

Right Hon. Mr. Coates.

LICENSING AMENDMENT.

ANALYSIS.

Title.
1. Short Title.

PART I.

Licensing Polls.

- 2. Frequency of licensing polls.
- 3. Questions to be submitted at future licensing polls. Repeals.
- 4. Result of poll, how to be determined.

National Restoration of Licenses.

- 5. In the event of national prohibition being carried, polls to be thereafter taken on proposal for national restoration of licenses.

Local Restoration of Licenses in No-license Districts.

- 6. Poll for local restoration in event of national prohibition being carried.

Special Polls where Licenses affected by Changes in Electoral Boundaries.

- 7. Special poll to be taken in cases where licensed premises have by reason of change of boundaries been included in no-license district and have been subsequently excluded therefrom.

Validity of Voting-papers.

- 8. Irregular voting-paper not informal if intention of voter is clearly indicated.

PART II.

Miscellaneous Amendments of Principal Act.

- 9. Principal Act not applicable to supply of liquor for medicinal purposes by registered chemists. Consequential repeal.
- 10. As to public and private bars.
- 11. Scrutineers appointed for licensing poll may be present at final scrutiny of rolls.
- 12. Section 35 of principal Act (as to irregularities at licensing polls) amended.
- 13. Amending provisions as to casual vacancies in membership of Licensing Committee.
- 14. Provision for appointment of deputy of Clerk to Licensing Committee.
- 15. Times for meetings of Licensing Committee to be fixed by Chairman.
- 16. Any member of Licensing Committee may sign documents on behalf of Chairman.
- 17. Imposing obligations on holder of New Zealand wine license to observe order on his premises.
- 18. Amendment of definition of the term "wine" for purposes of wine-maker's licenses.
- 19. Section 77 of principal Act amended to conform, in so far as it relates to sale of New Zealand wines, to provisions relating to manufacture of such wine. Consequential amendment of form of New Zealand wine license.

- 20. Licensed premises may be required to provide sufficient hot-water service,
- 21. Notice to be given of intention to apply for conditional license.
- 22. Inspector may object to issue of wholesale or conditional license.
- 23. No consideration other than rent to be demanded or accepted by owner of licensed premises in respect of lease or other disposition thereof.
- 24. Restrictions upon transfer of licenses.
- 25. On grant or renewal of publican's license, Licensing Committee may impose a condition requiring the licensee, within a specified time, to effect certain additions, alterations, or repairs in respect of the licensed premises or the furnishings thereof.
- 26. Making provision for transfer of wholesale licenses.
- 27. Saving rights of registered chemists to dispense liquor in no-license districts.
- 28. As to publication in no-license districts or proclaimed areas of advertisements relating to intoxicating liquors.
- 29. Restriction as to employment of women in bars.
- 30. Repeal.
- 31. Section 195 of principal Act (relating to unlawful sale of liquor) amended.
- 32. Offence to supply liquor to young persons. Consequential repeals.
- 33. Section 247 of principal Act (relating to discretionary power of Court to endorse licenses) amended.
- 34. Liability of licensee for act or default of servant or agent.
- 35. Application to Polynesians of certain provisions relative to Natives.
- 36. Further provisions as to delivery of liquor in areas proclaimed under section 272 of principal Act.
- 37. Modification of provisions of section 10 of Sale of Liquor Restriction Act, 1917.
- 38. Discretionary power to cancel charter on ground that offence as to supply or consumption of liquor has been committed within chartered club.
- 39. Lodgers' register-book to be kept by innkeepers.
- 40. Registration of barmen.

PART III.

Repeals and Savings.

- 41. Repeal of spent provisions.
- 42. Saving of provisions as to local restoration polls. Schedules.

A BILL INTITULED

Title.

AN ACT to amend the Licensing Act, 1908.

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

Short Title.

1. This Act may be cited as the Licensing Amendment Act, 1928, and shall be read together with and deemed part of the Licensing Act, 1908 (hereinafter referred to as the principal Act).

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PART I.

Licensing Polls.

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Frequency of licensing polls.

2. (1) Except as otherwise provided in this section licensing polls under the principal Act shall hereafter be taken simultaneously with every alternate general election of members of Parliament, and not more frequently. The first such licensing poll to be taken after the passing of this Act shall be taken simultaneously with the first general election of members of Parliament.

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(2) If at any general election a licensing poll would not have been taken if this Act had not been passed, by reason of the provisions of paragraph (b) of section twelve of the principal Act, that general election shall not be taken into account in determining when the then next licensing poll will be taken.

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Questions to be submitted at future licensing polls.

