owner of the premises (if the licensee is not the owner).

(8) After hearing the licensee and the owner or such one of them as appears, or if no such person appears, the Commission may if it thinks fit cancel or suspend the licence or grant a temporary licence for such period and upon such conditions as it thinks fit. While any licence is so suspended

the holder of the licence shall be deemed not to be a licensed person and the premises shall be deemed not to be licensed premises.

(9) Section 62 of the Licensing Amendment Act 1948 is hereby amended by omitting from subsection (1) the words "under section 60 of this Act", and substituting the words "under section 58 or section 60 of this Act, or under section 75 of the Licensing Amendment Act 1961".

Appeals from Licensing Control Commission

76. Appeals to Supreme Court from certain decisions of Licensing Control Commission—(1) Subject to the provisions of this section, where the Commission—

- (a) Under subsection (5) or subsection (6) of section 38 of this Act, rejects an application for a licence, or refuses to authorise the issue of a licence, or cancels a licence, by reason of non-compliance with that section; or
- (b) Under section 44 of this Act, refuses to extend the period fixed for compliance with its requirements on the grant of an application for a licence, or revokes any notification given under subsection (3) of that section and declares the application to be refused; or
- (c) Under section 47 or section 48 of this Act, prescribes standards to be complied with on an application for a hotel or tavern licence in place of any publican's or accommodation licence; or
- (d) Under section 52 of this Act, prescribes standards to be complied with in respect of a hotel or tavern licence proposed to be authorised in place of any publican's or accommodation licence, or refuses to extend the period within which any such standards are to be complied with, or cancels or suspends any publican's or accommodation licence; or
- (e) Under subsection (2) of section 55 of this Act, refuses to authorise the Licensing Committee to renew any publican's or accommodation licence; or
- (f) Under section 65 of this Act, prescribes standards to be complied with in respect of a hotel licence proposed to be authorised in place of any tavern licence; or
- (g) Under section 75 of this Act, directs any licensee to rebuild, add to, alter, or repair any licensed

premises, or refuses to extend the period within which its directions are to be complied with, or cancels or suspends any licence—

the licensee of the premises to which the Commission's decision relates or, as the case may require, the applicant for the licence in respect of any such premises, and any person being the owner or a lessee, sublessee, or tenant of the premises, and any mortgagee within the meaning of section 46 of the Licensing Amendment Act 1948, and any other person having any estate or interest in the premises, may appeal to the Supreme Court against the Commission's decision.

(2) In any case where, under section 47 or section 48 or section 52 or section 65 of this Act, the Commission prescribes standards to be complied with in the provision of accommodation, services, facilities, or improvements, or where, under section 75 of this Act, the Commission directs any licensee to rebuild, add to, alter, or repair any premises, there shall be no right of appeal under subsection (1) of this section unless, in order to comply with the Commission's requirements or directions, it will be necessary for the licensee or the owner of the premises to expend more than five thousand pounds.

(3) Where the Commission—

- (a) Under subsection (2) of section 33 of this Act, declines to direct that a poll be taken on any application to which that section refers; or
- (b) Under section 42 of this Act, refuses to grant any application for a licence; or
- (c) Under section 60 of this Act, refuses to grant an application for a special hotel licence made by the holder of a hotel or publican's licence; or
- (d) Under section 65 of this Act, refuses to grant an application for a hotel licence in place of a tavern licence—

the applicant may appeal to the Supreme Court against the Commission's decision.

(4) Where the Commission—

- (a) Under section 30 of this Act, gives public notice of its intention to invite applications for a tavern licence; or
- (b) Under section 48 of this Act, decides to grant an application for a tavern licence in place of a publican's or accommodation licence; or

- (c) Under section 51 of this Act, decides to authorise the issue of a tavern licence in place of a publican's or accommodation licence—

any licensee or owner of any publican's premises or hotel premises who, at the hearing before the Commission, objected to the grant of a tavern licence on the ground that the business of his premises would be adversely affected by the grant of the licence, may appeal to the Supreme Court against the Commission's decision. On any such appeal the Court, if it is satisfied—

- (d) That the Commission did not have regard, or had insufficient regard, to the effect that the grant of a tavern licence might have on the business of the appellant's premises; and

- (e) That it is necessary or desirable that accommodation be provided on the premises proposed to be licensed or that accommodation is likely to be required on those premises in the near future,—

may either reverse the Commission's decision or order that the matter be referred back to the Commission for further consideration.

