

Mr. Millar.

LICENSING ACTS AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Amendment of "The Alcoholic Liquors Sale Control Act Amendment Act, 1895."</p> <p>4. Proviso to section 70, "Licensing Act, 1881."</p> <p>5. Uniform closing-hours for licensed premises.</p> <p>6. Section 108 of principal Act amended.</p> <p>7. Indorsement of licenses.</p> <p>8. Cancellation of indorsement in certain cases.</p> <p>9. Licenses may be cancelled for keeping house improperly.</p> <p>10. Amendment of law as to sales to a prohibited person.</p>	<p>11. Cancellation of license to affect licensee, not premises.</p> <p>12. Notice of objection to be given to applicant.</p> <p>13. Temporary license in case of accident, &c., or rebuilding.</p> <p>14. Repeal of section 22, "Alcoholic Liquors Sale Control Act, 1893."</p> <p>15. Grant of conditional license.</p> <p>16. In case of lapse, no new license to be granted more than a quarter of a mile from lapsed premises.</p> <p>17. Repeal.</p> <p>18. Informations under Licensing Acts to be laid within fourteen days.</p> <p>Schedules.</p>
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A BILL INTITULED

AN ACT to make Further Provision to regulate and control the Title. Sale of Intoxicating Liquors.

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 Amend- Short Title. ment Act, 1898."

2 In this Act,— Interpretation. "The principal Act" means "The Licensing Act, 1881":

10 "The Licensing Acts" mean "The Licensing Act, 1881," and its amendments, including "The Alcoholic Liquors Sale Control Act, 1893," and "The Alcoholic Liquors Sale Control Act Amendment Act, 1895," and this Act.

15 3. "The Alcoholic Liquors Sale Control Act Amendment Act, 1895," is hereby amended as follows:— Amendment of "The Alcoholic Liquors Sale Control Act Amendment Act, 1895."

(1.) As to subsection two of section three, by repealing the same.

(2.) As to section six, by repealing the same and enacting in lieu thereof the following: "Each voter shall be entitled to vote upon one of the proposals."

20 (3.) As to subsection two of section eight, by repealing the same.

(4.) As to subsection three of section eight, by striking out the words "for reduction and" in the seventh line thereof.

(5.) As to the First Schedule, by repealing the same and enacting in lieu thereof the proposals in the First Schedule hereto.

(6.) As to the Third Schedule, by repealing the same and enacting in lieu thereof the form of public notice in the Second Schedule hereto.

Proviso to section 70, "Licensing Act, 1881."

4. The following proviso shall be added to section seventy of "The Licensing Act, 1881," namely:—

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"Provided always that, in the event of any licensee failing to pay such sum within the said fourteen days, the person authorised to receive the same shall forthwith give notice to the owner of the licensed premises that the same has not been paid; and if such sum shall be paid by the owner within seven days from the service of such notice the certificate shall be and remain valid."

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Uniform closing-hours for licensed premises.

5. Section 154 of the principal Act is hereby repealed, and the following enacted in lieu thereof:—

(1.) All licensed premises situated within any boroughs or cities with the meaning of "The Municipal Corporations Act, 1881," shall be closed as follows—that is to say,—

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(a.) On Saturday night at eleven o'clock until six o'clock on the following Monday morning;

(b.) On the nights of all other days from eleven o'clock until six o'clock on the following morning.

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(2.) All other licensed premises shall, subject to the provisions of section twelve of "The Alcoholic Liquors Sale Control Act, 1893," be closed as follows, that is to say,—

(a.) On Saturday night from ten o'clock until six o'clock on the following Monday morning;

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(b.) On the nights of all other days from ten o'clock until six o'clock on the following morning.

All licensed premises shall be closed on Christmas Day and Good Friday, and on the days preceding Christmas Day and Good Friday respectively, as if Christmas Day and Good Friday were respectively Sunday and the preceding days were respectively Saturday; but this provision shall not alter the hours during which such premises shall be closed on Sunday when Christmas Day immediately precedes or succeeds Sunday.

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Section 108 of principal Act amended.

6. Section one hundred and eight of the principal Act is hereby amended as follows: By striking out the word "forty," in the first line of subsection one, and inserting in lieu thereof the words "forty-five."

Indorsement of licenses.