Cf. 1918, No. 11, s. 56 (2)

3. (1) At every licensing poll taken after the passing of this Act there shall be submitted for the determination of the electors of each licensing district the following questions, namely :—

(a) The question (hereinafter referred to as "national continuance") whether the trade in alcoholic liquors shall be continued in New Zealand under the provisions of the principal Act:

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(b) The question (hereinafter referred to as "national prohibition") whether all licenses of any description then existing shall, unless sooner forfeited or determined in due course of law, continue in force for the respective periods for which they were granted, and then lapse, and shall not be renewed, and no new licenses granted.

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(2) Such questions shall be submitted in the form in the *First Schedule* hereto, and in the manner prescribed by the principal Act with respect to the taking of licensing polls.

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(3) The voting-papers shall be different in colour from the ballot-papers used at the electoral poll.

Repeals.

(4) This section is in substitution for section fifteen of the Licensing Amendment Act, 1910, as amended by section seventy-three of the Licensing Amendment Act, 1918, and the said section fifteen and subsection four of the said section seventy-three are hereby repealed.

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Result of poll, how to be determined.

4. (1) If at any licensing poll taken in accordance with the foregoing provisions of this Act the total number of valid votes recorded in favour of national prohibition is not less than *fifty-five* per centum of the total number of valid votes recorded at the licensing poll, the proposal of national prohibition shall be deemed to have been carried.

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(2) If at any licensing poll the proposal of national prohibition is carried, such determination shall come into force on the thirtieth day of June thereafter, and sections sixty-one to sixty-three of the Licensing Amendment Act, 1918, shall have effect on the coming into force of such determination.

National Restoration of Licenses.

5. (1) The provisions of this section shall apply in the event of national prohibition being hereafter carried at any licensing poll, anything to the contrary in the principal Act or any other Act notwithstanding.

10 (2) Simultaneously with the first general election for members of Parliament held after the expiration of five years from the date of the poll at which national prohibition was carried there shall be submitted for the determination of the electors of each electoral district the questions whether national prohibition shall continue or, in the alternative, whether licenses to sell intoxicating liquor shall be restored in New Zealand.

15 (3) The questions referred to in the *last preceding* subsection shall be submitted in the form in the *Second* Schedule hereto, and so far as practicable in the manner prescribed by the principal Act with respect to the taking of licensing polls thereunder.

(4) The voting-papers shall be different in colour from the ballot-papers used at the electoral poll.

20 (5) As soon as practicable after the close of the poll in any district the Returning Officer shall count the votes recorded for each of the proposals submitted to the electors, and shall reject all informal votes.

25 (6) Immediately after he has counted the said votes he shall transmit to the Minister, by telegraph or other expeditious means, a statement of the number of informal votes, and of the total number of valid votes recorded, and of the total number of valid votes so recorded for each of the proposals.

(7) So soon as the Minister has received the said statements from all the Returning Officers he shall ascertain—

(a) The total number of valid votes recorded at the poll throughout New Zealand; and

35 (b) The total number of valid votes recorded throughout New Zealand for each of the proposals.

(8) The Minister shall forthwith notify in the *Gazette* the number of the said votes as so ascertained by him, and the result of the poll as determined by the provisions hereinafter contained in that behalf.

40 (9) If and as often as any amended statement under the *next succeeding* subsection is transmitted to the Minister, or if any error is discovered in any notice published by the Minister under the provisions of this section, the Minister shall make a reascertainment of the numbers of the said votes, and shall forthwith publish in the *Gazette* an amended notice of the numbers of the said votes and of the result of the poll.

(10) If the result of the poll is disputed on the ground that the count of any Returning Officer was incorrect the following provisions shall apply:—

45 (a) Any six electors may, within seven days after the publication by the Minister of the result of the poll, apply to a Magistrate for a recount of the votes taken in the district of that Returning Officer:

In the event of national prohibition being carried, polls to be thereafter taken on proposal for national restoration of licenses.

