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Mr. Sutton.

LICENSING ACT 1881 AMENDMENT (No. 2).

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A BILL INTITULED

AN ACT to amend "The Licensing Act, 1881" (No. 2).

Title.

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

5 1. The Short Title of this Act is "The Licensing Act 1881 Amendment Act, 1882" (No. 2).

Short Title.

It shall come into operation on the first day of October next, and shall be read subject to the interpretations contained in "The Licensing Act, 1881" (herein referred to as "the said Act").

10 2. "Local authority" means the Council, Board, trustees, or other persons vested with the control of the local affairs of any borough, town district, county, wherein the whole of "The Counties Act, 1876," is in force, or road district outside the counties aforesaid respectively.

Interpretation.

15 3. Section six of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:—

Boroughs, counties, and road districts to be licensing districts.

Licensing districts shall, as far as possible and convenient, be identical and conterminous respectively with existing and future—

- (1.) Boroughs, whether divided or undivided;
- (2.) Town districts constituted under "The Town Districts Act, 1881;"
- (3.) Counties wherein the whole of "The Counties Act, 1876," is in force;
- (4.) Road districts outside the aforesaid counties; and

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- (5.) Such other districts in parts of the colony not comprised within any of the foregoing, as may seem fitting.

Provided that no licensing district shall contain less than one hundred ratepayers.

The districts comprising the boroughs, counties, and the road districts aforesaid, are ordinary licensing districts. 5

The remainder are special licensing districts.

All special licensing districts constituted under the said Act, and existing at the commencement of this Act, shall be deemed to have been constituted under this Act, and all licensing authorities therein shall continue in office unaffected by this Act. 10

Local authorities to be Licensing Committees.

4. Section thirteen of the said Act is hereby repealed, and in lieu thereof it is hereby enacted as follows:—

- (1.) The local authority having jurisdiction within any ordinary licensing district shall be the Licensing Committee for such district; and the Clerk of such local authority shall be the Clerk of the Licensing Committee. 15

- (2.) The Mayor, Chairman, or other presiding officer of a local authority shall be the Chairman of the Licensing Committee. 20

- (3.) The proceedings of a local authority acting as a Licensing Committee shall be regulated by the rules for conducting the ordinary business of such authority. 20

- (4.) With respect to members of a local authority acting as members of a Licensing Committee under this Act— 25

(a.) The disqualification mentioned in sections eleven and twelve of the said Act shall apply only in respect of the voting of such last aforesaid members at a meeting of a Licensing Committee, and shall not apply in respect of their acting or sitting as members of any such Committee. 30

(b.) Section eleven of the said Act shall be read as if the word "vote" had been inserted therein, instead of the words "to be elected or to act;" and

(c.) Section twelve of the said Act shall be read as if the word "voting" had been inserted therein, instead of the words "acting or sitting." 35

- (5.) The Chairman shall appoint the place, not being licensed premises, either within or outside of the district as may be most convenient, at which licensing meetings shall be respectively held; but if there be in the district any place used as a courthouse by the Resident Magistrate having jurisdiction in the district, then such meetings shall be held at such courthouse. 40

- (6.) The Chairman also shall appoint the date of licensing meetings under the provisions of section forty of the said Act. 45

The word "Chairman" is hereby substituted for the words "Returning Officer" in the said section forty.

5. All costs and expenses incident to the election of Assessors in Native licensing districts under the said Act shall be paid from time to time out of moneys appropriated for the purpose by the General Assembly. 50

Cost of election of Assessors to be paid by the Crown.

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6. Notwithstanding anything in the said Act contained, licenses in respect of refreshment-rooms at railway-stations may be granted at any time by the Licensing Committee, and the fee for every such license shall be such sum not exceeding twenty-five pounds as the Committee shall direct: Provided that there shall be no public bar or taproom in or connected with the premises in respect of which the license is granted, and that the licensee shall be bound to provide refreshments at all times upon the arrival of trains.

Railway-station licenses.

10 Nothing in any Act contained authorizing the Minister for Public Works to let any premises on or connected with a railway as refreshment-rooms shall be deemed to authorize any person to sell intoxicating liquors thereat, unless he be licensed so to do under the said Act or this Act. Any person so selling any liquors without such license shall be liable to the penalties provided by the said Act in respect of persons selling liquors without a license.

Lease of railway premises as refreshment-rooms not to empower sale of liquors.

7. Notwithstanding anything in the said Act contained—

As to accommodation and wholesale licenses and special publicans' licenses.

(1.) Accommodation licenses and wholesale licenses may be granted at any time by the Licensing Committee at their discretion.