(5) Every appeal under this section shall be by notice of appeal given within fourteen days after the giving of the decision or, in the case of an appeal under paragraph (a) of subsection (4) of this section, within fourteen days after the first publication of the notice under section 30 of this Act.

(6) The provisions of subsections (3) to (7) of section 65A of the Licensing Amendment Act 1948 (as inserted by subsection (1) of section 28 of the Licensing Amendment Act (No. 2) 1953 and amended by subsections (7) and (8) of this section) shall apply to every appeal under this section. This section is in addition to the said section 65A.

(7) Section 65A of the Licensing Amendment Act 1948 is hereby amended by omitting from subsection (6) the words "Every appeal under this section shall be by way of rehearing of the original proceedings, in like manner as if the proceedings had been properly and duly commenced in the Supreme Court".

(8) The said section 65A is hereby further amended by inserting, after subsection (6), the following subsection:

"(6A) Subject to the provisions of this section, the procedure for the institution, hearing, and determination of the appeal shall be such as is prescribed by regulations made under this Act."

*Inspectors***77. Appointment, functions, and powers of Inspectors—**

(1) Section 9 of the Licensing Amendment Act 1948 is hereby amended by inserting in subsection (1), after the words “a Secretary to the Licensing Control Commission and such”, the words “Inspectors and”.

(2) The said section 9 is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) The persons appointed under subsection (1) of this section shall, on appointment, be employees of the Department of Justice.”

(3) It shall be the function of every Inspector appointed under the said section 9—

(a) To investigate and report to the Commission and to any Licensing Committee on—

(i) The extent and nature of the accommodation, services, and other facilities made available to the public on any premises in respect of which a hotel, publican's, accommodation, or tourist house licence is in force, and the meals supplied therein:

(ii) The condition of any licensed premises, including the furniture and fittings therein and any bar and its fittings and facilities:

(b) To initiate proceedings before the Commission or any Licensing Committee to enforce any standards of accommodation, services, and other facilities, and to appear before the Commission and make representations in any such proceedings:

(c) To investigate and report to the Commission and to any Licensing Committee on the requirements of the public in relation to the provision of accommodation, services, and other facilities in any locality or place:

(d) To investigate and report on any matter referred to him by the Commission or any Licensing Committee, including any complaint relating to the supply of, or the failure to supply, accommodation, services, or other facilities:

(e) To do all proper acts to assist the Commission or any Licensing Committee in the performance of its functions under this Act.

(4) For the purpose of carrying out his functions under subsection (3) of this section, every such Inspector may—

(a) Enter at all reasonable times upon any licensed premises and every room or part of such premises:

Provided that he shall not enter any room occupied by any guest, or by the licensee, or by any member of the family of the licensee, or by any employee of the licensee, without the permission of the occupier of that room:

- (b) Inspect and examine the said premises or any room or part of such premises and all furniture, fittings, and facilities therein:
- (c) Question, with respect to any matter within their duties under this Act, any owner, licensee, or manager on the premises:
- (d) Require the production of any licence or permit under the principal Act, or any book, notice, record, document, list, or other writing which is required by or under the principal Act or this Act to be kept or exhibited, and inspect, examine, and make copies thereof or extracts therefrom.

(5) It shall be the duty of every licensee to give all reasonable assistance, and all information within his power, to any Inspector acting in the exercise of his powers or functions under this section.

(6) Every Inspector entering upon any licensed premises shall, when required to do so by the licensee or other person for the time being charged with the management of the premises, produce his warrant of appointment or other evidence that he is an Inspector.

(7) This section shall not limit or affect the provisions of Part VII of the principal Act.

(8) Sections 237 to 239 of the principal Act are hereby repealed.

78. Offences—(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding fifty pounds who—

- (a) Without lawful justification or excuse, wilfully obstructs, hinders, or resists any Inspector in the exercise of his powers or functions under section 77 of this Act:
- (b) Without lawful justification or excuse, refuses or wilfully fails to answer any question lawfully put to him by the Inspector or to give any assistance or information when required to do so by the Inspector:
- (c) Without lawful justification or excuse, refuses or fails to produce to the Inspector, when required by him to do so, any of the things referred to in paragraph

(d) of subsection (4) of section 77 of this Act, or to allow the Inspector to make any copy or extract referred to in that paragraph:

(d) Wilfully makes any false statement to or misleads or attempts to mislead the Inspector in the exercise of his powers or functions:

(e) Makes any threat or uses any abusive or insulting language to any Inspector acting in the exercise of his powers or functions.