- (b) Every such application shall be in writing under the hands of the applicants, and may be delivered to the Magistrate personally, or may be posted to him in a registered letter, or, where necessary, may be transmitted to him by telegraph :
- (c) Every such application shall be accompanied by a deposit of ten pounds :
- (d) The Magistrate shall, as soon as practicable after receiving the application and deposit as aforesaid, cause a recount of the votes to be made, and shall give at least two days' public notice of the time and place at which such recount will be made :
- (e) The recount shall be made in the presence of the Magistrate or of an officer appointed by him for the purpose, and shall, as far as practicable, be made in the manner provided in the case of the original count, and the provisions of the Electoral Act, 1927, relating to the secrecy of the ballot shall apply to such recount :
- (f) If on the recount the Magistrate finds that the statement of the Returning Officer as to the votes recorded was incorrect, he shall order the Returning Officer to transmit to the Minister an amended statement, and thereupon a copy of every such order, together with an amended statement in accordance therewith, certified by the Magistrate, shall be forthwith transmitted by the Returning Officer to the Minister :
- (g) Where the Magistrate is of opinion that the application was made on insufficient or frivolous grounds, he may order that the expenses of and incidental to the recount, or any part thereof, be defrayed out of the deposit made under this section :
- (h) Subject to any such order, the Magistrate shall direct that the deposit be returned to the person who made the same.
- (11) Any notice or amended notice, as the case may be, of the result of the poll published by the Minister under the foregoing provisions shall be final and conclusive for all purposes, and the result of the poll as stated therein shall not be questioned in any proceedings whatsoever.
- (12) As soon as practicable after the poll has been taken the Returning Officer shall make up into parcels all the voting-papers, marked copies of the roll, and other documents used in connection with the poll, and, having sealed those parcels and endorsed them with a description of their contents, shall transmit them to the Clerk of the Magistrate's Court nearest to the principal polling-place, who shall deal with them in the manner provided by section thirty-four of the Local Elections and Polls Act, 1925.
- (13) If more than *fifty-five* per centum of the total number of valid votes recorded is in favour of the proposal that licenses be restored in New Zealand, the determination of the electors shall be deemed to be in favour of that proposal.
- (14) Any such determination of the electors in favour of the restoration of licenses shall come into force throughout New Zealand on the expiration of three months after the day of the general election at which the poll was taken.

(15) On the coming into force of that determination the following provisions shall apply :—

(a) The previous determination of the electors in favour of national prohibition shall be superseded, and shall cease to have any force or effect :

(b) A Licensing Committee shall thereupon be constituted in each licensing district in accordance with the principal Act, save that the first election of the elective members of those Committees shall take place on a day appointed by the Governor-General in that behalf, and succeeding periodical elections shall take place on the corresponding day in every third year thereafter :

(c) At the first annual meeting of the Licensing Committee so constituted in any district, and thereafter from time to time, licenses of the descriptions which may be granted under the principal Act shall be granted in accordance with that Act, and the Committee shall exercise in respect of such licenses all the powers vested in a Licensing Committee by the principal Act :

(d) The number of publicans' licenses so granted shall not exceed one for every complete five hundred electors of the district at the date of the coming into force of the determination in favour of the restoration of licenses, and, except as provided in the next succeeding paragraph, shall not be less (if a sufficient number of such licenses is duly applied for) than one for every complete one thousand five hundred electors of the district at the date aforesaid :

Provided that every application for a license shall, notwithstanding anything herein, be subject to all the provisions of sections eighty-three to one hundred and five of the principal Act :

(e) Notwithstanding anything to the contrary in the last preceding paragraph, if a proposal in favour of national restoration is carried at the first poll taken after the poll at which the proposal in favour of national prohibition was carried, the following provisions shall apply, namely,—

(i) No licenses shall be granted in a former no-license district unless the determination of the electors of that district at a poll taken in accordance with the next succeeding section is in favour of the restoration of licenses therein ; and

(ii) The number of publicans' licenses to be granted in any other licensing district or in any borough situated within such licensing district shall not exceed the number of such licenses in force in such district or in such borough, as the case may be, immediately prior to the coming into force of the determination in favour of national prohibition.

(16) In determining applications for such licenses the owners of premises in respect of which a publican's license was in existence at the time of the coming into force of the licensing poll in favour of national prohibition shall, unless some objection under section one hundred and nine of the principal Act is established, be given preference over applications by other persons.

(17) After the coming into operation of a determination in favour of the restoration of licenses in New Zealand, licensing polls shall from time to time be taken in accordance with this Act in the same manner as if national prohibition had never been in force, and all the provisions of the principal Act and of this Act shall apply accordingly.

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Local Restoration of Licenses in No-license Districts.

Poll for local restoration in event of national prohibition being carried.

6. (1) At the taking of the poll as provided in subsection *two* of the *last preceding* section there shall, in addition to the questions therein provided for, be submitted to the electors of every no-license district the question whether licenses shall be restored in that district. 10

(2) Every such poll shall be taken in the manner prescribed by and shall be subject to the provisions of sections eight to eleven of the Licensing Amendment Act, 1910.

