

Mr. McNab.

LICENSING ACTS AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Law relating to the Sale of Intoxicating Liquors. Title.

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

- 1. The Short Title of this Act is "The Licensing Acts Amendment Act, 1895." Short Title.
- 2. This Act shall be read together with "The Licensing Act, 1881," and "The Alcoholic Liquors Sale Control Act, 1893" (hereinafter referred to as "the said Act"). Acts incorporated.
- 3. The words "license" and "licenses" in this Act shall be construed distributively, and, unless otherwise shown, shall include each and every kind of license grantable under "The Licensing Act, 1881." Interpretation.
- 4. Section five of "The Triennial Licensing Committees Act, 1889," subsections six and seven of section twelve, and sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, and twenty, and the Second, Third, and Fourth Schedules of the said Act, are hereby repealed. Subsection one of section twenty-eight of the said Act is amended by striking out therefrom the words "subsection five of section eighty-one," and subsection five of section eighty-one of "The Licensing Act, 1881," is hereby revived. Repeals and amendments.

Amendment of section 71 of "The Licensing Act, 1881."

5. Section seventy-one of "The Licensing Act, 1881," is amended by striking out therefrom the words "Chairman of the Licensing Committee or by the" in the first clause thereof, and the words "Chairman of the Licensing Committee as well as by" in the second clause thereof.

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Amendment of section 35 of "The Licensing Act, 1881."

6. Section thirty-five of "The Licensing Act, 1881," is amended by striking out therefrom the words "two gallons" in the second line thereof, and by the insertion in place thereof of the words "ten gallons of any one kind or quality of liquor," and by adding at the end of the said section the words "but such license shall not authorise the sale or delivery of liquors in any licensing district in which the electors shall have carried a proposal in favour of 'no license' so long as such determination shall remain in force."

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Certain licenses not to be granted.

7. From and after the *first* day of January, one thousand eight hundred and ninety-seven, no bottle, New Zealand wine, packet, or conditional license shall be granted or renewed, and after the expiry of any leases now in force for railway refreshment-rooms no license shall be granted for the sale of liquor at any railway-station or refreshment-room under section thirty-four of "The Government Railways Act, 1887."

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Amendment of "The Alcoholic Liquors Sale Control Act, 1893."

8. Subsection three of section twenty-seven of the said Act is amended by striking out all the words therein after the word "thereupon," and by the insertion in their place of the words "it shall not be lawful to grant any charter for a club in such district, and all club charters in existence in such district shall continue in force until the thirtieth day of June then next ensuing, and shall after that date be null and void."

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LOCAL OPTION.

New licenses to be granted subject to vote of electors.

9. From and after the *first* day of January, one thousand eight hundred and ninety-seven, no license of any description shall be granted or renewed by any licensing authority until the electors of the licensing district wherein such authority has jurisdiction shall have previously determined in manner hereinafter appearing whether any licenses shall be granted.

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Day of taking poll for local option.

10. On the second Wednesday in the month of *April*, one thousand eight hundred and ninety-seven, and thereafter on the second Wednesday in the month of *April* in every third year, a poll shall be taken under the provisions of this Act.

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At such poll the question set forth in section *nine* of this Act shall be submitted in the form in the *First* Schedule to this Act. The word "license" in the said form shall be deemed and taken to be a proposal that licenses be granted, and the words "no license" in the said form shall be deemed and taken to be a proposal that no licenses be granted.

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Taking of poll.

11. The poll shall be taken as follows:—

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(1.) The Returning Officer shall appoint such person or persons as he thinks fit to be his deputy or deputies to assist him at the taking of any poll as hereinafter provided:

(2.) The Returning Officer shall, upon the day so appointed, proceed to take the poll in the manner provided by any law for the time being in force regulating the election of

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members of the House of Representatives for taking a poll at any election, and shall provide voting-papers and all things necessary for taking the poll :

5 (3.) The voting-papers shall be printed in the form in the *First* Schedule to this Act :

(4.) The voter shall erase one of the said lines in each case, and his vote shall be deemed to be given in favour of the proposal contained or referred to in the line which he leaves un erased :