(2) Every such Inspector commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both, who corruptly accepts or obtains, or agrees or offers to accept or attempts to obtain, any bribe for himself or any other person in respect of any act done or omitted, or to be done or omitted, by him in his capacity as an Inspector.

(3) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both, who corruptly gives or offers or agrees to give any bribe to any Inspector or to any other person with intent to influence any Inspector in his official capacity.

(4) For the purposes of subsections (2) and (3) of this section, the term "bribe" means any money, valuable consideration, office, or employment, or any benefit, whether direct or indirect.

PART III

MISCELLANEOUS PROVISIONS

79. Exemptions as to entertainments—(1) Section 17 of the Licensing Amendment Act 1960 is hereby amended by repealing subsection (1), and substituting the following subsection:

"(1) Notwithstanding anything in the principal Act, the Licensing Control Commission may from time to time, in its discretion, exempt the holder of any hotel, publican's, tourist house, or accommodation licence, or the holder of any extended hotel licence in respect of his hotel premises, or the holder of any special hotel licence in respect of his house premises, from any of the provisions of the principal Act prohibiting the use of any part of the licensed premises for the purposes of dancing, concerts, or theatrical entertainments."

(2) Subsection (3) of the said section 17 is hereby amended—

- (a) By inserting, after the words "grant of any publican's", the words "hotel, or tourist house":
- (b) By inserting, after the words "in respect of which any publican's", the words "hotel, tourist house".
- (3) The following enactments are hereby consequentially repealed namely:
 - (a) Subsections (3) and (3A) of section 67 of the Licensing Amendment Act 1948:
 - (b) Subsection (4) of section 17 of the Licensing Amendment Act 1960.

80. Prohibition of employment of women or girls for dancing—The principal Act is hereby further amended by repealing section 163, and substituting the following section:
"163. (1) No licensee shall employ any woman or girl, whether on salary or commission or otherwise for reward, for the purpose of dancing or drinking with guests on his licensed premises.

"(2) Every licensee who acts in contravention of this section shall be liable on summary conviction to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day during which the offence has continued."

81. Restaurant licences—(1) Section 32 of the Licensing Amendment Act 1960 is hereby amended—

- (a) By repealing subsection (12):
 - (b) By inserting in subsection (2), after the words "may from time to time", the words "in its discretion".
- (2) The said section 32 is hereby further amended by repealing subsection (7).

82. Wine makers' licences—(1) Section 24 of the Licensing Amendment Act (No. 2) 1953 is hereby amended by inserting, after subsection (1), the following subsection:

"(1A) Where the holder of a wine maker's licence applies for any additional wine maker's licence, the Magistrate may in his discretion refuse to grant the additional licence (notwithstanding that he may be satisfied in respect of the matters specified in subsection (1) of this section), and shall in any case refuse to grant the additional licence unless he is satisfied that it is reasonably necessary to facilitate the manufacture of wine and that the principal purpose of the application is not to facilitate the sale of wine."

(2) Where on the thirteenth day of June, nineteen hundred and sixty-one, any person was the holder of more than one wine maker's licence, nothing in subsection (1A) of the said section 24 (as inserted by subsection (1) of this section) shall apply to any application made by that person, after the commencement of this section, for any wine maker's licence for any premises in respect of which he was the holder of such a licence on the first-mentioned date.

(3) Where at any time after the thirteenth day of June, nineteen hundred and sixty-one, and before the commencement of this section, any person being the holder of a wine maker's licence has been granted an additional wine maker's licence in respect of any premises, the provisions of subsection (1A) of the said section 24 (as inserted by subsection (1) of this section) shall apply to any application made by that person, after the commencement of this section, for any wine maker's licence for the premises in respect of which the additional licence was so granted.