(2.) Special conditional licenses may be granted at any licensing meeting by the Licensing Committee in respect of premises situate in a place or part of a district where, owing to a sudden influx of population, greater accommodation for travellers is required.

The fee for such license shall be the same as for a publican's license.

No such license shall be renewed or transferred, but it shall be necessary for the licensee, in respect of the following year to apply for a publican's license at the annual licensing meeting as if he were not a licensed person.

8. In sections forty-five, forty-seven, and in the Second Schedule of the said Act, the word "accommodation" is hereby repealed.

Accommodation licenses not subject to local option. Triennial poll abolished.

9. Sections forty-six, fifty-two, and fifty-three, and the second paragraph of section fifty of the said Act, are hereby repealed, and in lieu thereof it is hereby enacted as follows:—

(1.) Every person who shall desire to obtain a new publican's, New Zealand wine, or bottle license shall conform with all the particulars required by the fifty-sixth section of the said Act, and also shall, at the time of lodging his application for a license with the Clerk of the Licensing Committee, lodge with him an application for a poll of the ratepayers, hereinafter mentioned, to be taken in respect of the granting of such license, and shall deposit with the said Clerk, at the same time, a sum of money sufficient in the opinion of such Clerk to cover what shall be deemed to be the costs of taking such poll.

Applicants for licenses to poll district at their own cost as to granting additional licenses

(2.) Every poll of ratepayers to be taken under this section shall be limited to the smallest subdivision of a district, as wards of boroughs, ridings of counties, and subdivisions of road districts; and shall only be taken in that subdivision of a district in which the license is intended to take effect.

Poll limited to subdivisions of districts.

But in undivided boroughs, and districts not subdivided, the poll shall be taken of the ratepayers of the entire district.

- (3.) The Chairman of the Licensing Committee shall, as soon as may be after the time for sending in applications for new licenses has expired, by public advertisement, appoint some convenient day for taking the aforesaid determination of the ratepayers of the district if undivided, or, if divided, of that subdivision of the district wherein the license applied for is intended to take effect, by a poll, to be taken in manner prescribed by "The Regulation of Local Elections Act, 1876." The day to be so appointed shall be not earlier than seven days after the first publication of the aforesaid advertisement, and not later than three days before the day appointed for the annual licensing meeting.
- (4.) Such poll shall be taken as prescribed by the said Act, subject, however, that no such poll shall be taken in any district at any time except application is made for the grant of a new license of any of the kinds in this section mentioned; and in any such case the proposals to be submitted to the ratepayers shall be limited to the proposal that the number of the particular licenses respectively applied for at that time may be increased or not.
- (5.) The determination arrived at at any such poll shall have effect only for one year, and shall have no operation in respect to applications for new licenses which may be sent in at the next annual licensing meeting.
- (6.) All costs and expenses incident to the taking of any poll of ratepayers as aforesaid shall be paid by the applicants for new licenses, whether their applications respectively shall be granted or refused. When there are more applicants than one, the cost of the poll shall be borne equally between them.
- (7.) The Clerk of the Licensing Committee shall defray all the costs and charges incident to the taking of the poll out of the moneys deposited with him as aforesaid; and shall refund to the applicant all the surplus of such moneys then remaining in his hands; or, in the case of several applicants, shall apportion the costs of the taking of any such poll between the applicants, and after payment of the same shall refund to the several applicants so much of the money deposited with him as shall remain in his hands, after deducting therefrom the several applicants' respective shares of the cost of such poll.
- (8.) In the case of any single application for a new license of any description as aforesaid, the Chairman shall refuse to take a poll of ratepayers in respect of such description of license if the applicant refuses or neglects to deposit the estimated cost of the same before the taking thereof; and when there are more applicants than one, and a poll is taken, the Licensing Committee shall refuse the grant of the license to any applicant who has not paid his proper share of the cost of taking such poll.

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5 (9.) Notwithstanding anything in the said Act or this Act contained, the affirmative by the ratepayers that the number of any kind of licenses may be increased in the district shall not be deemed to establish any right in an applicant to have his license granted; but the grant of a license to any one is hereby declared to be absolutely in the discretion of the Licensing Committee.

10 Nothing in this Act contained shall be deemed to annul or in any way to derogate from the provisions of section seventy-five of the said Act.

15 (10.) Notwithstanding the result of any poll of ratepayers taken under this section, the Licensing Committee shall, before granting any license as aforesaid, take into consideration every memorial or petition having reference to the granting of any such license, and any objections which may be made thereto under the provisions of the said Act numbered fifty-seven to sixty-eight both inclusive, and shall decide as they think best as to the grant or refusal of any such license.