

Mr. Pyke

LICENSING ACT 1881 AMENDMENT.

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A BILL INTITULED

AN ACT to amend "The Licensing Act, 1881."

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, 1885." It shall be read and construed together with "The Licensing Act, 1881" (herein referred to as "the said Act").
- 10 2. If any licensed person (not being the owner of the licensed premises) shall neglect to apply at any annual licensing meeting for a renewal of his license, or shall withdraw his application for a renewal of his license at or before the holding of any annual licensing meeting, the Licensing Committee shall, upon the application at the said meeting of the owner, person in possession, or person entitled to the immediate
- 15 possession of the licensed premises, his counsel, solicitor, or any person authorized in writing by him, or his attorney, to make such application, and if notice of application for such renewal has been given as required by the said Act, then, though no application shall be made on the part of the owner, person in possession, or person entitled to the immediate possession of the licensed premises, or on his behalf, adjourn
- 20 the licensing meeting to such day, not being less than twenty-four nor more than thirty days after such meeting, at the same or any other

Short Title.

In case licensee neglects to apply for renewal.

courthouse or building within the district, as the Licensing Committee may determine. Application (not being by the person who shall so neglect or withdraw as aforesaid) for a license of the same description as that previously held by such licensed person in respect of the same premises may be heard and determined at such adjourned meeting. 5

In case where licensee neglected to apply in June, 1885.

3. If any licensed person (not being the owner of the licensed premises) shall have neglected to apply at the annual licensing meeting, held in the month of June, in the year one thousand eight hundred and eighty-five, for a renewal of his license, or shall have withdrawn his application for a renewal of his license at or before 10 the holding of such annual licensing meeting, application (not being by the person who shall have so neglected or withdrawn as aforesaid) for a license of the same description as that previously held by such licensed person in respect of the same premises may be heard and determined at the next quarterly meeting, held thirty days after the commencement of this Act. There shall be paid a license-fee for every 15 license granted under this section, which fee shall be in such proportion the annual license-fee as the term for which the license shall be granted is to the term of one year.

Provision for continuance of license in case of death of licensee.

4. In the case of the decease of a licensed person before the 20 expiration of his license, unless an application to the Licensing Committee to authorize any person to carry on the business of such licensed person, under or by virtue of section ninety-nine of the said Act, shall be made and granted at the next quarterly meeting after such decease, the Licensing Committee shall, upon the application at 25 the said meeting of the owner, person in possession, or person entitled to the immediate possession of the licensed premises, his counsel, solicitor, or any person authorized in writing by him, or his attorney, to make such application, adjourn the meeting to such day, not being less than twenty-four nor more than thirty days after such meeting, 30 at the same or any other courthouse or building within the district, as the Licensing Committee may determine. Application for a license of the same description as that previously held by such licensed person in respect of the same premises may be heard and determined at such adjourned meeting. 35

In case of death of licensee where person authorized to carry on business under section 99.

5. In the case of the decease of a licensed person before the expiration of his license, if the Licensing Committee, under or by virtue of section ninety-nine of the said Act, at the next quarterly meeting, shall authorize any person to carry on the business of such licensed person, application for a license of the same description as 40 that previously held by such licensed person in respect of the same premises may be heard and determined at the quarterly meeting succeeding such first-mentioned quarterly meeting, unless probate of the will of the deceased or administration of his estate shall have been sooner granted. 45

In case of death two months before expiry of license.

6. In case probate of the will or administration of the estate of a deceased licensed person shall be granted before the expiration of his license, and such person shall have died two calendar months or more before the expiration of his license, application for a license of the same description as that previously held by such licensed person may be 50 heard and determined at the next annual licensing meeting held after the death of such licensed person.

7. In case of the decease of a licensed person within the period of two calendar months before the expiration of his license, unless an application for a renewal shall be made and granted under or by virtue of section one hundred of the said Act, the Licensing Committee shall, upon the application of the owner, person in possession, or person entitled to the immediate possession of the licensed premises, his counsel, solicitor, or any person authorized in writing by him, or his attorney, to make such application, adjourn the annual licensing meeting, at which such renewal could have been granted, to such day, not being less than twenty-four nor more than thirty days after such meeting, at the same or any other courthouse or building within the district, as the Licensing Committee may determine. Application for a license of the same description as that previously held by such licensed person in respect of the same premises may be heard and determined at such adjourned meeting.

In case of death within two months of expiry.

8. If a renewal of a license shall be granted under or by virtue of section one hundred of the said Act, application for a license of the same description as that whereof such renewal shall be granted as aforesaid in respect of the same premises may be heard and determined at the succeeding annual licensing meeting.

In case of renewal under section 100.

9. In the case of the insolvency of a licensed person, or where any licensed person is adjudged a bankrupt, or his affairs are liquidated by arrangement before the expiration of his license, where the insolvency or bankruptcy has occurred three weeks or more previous to the next quarterly meeting, application (not being by the insolvent or bankrupt, person or persons, whose affairs are liquidated by arrangement) for a license of the same description as that previously held by such licensed person in respect of the same premises may be heard and determined at such quarterly meeting.

In case of insolvency three weeks before next meeting.