7. Notwithstanding anything to the contrary in the Licensing Acts contained, in any case where a licensee is convicted of an offence involving under such Acts the indorsement of the conviction on the license, then the convicting Court may in its discretion, and having regard to all the circumstances of the case, and especially to the degree of moral blame attaching to the licensee, order such indorsement to be made or not to be made, and may order such licensee to pay such penalty not exceeding *fifty* pounds as it shall think fit for each offence; and also, in any case where the conviction is ordered to be indorsed on the license, and there is then a subsisting indorsement of a previous conviction on such license, may order that such licensee shall be disqualified from holding a license for any term not exceeding three years; subject, however, to the provisions of the immediately succeeding section hereof.

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8. In any case where a conviction is indorsed on a license the convicting Court may add to such conviction the condition that the indorsement shall be deemed cancelled if no subsequent indorsement is made within such period not exceeding twelve consecutive months as the Court thinks just, having regard to all the circumstances of the case, and especially to the degree of moral blame attaching to the licensee; and in such case, if the condition is fulfilled, the indorsement shall be deemed to be cancelled accordingly, anything in the Licensing Acts to the contrary notwithstanding.

Cancellation of indorsement in certain cases.

10 9. Section seventy-six of the principal Act is amended by repealing the same and enacting in lieu thereof:—

Licenses may be cancelled for keeping house improperly.

“Notwithstanding anything to the contrary in the Licensing Acts contained, should the Licensing Committee at any quarterly meeting be satisfied that the holder of any license is conducting his licensed house in an improper manner, or is repeatedly intoxicated, or that any of the conditions upon which the said license was granted have not been fulfilled in a satisfactory manner, the Licensing Committee shall before proceeding to cancel such license give notice in writing to the licensee, and also to the owner of such licensed premises as defined by the principal Act, that the Committee will cancel such license unless within a period to be named in such notice, not being less than twenty-one days from the service of such notice, an application be made for a transfer of such license to some fit and proper person; and if within the time so named no such application shall be made, or if any application so made shall be refused, the Committee may proceed under the powers contained in the Licensing Acts to cancel such license: Provided always that if within the time so named the licensee shall neglect or refuse to apply for a transfer of such license, or in case the application made by such licensee shall be refused, then and in such case the owner of such licensed premises shall be entitled within three days from the expiry of the time named in the said notice, or from the refusal of the said application by the licensee, as the case may be, to apply for a transfer of the said license to some fit and proper person in the same manner in every respect as though such owner were then the holder of such license.”

10. In any proceedings under the Licensing Acts against any licensee for selling liquor to a prohibited person it shall be a sufficient defence if the defendant satisfies the Court that he or, as the case may be, his agent actually selling the liquor did not know that the person to whom the liquor was sold was a prohibited person.

Amendment of law as to sales to a prohibited person.

11. Notwithstanding anything to the contrary in the Licensing Acts contained, no premises in respect of which a license has been heretofore granted or may hereafter be granted shall be disqualified or in any way prejudicially affected so far as affects the capacity of the premises to have a license granted in respect thereof owing to any act, neglect, default, or omission on the part of the person holding such license; and in all cases where disqualification, forfeiture, or cancellation of any license takes place or is effected by the Licensing Committee, or by any Court, or by operation of law or otherwise howsoever, the Chairman and two members of the Licensing Committee may, on the application of the owner of the licensed premises, authorise any fit and proper person to carry on the business in the

Cancellation of license to affect licensee, not premises.

said licensed premises until the then next-ensuing quarterly licensing meeting; and at such quarterly licensing meeting the Committee may, on such application as aforesaid, make an order authorising the same or any other fit and proper person to carry on the business in the said licensed premises until the expiration of the license, in the same way as if such license had been regularly transferred to such person, and the person so authorised shall be entitled at the next annual licensing meeting to apply for a renewal of the license, in the same manner in all respects as though such person were the holder of such license.

Notice of objection to be given to applicant.

12. Notwithstanding anything to the contrary in the Licensing Acts contained, no objection to the granting, renewal, removal, or transfer of a license shall be entertained or allowed unless notice in writing signed by the objector or objectors, particularly specifying such objection, shall, ten days at the least before the date fixed for hearing such application, be served on the applicant personally or sent by prepaid registered letter addressed to the applicant at his last-known place of business or residence.