83. Fruit wine licences—Section 22 of the Licensing Amendment Act (No. 2) 1953 is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) Nothing in this Part of this Act shall prevent the holder of a fruit wine licence from fortifying his wine by the addition of spirit distilled from grape wine or the lees thereof pursuant to the Distillation Act 1908, or from using fruit essences, concentrates, or other ingredients, in conformity with the provisions of the Food and Drugs Act 1947 and of any regulations for the time being in force under that Act, in the manufacture of liqueurs and cocktails.”

84. Licensing Control Commission—Section 3 of the Licensing Amendment Act 1948 is hereby amended by omitting from subsection (2) the word “three”, and substituting the words “not less than three nor more than four”.

85. Proceedings of Commission—Section 7 of the Licensing Amendment Act 1948 is hereby amended by inserting in subsection (7), after the words “that person”, the words “may appear in person or by his counsel, solicitor, or agent, and”.

86. Locking of bars—Section 20 of the Licensing Amendment Act 1960 is hereby amended by repealing subsection (7), and substituting the following subsection:

“(7) This section shall come into force on the first day of July, nineteen hundred and sixty-three.”

87. Restrictions on employment of barmaids—(1) No female under the age of twenty-five years shall be employed in any capacity, or permitted to serve in any capacity, in or about any public bar or private bar at any time while the bar is open for the sale of intoxicating liquor.

(2) The Governor-General may from time to time, by Order in Council, make regulations regulating the employment of females of or over the said age in public bars or private bars during the times when such bars are open for the sale of intoxicating liquor.

(3) If any licensee commits a breach of the provisions of this section or of any regulations made pursuant to this section he shall be liable on summary conviction to a fine not exceeding ten pounds for every day on which the offence is committed.

(4) Nothing in this section or in any such regulations shall apply to the employment or service in any bar of—

(a) The wife, sister, or daughter of the licensee:

(b) The licensee, being a female.

(5) In this section, the expression “private bar” means any part of any licensed premises, other than a public bar, that is used principally or exclusively for the sale, supply, or consumption of intoxicating liquor.

(6) The following enactments are hereby repealed, namely:

(a) Section 36 of the Licensing Amendment Act 1910:

(b) The Barmaids Registration Act 1912.

88. Sale of liquor in Parliament Buildings—Sections 270 and 271 of the Legislature Act 1908 are hereby repealed.

89. Removal of licences—(1) Section 127 of the principal Act (as substituted by subsection (1) of section 11 of the Licensing Amendment Act 1955 and amended by subsection (1) of section 14 of the Licensing Amendment Act 1960) is hereby further amended by omitting from subsection (9) the words “ten miles”, and substituting the words “twenty miles”.

(2) Subsection (1) of section 14 of the Licensing Amendment Act 1960 is hereby consequentially repealed.

SCHEDULES

FIRST SCHEDULE

Section 2

LICENSING DISTRICTS

Licensing Districts	Areas Included in Licensing Districts (Those Areas Being Counties Unless Otherwise Specified in This Schedule)
1. Northland Licensing District	Mangonui, Whangaroa, Bay of Islands, Hokianga, Whangarei, Hobson, Otamatea, Rodney; and also all islands in the Bay of Islands.
2. Auckland Licensing District	Waitemata, Manukau, Franklin, Great Barrier Island; and also Waiheke Road District and all other islands in the Hauraki Gulf.
3. Waikato Licensing District	Waikato, Raglan, Waipa, Hauraki Plains, Coromandel, Thames, Ohinemuri, Piako, Matamata.
4. Bay of Plenty Licensing District	Tauranga, Rotorua, Whakatane, Taupo; but excluding that part of Taupo County which is within the Wellington Land Registration District; and also Mayor Island.
5. East Coast Licensing District	Opotiki, Matakaoa, Waipapua, Waikohu, Uawa, Cook, Wairoa.
6. Hawke's Bay Licensing District	Hawke's Bay, Waipawa, Waipukurau, Patangata.
7. King Country Licensing District	Taumarunui, Waitomo, Otorohanga; and also that part of Taupo County which is within the Wellington Land Registration District.
8. Taranaki Licensing District	Clifton, Stratford, Taranaki, Inglewood, Egmont, Eltham, Hawera, Waimate West, Patea.
9. Wanganui Licensing District	Waimarino, Waitotara, Wanganui, Rangitikei; and also Mangaweka Town District.
10. Manawatu Licensing District	Kiwitea, Pohangina, Oroua, Dannevirke, Woodville, Pahiatua, Manawatu, Kairanga, Horowhenua; but excluding that part of Horowhenua County which is within the Masterton Licensing Trust District.
11. Wairarapa Licensing District	Eketahuna, Akitio, Masterton, Wairarapa South, Featherston; but excluding those parts of Masterton and Wairarapa South Counties which are within the Masterton Licensing Trust District.