10 If the voter fails to erase one of the said lines, or erases both of them, the voting-paper shall be void :

(5) The Scrutineers for the candidates for the Licensing Committee may act as Scrutineers in respect of the said poll ; or

15 Any elector or electors in favour of or opposed to the granting of licenses may require the Returning Officer to appoint a Scrutineer on his or their behalf at the poll ; and thereupon the Returning Officer shall appoint Scrutineers at the poll not exceeding two at each
20 polling-booth, one of whom shall be named by the applicant or applicants in favour of licenses, and one by the applicant or applicants opposed to licenses respectively ; every such Scrutineer shall make the declaration required by " The Electoral Act, 1893," to be
25 made by Scrutineers at elections under that Act :

(6) Each elector shall have only one vote, and the polling-booths in each district shall be the same as if it were an election under any such law as aforesaid :

30 All the provisions of such law as aforesaid as regards taking a poll, and the penalties incurred in any respect in connection therewith, shall, *mutatis mutandis*, so far as they are applicable, and except as by this Act is otherwise provided, apply to the taking of any poll under this Act.

35 12. As soon as conveniently may be after the result of the poll has been ascertained, the Returning Officer shall give public notice of the number of votes recorded for the proposals, as above provided, and of the number of informal votes, and shall declare that proposal to be carried in respect of which a majority of the effective votes recorded shall have been given, and the determination shall be final
40 and conclusive for all purposes.

Declaration of result of poll.

45 13. If the determination at any poll under section *ten* hereof be that no licenses be granted in the district, then from and after the thirtieth day of June next following the date of such poll, and so long as the said determination shall remain in force, it shall not be lawful to grant or renew any license in the district ; and any person who shall solicit or receive any order for or supply or deliver or send any liquor within such district, except as provided by section *twenty-one* hereof, shall be liable to a penalty of not less than
50 *twenty-five* pounds nor more than *fifty* pounds, or to imprisonment, with or without hard labour, for any term not less than *one* calendar month nor more than *three* calendar months.

Determination of electors to be carried out.

Effect of vote of
"license" after "no
license."

14. If, at any poll succeeding that upon which there shall be a determination that no licenses be granted, the determination taken under section *ten* hereof shall be in favour of license, then the Licensing Committee shall at its next annual meeting grant licenses in such district at a rate not exceeding one for every thousand of the adult population of such district as shown by the last preceding census.

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COLONIAL OPTION.

Day of taking poll
for colonial option.

15. On the day appointed, at every general election occurring after the passing of this Act, for the taking of a poll of electors in each electoral district of the colony for the election of a member or members of the House of Representatives for such district, and simultaneously therewith, a poll of the electors of the said district shall also be taken upon the proposals set forth in the *Second* Schedule to this Act.

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(1.) If at any such general election a member of the House of Representatives shall be returned without the necessity of a poll for determining the said election, a poll of the electors of such district shall nevertheless be taken for the purposes of this section of this Act in the same manner as if such poll were for the election of a member of the aforesaid House.

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Taking of poll.

16. The provisions of subsections *one, two, five, and six* of section *eleven* of this Act shall, *mutatis mutandis*, apply to the taking of any poll under section *fifteen* hereof, and the following provisions shall also apply:—

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(1.) The voting-papers shall be printed in the form in the *Second* Schedule to this Act, and shall be different in colour from the ballot-papers used for the election of members of the House of Representatives.

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(2.) The Returning Officer shall mark the voting-paper for a poll in the same manner as the ballot-paper to be used for the purposes of a general election, and shall give the voting-paper and the ballot-paper simultaneously to the voter, whether the same shall be demanded or not. Every Returning Officer or Deputy Returning Officer who shall fail to comply with any part of this subsection shall be liable for every such offence to a penalty not exceeding *twenty* pounds.

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(3.) Every voter shall erase one of the lines on his voting-paper containing the proposals submitted, and shall fold up his voting-paper separately and place it in the ballot-box prepared for the ballot-papers used for the said election. His vote shall be deemed to be given in favour of the proposal contained or referred to in the line in the voting-paper which he leaves unerased.

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Returning Officer to
publish result.