(3) If the determination at any poll taken under this section is in favour of the proposal that licenses be restored in any no-license district, 15 such decision shall have no effect unless the determination at the poll taken under subsection *two* of the *last preceding* section is in favour of national restoration. If the determination at the last-mentioned poll is in favour of national restoration, and the determination of the 20 electors of any no-license district is in favour of restoration in that district, licenses shall be granted in that district in accordance with the provisions of the *last preceding* section. 25

Special Polls where Licenses affected by Changes in Electoral Boundaries.

Special poll to be taken in cases where licensed premises have by reason of change of boundaries been included in no-license district and have been subsequently excluded therefrom.

7. (1) Where as the result of the division of New Zealand into 25 electoral districts by the Representation Commissioners, as provided for by the Electoral Act, 1927, any licensed premises are included within the boundaries of a no-license district, and thereafter, by a subsequent change of boundaries, such premises are included within a district in which licenses may be granted, the following provisions shall, subject to 30 the provisions of subsections *three* and *four* hereof, apply:—

(a) At the first licensing poll to be taken after the inclusion of the premises in a district within which licenses may be granted as aforesaid, there shall be submitted for the determination of the electors of that district a proposal that the Licensing 35 Committee of the district be empowered to issue a new license in respect of any such premises, and for that purpose to increase the number of licenses held within the licensing district.

(b) The proposal shall be submitted in the form in the *Third* 40 Schedule hereto, and in the manner prescribed by the principal Act with respect to the taking of licensing polls.

(c) If more than one-half of the total number of valid votes recorded at the poll is in favour of the proposal, the proposal shall be deemed to be carried. 45

(d) At the first annual meeting of the Licensing Committee for the district held after such proposal has been carried, the Committee shall, on application (unless in its opinion the premises fail to comply with the requirements of the principal Act), authorize the issue of a license in respect of any premises to 50

which the said proposal related, to be held by the licensee on the same conditions in all respects as those on which other licenses of the same kind are held. Any license issued pursuant to this section shall be in addition to any other license the issue of which the Licensing Committee is by the principal Act empowered to authorize.

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(2) This section shall apply with respect to any premises heretofore licensed that, having at any time been included in a no-license district by reason of a change of boundaries, have subsequently at any time before the passing of this Act been included in a district in which licenses may be issued. In any case to which this subsection applies the poll to be taken under this section shall be taken simultaneously with the licensing poll to be taken next after the passing of this Act.

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(3) A poll of the electors of any district shall not be taken under this section unless a petition signed by not less than ten per centum of the electors of that district has been presented to the Governor-General praying that a poll be taken under this section.

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(4) In any case to which subsection two of this section applies, a petition in accordance with the last preceding subsection may be presented at any time not later than fourteen days after the passing of this Act; and in any other case such petition may be presented not later than the thirtieth day of June in the year in which the licensing poll is to be taken.

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(5) For the purposes of this section the term "premises" shall include any premises built in replacement of any former premises.

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Validity of Voting-papers.

8. No voting-paper used at any poll under the principal Act or this Act that clearly indicates the proposal for which the voter intended to vote shall be rejected as informal.

Irregular voting-paper not informal if intention of voter is clearly indicated.

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PART II.

Miscellaneous Amendments of Principal Act.

9. (1) Section three of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph :—

Principal Act not applicable to supply of liquor for medicinal purposes by registered chemists.

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"(b) To any person duly registered under the Pharmacy Act, 1908, as a pharmaceutical chemist who supplies, keeps for sale, or sells any spirituous, distilled, or fermented liquors exclusively for medicinal purposes and in accordance with regulations made by the Governor-General in Council in that behalf."

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(2) So much of the Sixth Schedule to the Licensing Amendment Act, 1910, as relates to the said section three is hereby repealed.

Consequential repeal.

10. (1) Section four of the principal Act is hereby amended as follows :—

As to public and private bars.

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(a) By omitting from the definition of the expression " public bar " or " bar " the words " or bar " :

(b) By inserting, after the definition of the term " premises," the following definition : " " Private bar " means any part of licensed premises other than a public bar, which is principally or exclusively used for the sale, supply, or consumption of intoxicating liquor."

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(2) Where in the principal Act or any other Act relating to the sale of intoxicating liquor the term "bar" is used without qualification, it shall include either a public bar or a private bar, unless by reason of the context it is necessarily limited in its application to a public bar or a private bar, as the case may be. 5

(3) Every publican's license granted or renewed after the passing of this Act shall authorize the use of one public bar, and may, if the Licensing Committee in its discretion thinks fit, authorize the use of one or more private bars. The number of private bars that may be so used in any licensed premises shall be specified in the license. 10

(4) If any person opens or uses for the sale of liquor any bar other than the authorized public bar or an authorized private bar, or permits the same to be opened or used for such sale, he shall be deemed to have been guilty of selling liquor without a license.