FIRST SCHEDULE—*continued*LICENSING DISTRICTS—*continued*

Licensing Districts	Areas Included in Licensing Districts (Those Areas Being Counties Unless Otherwise Specified in This Schedule)
12. Wellington Licensing District	Hutt, Makara; but excluding those parts of the said counties which are within the Porirua Licensing Trust District.
13. Marlborough Licensing District	Marlborough, Sounds, Awatere, Kaikoura; and also the Kenepuru and Croisilles-French Pass Road Districts.
14. Nelson Licensing District	Murchison, Waimea, Golden Bay.
15. West Coast Licensing District	Buller, Inangahua, Grey, Westland.
16. Hurunui Licensing District	Amuri, Cheviot, Waipara, Ashley, Kowai, Oxford, Rangiora, Eyre.
17. Canterbury Licensing District	Waimairi, Selwyn, Malvern, Papanui, Heathcote, Mount Herbert, Springs, Akaroa, Wairewa, Tawera, Ellesmere, Halswell; and also that part of Ashburton County which is not within the Ashburton Licensing Trust District.
18. South Canterbury Licensing District	Mackenzie, Levels, Waimate, Waitaki; and also that part of Geraldine County which is not within the Geraldine Licensing Trust District; but excluding that part of Waitaki County which is within the Oamaru Licensing Trust District.
19. Dunedin Licensing District	Waihemo, Waikouaiti, Taieri, Peninsula; but excluding those parts of Waihemo and Waikouaiti Counties which are within the Oamaru Licensing Trust District.
20. Central Otago Licensing District	Vincent, Maniototo, Lake; but excluding that part of Lake County which is within the Southland Land Registration District; and including that part of Tuapeka County which is not within the Clutha and Mataura Licensing Trust Districts.
21. Southland Licensing District	Fiord, Wallace, and Stewart Island; and also that part of Lake County which is within the Southland Land Registration District; and also that part of Southland County which is not within the Mataura Licensing Trust District.
22. Chatham Islands Licensing District.	Chatham Islands.

SECOND SCHEDULE

Section 9 (2)

AMENDMENTS CONSEQUENTIAL ON RECONSTITUTION OF
LICENSING DISTRICTS

Title of Act	Amendment
1908, No. 104—The Licensing Act 1908. (1957 Reprint, Vol. 8, p. 1)	<p>By omitting from the definition of the term “elector” in section 4 (as substituted by section 5 of the Licensing Amendment Act 1957) the words “in respect of any district”, and also the words “for that district”.</p> <p>By inserting in section 4, after the definition of the term “Licensing Acts”, the following definition: “‘Licensing trust district’ means the Masterton Licensing Trust district constituted by the Masterton Licensing Trust Act 1947, the Invercargill Licensing Trust district constituted by the Invercargill Licensing Trust Act 1950, and any licensing trust district constituted by or under the Licensing Trusts Act 1949:”</p> <p>By omitting from paragraph (a) of the proviso to subsection (1) of section 12 the words “licensing district”, and substituting the words “electoral district”.</p> <p>By inserting in paragraph (k) of subsection (1) of section 14, before the word “district”, the word “electoral”.</p> <p>By inserting in subsection (1) of section 39, before the word “district”, the word “electoral”.</p> <p>By omitting from section 86 the words “ordinary or special”.</p> <p>By repealing section 147A.</p> <p>By repealing sections 7 and 12.</p>
1910, No. 46—The Licensing Amendment Act 1910. (1957 Reprint, Vol. 8, pp. 34, 163)	<p>By omitting from subsection (1) of section 13 (as substituted by section 15 of the Licensing Amendment Act 1957) the words “as declared from time to time in the report of the Representation Commission under section 5A of the principal Act”.</p> <p>By omitting from subsection (3) of section 16 the words “licensing districts”, and substituting the words “electoral districts”.</p>

SECOND SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL ON RECONSTITUTION OF
LICENSING DISTRICTS—*continued*

