

LICENSING AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

1. THE purpose of the amendment in section 128 of the principal Act is to prevent the evasion of the law which prohibits the removal of a license beyond the limits prescribed by section 127 of the principal Act. The present provision in section 128 applies only where a license lapses "by reason of non-application for renewal or of the withdrawal or refusal of such application," and a practice has recently been adopted of applying for a license for a house and neglecting to pay the fee required, causing a lapse for a reason not specified in section 128, and then applying for a license beyond the limits prescribed by section 127 for removal. The amendment proposed will prevent the grant of a new license beyond the limits prescribed by section 127 in place of a license which for any reason whatever ceases to exist. The amendment gives effect to the intention of the law as expressed in sections 127 and 128, and removes the defect which enables that intention to be frustrated.

The only new provision is the addition of New-Zealand-wine licenses to the class of license already dealt with by section 128.

2. The repeal, by section 3, of section 144 of the principal Act is necessary by reason of the repeal of the law relating to local no license by the Act of 1918.

3. The amendment of section 30 of the Act of 1910 extends the provisions of that section by making it applicable to accommodation licenses, New-Zealand-wine licenses, and wholesale licenses, as well as to publicans' licenses. With regard to wholesale licenses, the limit of distance for the grant of a new license replacing a forfeited license is not applicable.

4. The following is a reprint of section 128 of the principal Act and section 30 of the Amendment Act of 1910, showing the original text of those sections and the amendments proposed.

(1908.) 128. In any case where a publican's license or an accommodation license or *New-Zealand-wine license* lapses ~~by reason of non-application for renewal or of the withdrawal or refusal of such application, and in consequence of the lapse or ceases to exist for any reason, and where consequently~~ the Committee has jurisdiction to grant a new license, such new license shall not be granted in respect of premises situate beyond the limits fixed by subsection four of the last preceding section in the case of removals.

(1910.) 30. (1.) Save as provided by this Act in respect of the restoration of licenses, ~~or by section one hundred and forty four of the principal Act with respect to increase of licenses,~~ no new publican's license shall, ~~after the passing of this Act,~~ *accommodation license, New-Zealand-wine license, or wholesale license* shall be granted in any licensing district ~~except when a publican's license~~ *except when a license of the description applied for* has been forfeited, or has not been renewed, or has otherwise ceased to exist. *In the case of a publican's license, accommodation license, or New-Zealand-wine license* no such license shall be granted in respect of premises situated beyond the limits fixed by subsection four of section one hundred and twenty-seven of the principal Act.

(2.) In every such case ~~one new publican's license~~ *one new license of the same description as the license which has been forfeited, or has not been renewed, or has otherwise ceased to exist,* may, at the first annual meeting after the forfeiture, *non-renewal, or cesser* of the former license, or at the annual meeting at which a renewal of the former license might have been granted if duly applied for, be granted by the Licensing Committee having jurisdiction for the time being in the place where the premises were situated to which the former license related.

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This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.

Legislative Council.

26th August, 1920.

Hon. Mr. Barr.

LICENSING AMENDMENT.

ANALYSIS.

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| Title.
1. Short Title.
2. Section 128 of principal Act amended. | 3. Repeal.
4. Section 30 of Licensing Amendment Act, 1910, amended. |
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A BILL INTITULED

AN ACT to amend the Licensing Act, 1908.

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. This Act may be cited as the Licensing Amendment Act, 1920, and shall be read with and form part of the Licensing Act, 1908 (hereinafter referred to as the principal Act). Short Title.
- 10 2. Section one hundred and twenty-eight of the principal Act is hereby amended— Section 128 of principal Act amended.
- (a.) By inserting, after the words "accommodation license," the words "or New Zealand wine license."
- (b.) By omitting the words "by reason of non-application for renewal or of the withdrawal or refusal of such application and in consequence of the lapse," and substituting in lieu thereof the words "or ceases to exist for any reason and where consequently."
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3. Section one hundred and forty-four of the principal Act is hereby repealed. Repeal.
- 20 4. (1.) Subsection one of section thirty of the Licensing Amendment Act, 1910, is hereby amended—
- (a.) By omitting the words "or by section one hundred and forty-four of the principal Act with respect to increase of licenses": Section 30 of Licensing Amendment Act, 1910, amended.
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- (b.) By omitting the words "shall after the passing of this Act," and substituting in lieu thereof the words "accommodation license, New Zealand wine license, or wholesale license shall":
- (c.) By omitting the words "except when a publican's license," and substituting in lieu thereof the words "except when a license of the description applied for":
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- (d.) By inserting, before the words "No such license," the words "In the case of a publican's license, accommodation license, or New-Zealand-wine license."
- (2.) Subsection two of the said section thirty is hereby amended—
- (a.) By omitting the words "one new publican's license," and substituting in lieu thereof "one new license of the same description as the license which has been forfeited, or has not been renewed, or has otherwise ceased to exist":
- (b.) By inserting, after the word "forfeiture," the words "non- 10
renewal or cesser."

By Authority: MARCUS F. MARKS, Government Printer, Wellington.—1920.