Temporary license in case of accident, &c., or rebuilding.

13. Section one hundred and seven of the principal Act is amended by repealing the same and enacting in lieu thereof the following:—

“If the licensed premises of any licensed publican shall or may be rendered unfit or unsuitable for the carrying-on of his business by fire, tempest, or other calamity, or in consequence of the rebuilding or repairing of such premises, or the erection of new premises in lieu thereof, any Chairman or any two members of the Licensing Committee, on the application by or on behalf of such licensed publican, may, if he or they shall see fit so to do, by order under his or their hand, authorise such licensed publican temporarily to carry on his business in some neighbouring house or in some building erected on or near the site of the said licensed premises, although not having the accommodation required by this Act, for any period not exceeding nine calendar months, to allow of the rebuilding or repairing of the premises so rendered unfit or unsuitable as aforesaid.”

Repeal of section 22, “Alcoholic Liquors Sale Control Act, 1893.”

14. Section twenty-two of “The Alcoholic Liquors Sale Control Act, 1893,” is hereby repealed.

Grant of conditional license.

15. (1.) Section twenty of “The Alcoholic Liquors Sale Control Act Amendment Act, 1895,” shall apply to conditional licenses.

(2.) It shall not be necessary for the Chairman and the two members to be actually present together at the one time and place for the purpose of jointly exercising any of the powers in that section referred to.

(3.) If the Chairman is absent from his usual place of abode, or through illness or otherwise is unable to concur with the two members without delay in granting any conditional or other license, or any order, certificate, or other document under the powers in that behalf conferred by the Licensing Acts or this Act, then the same may be granted by any three members of the Committee; and in such case the requisite license or document shall be signed by the three members and be countersigned by the Clerk, anything in section thirty-one of the said Act to the contrary notwithstanding.

In case of lapse no new license to be

16. Subsection four of section twenty-two of “The Alcoholic Liquors Sale Control Act Amendment Act, 1895,” is hereby amended

by adding the following words: "If in any district a license shall lapse from any cause, no other license shall be granted at a greater distance than a quarter of a mile by the nearest road from such lapsed licensed premises." granted more than a quarter of a mile from lapsed premises.

5 17. All the provisions of the Licensing Acts which provide for the disqualification of licensed premises are hereby repealed. Repeal.

18. All informations against a licensee for any alleged breach of the Licensing Acts must be laid within fourteen days from the date of the committal of such alleged offence. Informations under Licensing Acts to be laid within fourteen days.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

I vote that the number of licenses existing in the district continue.
I vote that no licenses be granted in the district.

General Directions.

The voter must strike out one of the proposals.
The voter must strike out the proposal which he does not wish to be carried.
The voting-paper so marked is to be dropped by the voter into the separate ballot-box prepared for it, and not into the same box as that in which he drops his electoral ballot-paper.

If the voter strikes out both or fails to strike out one of the proposals the voting-paper will be void.

The voter is not allowed to take his voting-paper out of the polling-booth.

SECOND SCHEDULE.

DECLARATION OF LICENSING POLL IN THE DISTRICT.

LICENSING DISTRICT OF

In pursuance of "The Alcoholic Liquors Sale Control Act Amendment Act, 1895," I hereby give public notice of the result of the local-option poll taken under the provisions of the said Act.

Number of Votes recorded.

That the number of licenses existing in the district continue...
That no license be granted in the district
	[or, as the case may be,	
That licenses be restored in the district
That licenses be not restored in the district

The total number of voters whose votes were recorded at the poll was ; and, as the number of votes recorded in favour of the proposal that the existing number of licenses in the district continue is an absolute majority of the total number of votes as aforesaid, I hereby declare such proposal to be carried.

[or,
The total number of voters whose votes were recorded at the poll was ; and, as the number of votes recorded in favour of the proposal that no licenses be granted in the district (or that licenses be restored or be not restored in the district, as the case may be) is not less than three-fifths of the total number of voters as aforesaid, I hereby declare such proposal to be carried.

Dated this day of 18 .]

[or,
The total number of voters whose votes were recorded was ; and, as none of the proposals respecting licenses in the district obtained the prescribed majority, I declare none of them to be carried.

Dated at , this day of , 18 .]

, Returning Officer.

NOTE.—All the forms in this Schedule are to be altered to suit the circumstances.