Title of Act	Amendment
1910, No. 46—The Licensing Amendment Act 1910. (1957 Reprint, Vol. 8, p. 163)— <i>ctd.</i>	By omitting from Forms 1 and 2 in the Second Schedule (as set out in the Second Schedule to the Licensing Amendment Act 1956), and also from Forms 1 and 2 in the Third Schedule (as set out in the Schedule to the Licensing Amendment Act 1949), the words "Licensing District of", in every place where they occur, and substituting in every case the words "No-licence District of".
1918, No. 11—The Licensing Amendment Act 1918. (1957 Reprint, Vol. 8, pp. 169, 194)	By inserting in subsection (2) of section 74 (as added by subsection (3) of section 3 of the Licensing Amendment Act 1949), after the words "shall be deemed", the words "to be references to electoral districts and".
1946, No. 40—The Statutes Amendment Act 1946. (1957 Reprint, Vol. 8, pp. 23, 197)	By repealing subsection (2) of section 51.
1947, No. 45—The Finance Act (No. 2) 1947. (1957 Reprint, Vol. 5, p. 148)	By repealing sections 33 and 34.
1948, No. 74—The Licensing Amendment Act 1948. (1957 Reprint, Vol. 8, p. 209)	By repealing subsection (3) of section 29.
1949, No. 31—The Licensing Amendment Act 1949. (1957 Reprint, Vol. 8, p. 255)	By repealing subsection (1) of section 3.
1949, No. 51—The Statutes Amendment Act 1949. (1957 Reprint, Vol. 15, p. 171)	By repealing section 35.
1950, No. 33—The Invercargill Licensing Trust Act 1950	By repealing subsections (2) to (5) of section 3.
1953, No. 90—The Licensing Amendment Act (No. 2) 1953. (1957 Reprint, Vol. 8, pp. 19, 274)	By repealing sections 36 to 38.
1955, No. 48—The Licensing Trusts Amendment Act 1955. (1957 Reprint, Vol. 8, p. 331)	By repealing subsection (2) of section 9.
1955, No. 110—The Licensing Amendment Act 1955. (1957 Reprint, Vol. 8, p. 283)	By repealing section 13.

SECOND SCHEDULE—*continued*
 AMENDMENTS CONSEQUENTIAL ON RECONSTITUTION OF
 LICENSING DISTRICTS—*continued*

Title of Act	Amendment
1956, No. 107—The Electoral Act 1956. (1957 Reprint, Vol. 4, p. 358)	By repealing the proviso to subsection (1) of section 24.
1956, No. 108—The Licensing Amendment Act 1956. (1957 Reprint, Vol. 8, p. 284)	By repealing section 2.
1957, No. 105—The Licensing Amendment Act 1957. (1957 Reprint, Vol. 8, pp. 165, 286)	By inserting in paragraph (a) of subsection (2) of section 6, and also in paragraph (b) of that subsection, after the words "licensing district" in each case, the words "no-licence district".

Section 16

THIRD SCHEDULE

AMENDMENTS CONSEQUENTIAL ON RECONSTITUTION OF
LICENSING COMMITTEES

Title of Act	Amendment
1908, No. 104—The Licensing Act 1908. (1957 Reprint, Vol. 8, p. 1)	By repealing subsection (1) of section 43, and sections 50 and 52. By repealing section 65 and the heading above that section.
1910, No. 46—The Licensing Amendment Act 1910. (1957 Reprint, Vol. 8, p. 163)	By omitting from subsection (6) of section 9A (as inserted by section 6 of the Licensing Amendment Act 1949) the words "section ten or"; and by omitting from that subsection the words "sections ten and eleven", and substituting the words "section eleven". By repealing section 10. By omitting from subsection (1) of section 11 the words "At the first annual meeting of the Licensing Committee so constituted in the district".
1938, No. 20—The Statutes Amendment Act 1938. (1957 Reprint, Vol. 8, p. 196)	By repealing section 33.
1948, No. 74—The Licensing Amendment Act 1948. (1957 Reprint, Vol. 8, p. 249)	By repealing section 95, subsection (1) of section 96, and section 97.
1949, No. 31—The Licensing Amendment Act 1949. (1957 Reprint, Vol. 8, p. 256)	By repealing paragraph (a) of subsection (1) of section 7.

This Act is administered in the Department of Justice.