(5) Section two hundred of the principal Act shall in its application to any licensed premises be deemed to be superseded on the issue of a new license or on the renewal of a license in respect of those premises after the passing of this Act. 15

(6) The form numbered (1) in the Seventh Schedule to the principal Act is hereby amended by omitting the words "one bar therein and no more," and substituting the words "one public bar and [State number] private bars therein and no more." 20

(7) In addition to the fees prescribed by section one hundred and thirty-nine of the principal Act, an annual fee of *ten* pounds shall be payable by the licensee in respect of each private bar authorized pursuant to this section. Every such fee shall, before the issue of the license, be paid to the Clerk of the Licensing Committee, who shall pay the same into the Public Account to the credit of the Ordinary Revenue Account of the Consolidated Fund. 25

Scrutineers appointed for licensing poll may be present at final scrutiny of rolls.

11. (1) Section twenty-two of the principal Act is hereby amended by inserting, after the reference to the Legislature Act, 1908, the words "(including the right to be present at any scrutiny of the rolls conducted by the Returning Officer after the close of the poll)." 30

(2) Subsection two of section one hundred and forty-five of the Electoral Act, 1927, shall be read subject to the provisions of the *last preceding* subsection. 35

Section 35 of principal Act (as to irregularities at licensing polls) amended.

12. Section thirty-five of the principal Act is hereby amended by inserting, after the words "Prints or distributes or delivers" in paragraph (b), the words "or exhibits."

Amending provisions as to casual vacancies in membership of Licensing Committee.

13. Section forty-nine of the principal Act is hereby amended by inserting, after the words "or is absent" in subsection one, the words "without leave of the Committee." 40

Provision for appointment of deputy of Clerk to Licensing Committee.

14. (1) The Chairman of a Licensing Committee may appoint any fit person to be the deputy of the Clerk to the Licensing Committee, to act in the place of the Clerk in the event of his illness or absence. 45

(2) The fact that any person with the concurrence of the Licensing Committee acts as the deputy of the Clerk shall be conclusive evidence of his authority so to do.

Times for meetings of Licensing Committee to be fixed by Chairman.

15. Section fifty-four of the principal Act is hereby amended by omitting from subsection one the words "At noon." 50

16. (1) Any certificate, order, or other document which is required by or for the purposes of the principal Act to be signed by the Chairman of a Licensing Committee may be signed on his behalf by any other member of the Committee, who in any such case shall add to his signature words indicating that he signs on behalf of the Chairman.

Any member of Licensing Committee may sign documents on behalf of Chairman.

(2) The provisions of paragraph (s) of section sixty of the principal Act shall be read subject to the provisions of this section.

17. The provisions of section one hundred and eighty-one of the principal Act shall, with the necessary modifications, apply with respect to the holder of a New Zealand wine license as if he were an innkeeper, and to the premises specified in a New Zealand wine license as if they were premises in respect of which a publican's license had been granted and was in force.

Imposing obligations on holder of New Zealand wine license to observe order on his premises.

18. Section eleven of the Licensing Amendment Act, 1914, is hereby amended by repealing subsection thirteen thereof, and substituting the following subsection:—

Amendment of definition of the term "wine" for purposes of wine-makers' licenses.

(13) For the purposes of this section the term "wine" includes any liquor being the produce of fruit (other than apples or pears) grown in New Zealand, either with or without an admixture of imported brandy, but so that in no case shall the strength exceed forty per centum of proof spirit."

19. (1) Section seventy-seven of the principal Act is hereby amended as follows:—

Section 77 of principal Act amended to conform, in so far as it relates to sale of New Zealand wine, to provisions relating to manufacture of such wine.

(a) By omitting the word "wine" before the word "cider"; and
(b) By inserting, after the words "twenty per centum of proof spirit," the words "and any wine of a kind which may lawfully be manufactured by the holder of a wine-maker's license pursuant to the terms of that license."

(2) The form numbered two in the Seventh Schedule to the principal Act is hereby consequentially amended as follows:—

Consequential amendment of form of New Zealand wine license.

(a) By omitting the word "wine" before the word "cider"; and
(b) By inserting, after the words "twenty per centum of proof spirit," the words "and any wine of a kind which may lawfully be manufactured by the holder of a wine-maker's license pursuant to the terms of that license."