17. The Returning Officer shall forthwith, after a poll shall have been taken under section *fifteen* of this Act, ascertain the number of votes given for each proposal thereunder, and shall give public notice of the same, and forward a statement thereof under his hand to the Minister of Justice.

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18. The Minister of Justice, on receiving the above-mentioned statements, shall ascertain therefrom the total number of votes given in favour of each proposal at the said poll, and shall by notification in the *Gazette* declare that proposal to be carried in respect of which
 5 a majority of the effective votes recorded at the poll shall have been given.

Minister of Justice to publish result in *Gazette*.

19. If at any poll under section *fifteen* of this Act the proposal for "prohibition" shall be carried, then, from and after the thirty-first day of March ensuing next after the day on which such poll was
 10 taken, it shall be unlawful to grant or renew any license or any club charter in the colony; and all licenses and club charters and railway refreshment-room licenses in force on that day shall continue in force until the thirtieth day of June next ensuing, and shall then cease and determine.

Effect of "prohibition" vote.

20. From and after the above-mentioned thirty-first day of March, it shall be unlawful for any person except the Commissioner of Customs to import any liquor into the colony, or to manufacture in the colony any liquor for sale or consumption therein or elsewhere beyond the colony; and, in any prosecution for such importation or
 20 manufacture, it shall lie on the accused to prove that any liquor in question was not imported into, or was not manufactured in, the colony for sale or consumption as the case may be.

Commissioner of Customs alone to import liquor.

All liquors imported into the colony on or after the above-mentioned thirty-first day of March in contravention of this section
 25 shall be landed and placed in the Queen's Bond, there to be stored at the expense of the importers, who shall forthwith cause the same to be exported from the colony. No such liquors shall be landed from any vessel in the colony on or after the thirty-first day of July next ensuing after the above-mentioned thirty-first day of March,
 30 and if any such liquor shall be so landed it shall be forfeited to Her Majesty.

Every person who commits an offence against any of the provisions of this section shall be liable for a first offence to a penalty not exceeding *one hundred* pounds, or to imprisonment, with or without
 35 hard labour, for any term not exceeding *three* months, and for the second or any subsequent offence shall be liable to imprisonment, with or without hard labour, for any term not less than *three* months nor more than *six* months.

21. (1.) From and after the thirtieth day of June next ensuing
 40 after the proposal for prohibition shall be carried at any poll under section *fifteen* hereof, and from and after the date when "no license" vote shall come into force in any licensing district, liquor shall be sold or supplied in the colony, for use in the arts or manufactures or for medicinal purposes, but not for any other use or purpose, by
 45 officers in Her Majesty's Customs specially appointed by the Commissioner of Customs for that purpose.

Officers of Customs alone to sell liquor.

(2.) All such liquor shall be sold only in bottles or other receptacles duly closed and sealed in such manner that the liquor cannot be extracted therefrom without breaking such seal, and every such
 50 bottle or receptacle shall have thereon a label setting forth the kind, quantity, quality, and price of the liquor contained therein. Every purchaser of liquor for medicinal purposes shall, before being supplied,

produce to and leave with the officer aforesaid a certificate from a duly-qualified medical practitioner to the effect that such liquor is required for medicinal purposes only; and every purchaser of liquor for use in the arts and manufactures shall, before being supplied, register his name and address and the purpose for which he requires such liquor in a book to be kept by the said officer for that purpose. Such officer shall not sell any liquor to any person unless he is satisfied that such liquor is *bonâ fide* required for medicinal purposes, or for use in the arts or manufactures. 5

Schedules.

SCHEDULES.

FIRST SCHEDULE.

FORM OF LOCAL OPTION VOTING-PAPER.

I VOTE for—

LICENSE.
NO LICENSE.

DIRECTIONS :

Strike out the proposal you *do not vote* for by drawing a line through the same with a pencil.

Leave uncancelled the proposal you vote for.

Drop your voting-paper in the ballot-box after marking it as above.

You *must not* take your voting-paper out of the polling-booth.

SECOND SCHEDULE.

FORM OF COLONIAL OPTION VOTING-PAPER.

I VOTE for—

LICENSE.
PROHIBITION.

DIRECTIONS :

[*As in First Schedule.*]