10. In the case of the insolvency of a licensed person, or where any licensed person is adjudged a bankrupt, or his affairs are liquidated by arrangement before the expiration of his license, where the insolvency or bankruptcy has occurred within three weeks immediately previous to the next quarterly meeting, unless an application shall be made to and granted by the Licensing Committee at such meeting to authorize any person, under or by virtue of section one hundred and one of the said Act, to carry on the business of such licensed person, the Licensing Committee shall, upon the application of the owner, person in possession, or person entitled to the immediate possession of the licensed premises, his counsel, solicitor, or any person authorized in writing by him, or his attorney, to make such application, adjourn the licensing meeting to such day, not being less than twenty-four nor more than thirty days after such meeting, at the same or any other courthouse or building within the district, as the Licensing Committee may determine. Application (not being by the insolvent, or bankrupt person, or person whose affairs are liquidated by arrangement) for a license of the same description as that previously held by such licensed person in respect of the same premises may be heard and determined at such adjourned meeting.

In case of insolvency within three weeks previous to next meeting.

11. If at any quarterly meeting the Licensing Committee shall authorize an agent of the assignee, or trustees of an insolvent bankrupt, or person whose affairs are liquidated by arrangement to carry on the

In case person authorized to carry on under section 100.

business of a licensed person for a further period, under or by virtue of section one hundred and one of the said Act, application (not being by the insolvent, or bankrupt person, or person whose affairs are liquidated by arrangement) for a license of the same description as that previously held by such licensed person in respect of the same premises may be heard and determined at the next quarterly meeting. 5

In case of lunacy.

12. In case any licensed person becomes a lunatic within the meaning of the Act for the time being in force relating to lunacy, unless a person has been previously authorized, under or by virtue of section one hundred and four of the said Act, to carry on the business 10 of the licensed premises of such lunatic, the Licensing Committee shall, upon the application at the next quarterly meeting (not being an annual licensing meeting) of the owner, person in possession, or person entitled to the immediate possession of the licensed premises, his counsel, solicitor, or any person authorized in writing 15 by him, or his attorney, to make such application, adjourn the licensing meeting to such day, not being less than twenty-four nor more than thirty days after such meeting, at the same or any other courthouse or building within the district, as the Licensing Committee may determine. Application for a license of the same 20 description as that previously held by such licensed person in respect of the same premises may be heard and determined at such adjourned meeting.

In case of lunacy where no renewal under section 105.

13. In case any licensed person shall be a lunatic within the meaning of the said Act for the time being in force relating to lunacy, 25 when the time for the renewal of his license arrives, unless an application for a renewal shall be made and granted under or by virtue of section one hundred and five of the said Act, the Licensing Committee shall, upon the application of the owner, person in possession, or person entitled to the immediate possession of the licensed premises, 30 his counsel, solicitor, or any person authorized in writing by him, or his attorney, to make such application, adjourn the annual licensing meeting at which such a renewal could have been granted to such day, not being less than twenty-four nor more than thirty days after such meeting, at the same or any other courthouse or building within the 35 district, as the Licensing Committee may determine.

In case of lunacy where renewal granted under section 105.

14. If a renewal of a license shall be granted, under or by virtue of section one hundred and five of the said Act, application for a license of the same description as that whereof such renewal shall be granted as aforesaid in respect of the same premises may be heard and 40 determined at the succeeding annual licensing meeting.

Applications treated as for renewals.

15. The provisions contained in the said Act relating to the renewal of licenses, objections thereto, notices of objections, and otherwise, shall extend and apply to applications for licenses under sections *two to fourteen* (both inclusive) of this Act, with such alterations as 45 the circumstances of the case may require.

In addition to the objections that may be taken by virtue of the above to applications for licenses under the said sections, objection may be taken that the applicant has previously forfeited a license, or that he has been convicted of selling liquor without a license within a 50 period of three years.

16. Licenses under or by virtue of sections *two to fourteen* (both inclusive) of this Act shall be granted only for the period intervening between date of the license (which date shall be the day when the license is granted, but if the license is granted at an annual licensing meeting then the license shall be dated the first day of July in the year in which it is granted) and the following thirtieth day of June, including in such period the said thirtieth day of June and the day of the date of such license. Period of licenses.
17. No fee shall be payable or chargeable for any license granted under this Act, except where express provision to the contrary is made herein, or where the license is granted at an annual licensing meeting. In the last-mentioned case the ordinary annual fee shall be paid. No fees.
18. Every person licensed under or by virtue of this Act shall, subject to the provisions of the said Act relating to renewals of licenses, be entitled to obtain from the Licensing Committee, from time to time, a certificate authorizing the renewal of his license at the annual licensing meetings succeeding the granting of any license under or by virtue of this Act. Renewals.
19. Section ten of "The Licensing Act Amendment Act, 1882," shall henceforth be read as if all the words following the word "heretofore" in the said section were omitted therefrom. Section 10 of the 1882 Act amended.
20. Subsection five of section twenty-eight of the said Act shall henceforth be read as if the words "an unmarried" were omitted therefrom, and "a" inserted in their place. Section 28 of Act amended.
21. Sections sixty-three, ninety-three, and one hundred and three, and subsection five of section eighty-one of the said Act, are hereby repealed. Repeal.
22. The forms in the said Act may be used to carry out the objects of this Act, with such alterations as circumstances may require; and, where such forms are inapplicable, other forms suitable to the circumstances of any case may be used. Forms.