20. In addition to the matters specified in section ninety-one or in section one hundred and nine of the principal Act, as the case may be, but without limiting the provisions of those sections, objection may be taken to the grant or renewal of a publican's license under the principal Act on the specific ground that there is not a proper hot-water service in connection with the public bar or with any private bar therein, or that provision is not made to ensure sufficient sanitary or other accommodation for the comfort or convenience of guests or of the persons employed in the licensed premises.

Licensed premises may be required to provide sufficient hot-water service.

21. (1) Every person who desires to obtain a conditional license shall give to the Clerk of the Licensing Committee not less than seven days' notice in writing of his intention to apply for such license.

Notice to be given of intention to apply for conditional license.

(2) Section one hundred and two of the principal Act is hereby consequentially amended by omitting the words "at any time without notice or any formal application at a licensing meeting."

Inspector may
object to issue of
wholesale or
conditional license.

22. (1) Any Inspector in the licensing district wherein are situated the premises in respect whereof application is made for the grant or renewal of a wholesale license may appear and object at any licensing meeting to the granting of the application, and any Inspector whatever may appear before the Licensing Committee, or before the Chairman and two members thereof, as the case may be, and object to the grant of a conditional license. 5

(2) No application for the grant of a conditional license or for the grant or renewal of a wholesale license shall be dealt with unless and until a police report on the application has been received by the Clerk to the Licensing Committee and has been considered by the Committee or by the Chairman and two members thereof, as the case may be. 10

No consideration
other than rent
to be demanded
or accepted by
owner of licensed
premises in respect
of lease or other
disposition thereof.

23. (1) It shall not be lawful for the owner or landlord of any licensed premises to demand or receive any fine, payment, bonus, premium, or other consideration for a lease or other like disposition of the licensed premises in addition to the rent reserved by the lease or other instrument of disposition. 15

(2) Any moneys received by an owner or landlord in breach of the provisions of this section shall be recoverable as a debt due to the person who paid the same from such owner or landlord. 20

(3) The question whether or not any amount has been paid to or received by an owner or landlord by way of fine, bonus, premium, or otherwise in addition to the rent reserved, shall be a question of fact to be determined by the Court in which any proceedings for the recovery thereof may be taken. In determining any such question the Court may take into account the terms and conditions of all contracts and agreements incidental to the lease or other disposition of the licensed premises, and may in its discretion determine with respect to any such contract or agreement that the consideration or any part of the consideration purported to be given therefor is in fact in the nature of a premium, bonus, or fine paid or agreed to be paid in consideration of the lease or other disposition of the licensed premises as aforesaid. 25 30

Restrictions
upon transfer of
licenses.

24. (1) In considering any application for the transfer of a license made pursuant to the principal Act the Licensing Committee may take into account the consideration paid or agreed to be paid in respect of the proposed transfer, and may refuse to grant such transfer if in any case it is of opinion that such consideration, including the consideration for any transaction incidental to the proposed transfer, is excessive. 35

(2) It shall not be lawful for the holder of any publican's license on the assignment or other disposition of his interest therein, or of his interest in the licensed premises, to demand or receive any fine, premium, bonus, or other like sum in addition to the reasonable value of such interest; and any amount paid by way of fine, premium, bonus, or other like sum may be recovered by the person who paid the same as a debt due to him from the person who received the same. 40 45

(3) The question whether or not any amount has been paid by way of fine, premium, bonus, or other like sum as aforesaid shall be a question of fact to be determined by the Court in which any proceedings for the recovery thereof may be taken. In determining any such question the Court may take into account the terms and conditions of all contracts or agreements incidental to the assignment or transfer of the license, and may in its discretion determine, with respect to any 50

such contract or agreement, that the consideration or any part of the consideration purported to be given therefor is in fact in the nature of a premium, bonus, or fine paid or agreed to be paid in consideration of the assignment or transfer.

6 25. (1) Notwithstanding anything to the contrary in the principal Act, the grant or renewal of a publican's license thereunder may in the discretion of the Licensing Committee be made subject to the condition that the licensee shall, within such time as the Committee may specify in that behalf, cause to be carried out such additions, alterations, or repairs in respect of the licensed premises or the furnish- 10 ings thereof as the Committee may stipulate in that behalf.

On grant or renewal of publican's license, Licensing Committee may impose a condition requiring the licensee, within a specified time, to effect certain additions, alterations, or repairs in respect of the licensed premises or the furnishings thereof.

(2) In determining the nature and extent of any conditions to be imposed on the licensee of any premises pursuant to this section, the discretion of the Committee shall not be limited by the requirements 15 of the principal Act with respect to licensed premises, but the Committee may make such stipulations as in the circumstances it thinks proper, having regard to the reasonable requirements of the travelling public and of other persons resorting to the licensed premises and to the locality in which the premises are situated.

20 (3) The Committee shall reduce to writing any conditions imposed by it on a licensee under this section; and the terms of any publican's license issued in the form prescribed in the Seventh Schedule to the principal Act shall be read subject to any such written conditions as aforesaid and to the provisions of this section.

25 (4) If within the time specified by the Committee, or within such extended time as the Committee may allow in that behalf, the licensee fails to comply to the satisfaction of the Committee with the conditions imposed by the Committee, the Committee may by order in writing suspend the license.

30 (5) Every order of suspension under this section shall take effect on a day to be specified therein, and shall continue in force for such period as the Committee may determine, but shall not continue in force after the works specified in the conditions imposed on the licensee have been completed to the satisfaction of the Committee.

35 (6) While any order of suspension under this section is in force in respect of any premises those premises shall not be deemed to be licensed premises, and the licensee shall not be deemed to be a person licensed to sell intoxicating liquor.

40 26. (1) Section one hundred and eighteen of the principal Act is hereby amended by omitting the words "a wholesale license."

Making provision for transfer of wholesale licenses.

(2) Section one hundred and twenty of the principal Act is hereby amended by omitting from subsection one the words "a wholesale license."

45 (3) Section one hundred and twenty-five of the principal Act is hereby amended by omitting the words "a wholesale license."

27. Section one hundred and forty-seven of the principal Act is hereby amended by inserting, after the words "Nothing in this section" in paragraph (h), the words "or in the last preceding section."

Saving rights of registered chemists to dispense liquor in no-license districts.

50 28. No person shall after the passing of this Act be deemed to have committed the offence of soliciting orders for liquor within a no-license district or within an area proclaimed by the Governor-General under section two hundred and seventy-two of the principal

As to publication in no-license districts or proclaimed areas of advertisements relating to intoxicating liquors.

Act by reason of the fact that he has published or caused to be published in a newspaper circulating in that district or area (whether published therein or not) an advertisement relating to such liquor, unless in any such case the Court is satisfied that the advertisement was published with intent to procure orders for liquor from a no-license district or from an area proclaimed as aforesaid. 5

Restriction as to employment of women in bars.

29. (1) Section one hundred and sixty-two of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection :—

“(1) No woman (other than the licensee, or the wife, daughter, 10 mother, or sister of the licensee, or a woman *bona fide* employed on the licensed premises, with the approval for the purposes of this section of the Licensing Committee, as the housekeeper of a licensee who is an unmarried man or a widower) shall, with or without her consent, be employed in or about any bar of the licensed premises at 15 any time while the licensed premises are required to be closed.”

(2) Section thirty-six of the Licensing Amendment Act, 1910, is hereby amended by repealing paragraph (a) of subsection three, and substituting the following paragraph :—

“(a) The wife, daughter, mother, or sister of the licensee, or any 20 woman *bona fide* employed on the licensed premises, with the approval for the purposes of this subsection of the Licensing Committee, as the housekeeper of a licensee who is an unmarried man or a widower.”

Repeal.

30. Section one hundred and sixty-four of the principal Act is hereby amended by repealing subsection two thereof. 25

Section 195 of principal Act (relating to unlawful sale of liquor) amended.

31. (1) Section one hundred and ninety-five of the principal Act is hereby amended as follows :—

(a) By inserting, after the words “sell or expose” in subsection one, the words “or keep” : 30

(b) By inserting, after the words “selling or exposing” wherever those words occur in subsection two, the words “or keeping” :

(c) By omitting from subsection three the words “declare all liquors found in possession of any such person as last aforesaid, and the vessels containing such liquor, to be forfeited,” 35 and substituting the following words: “declare to be forfeited, in the case of an unlicensed person, all liquor found in his possession; and, in the case of the holder of a license, all liquor found in his possession of a kind which he is not 40 licensed to sell, or found in his possession at a place where he is not authorized to sell the same; and in all the cases aforesaid may also declare to be forfeited all vessels containing any such liquor.”

(2) The provisions of the said section one hundred and ninety-five as to forfeitures shall not be deemed to be limited in their application to districts wherein licenses are in force, but shall apply equally within no-license districts and within areas proclaimed under section two hundred and seventy-two of the principal Act. 45

Offence to supply liquor to young persons.

32. (1) Save as hereinafter otherwise provided, every person commits an offence and is liable to a fine of *ten* pounds who, whether the holder of a license under the principal Act or not, supplies or allows 50

to be supplied, by purchase or otherwise, any intoxicating liquor to any person under the age of twenty-one years.

(2) Every person is liable to a fine of *ten* pounds who, with intent to obtain any intoxicating liquor, falsely represents himself to be of
5 or over the age of twenty-one years.

(3) Notwithstanding the foregoing provisions of this section, it shall not be unlawful for any parent or guardian of a young person, or for any person acting with the authority of the parent or guardian, and not being the holder of a license under the principal Act, or for any
10 individual in his own home or in any room or premises to which he is entitled for the time being to exclusive possession, to supply intoxicating liquor to any young person as aforesaid, nor for the holder of a license under the principal Act, with the authority of the parent or guardian, to supply intoxicating liquor to a young person resident on the licensed
15 premises or being a *bona fide* guest or lodger therein.

(4) Section two hundred and two and paragraph (b) of section two hundred and five of the principal Act are hereby repealed.

Consequential repeals.

(5) Section six of the Licensing Amendment Act, 1914, is hereby amended by repealing subsections one and two thereof.

20 33. Section two hundred and forty-seven of the principal Act is hereby amended by omitting all words after the words "the Court may," and substituting the following words: "nevertheless, if in its discretion it thinks fit, declare as part of its sentence that a record of the conviction shall be endorsed on the license of the offender, and in
25 any such case the license shall be produced to the Court by the offender, and thereupon the provisions of paragraphs (c) and (d) of the last preceding section shall apply."

Section 247 of principal Act (relating to discretionary power of Court to endorse licenses) amended.

34. (1) Every licensee on whose licensed premises any offence is proved to have been committed against the principal Act shall be deemed
30 to have permitted that offence, and shall be liable accordingly unless he proves that it was committed without his knowledge, acquiescence, or connivance, and that he took all reasonably practicable measures by way of personal supervision or otherwise to prevent the commission of any such offence.

Liability of licensee for act or default of servant or agent.

35 (2) The act or default of any servant or agent of a licensee in relation to the licensed premises shall, save as provided in the *last preceding* subsection, be deemed to be the act or default of the licensee.

36. The provisions of sections forty-three, forty-four, and forty-six of the Licensing Amendment Act, 1910, shall apply to Polynesians in
40 the same manner as they apply to Natives. For the purposes of this section the term "Polynesian" includes Melanesian and Micronesian; half-castes and persons intermediate in blood between half-castes and persons of pure Polynesian descent shall be deemed to be Polynesians.

Application to Polynesians of certain provisions relative to Natives.

37. The provisions of section eight of the Licensing Amendment
45 Act, 1914 (relating to the delivery of liquor in no-license districts), shall apply with respect to the delivery of liquor in areas heretofore or hereafter proclaimed by the Governor-General under section two hundred and seventy-two of the principal Act or the corresponding provisions of any former Licensing Act, in the same manner in all respects as if
50 such proclaimed areas were no-license districts.

Further provisions as to delivery of liquor in areas proclaimed under section 272 of principal Act.

Modification of provisions of section 10 of Sale of Liquor Restriction Act, 1917.

37. The authority conferred by section ten of the Sale of Liquor Restriction Act, 1917, to sell and serve liquor between the hours of six o'clock and eight o'clock in the evening, as part of a substantial meal served in a room set apart and used as a dining-room in an hotel or chartered club, may be extended by the Superintendent of Police for the district or by any other responsible officer of Police authorized in that behalf by the Commissioner, on application in writing made by the licensee or secretary of the chartered club, as the case may be, so as to permit of liquor being sold and served in any such room at any time not later than ten o'clock in the evening on the occasion of a banquet or other like function held or promoted by any society or association of persons or by the members of such chartered club :

Provided that if an extension has been granted under this section in respect of any society or association or club, a similar extension shall not be granted in respect of the same society or association or club within a period of *six* months thereafter.

Discretionary power to cancel charter on ground that offence as to supply or consumption of liquor has been committed within chartered club.

38. Subsection six of section two hundred and sixty-two of the principal Act, as set out in section nine of the Sale of Liquor Restriction Act, 1917, is hereby amended by omitting therefrom the word "shall" after the words "the charter of the club," and substituting the word "may."

Lodgers' register-book to be kept by innkeepers.
Cf. 1919, No. 3028, sec. 10 (Victoria).

39. (1) It shall be the duty of every innkeeper to keep or cause to be kept on the licensed premises, in accordance with regulations to be made as hereinafter provided, a register-book in which shall be entered a record of the names and addresses of all lodgers to whom rooms are appropriated in the licensed premises, specifying the rooms so appropriated.

(2) Every such register-book shall be in the prescribed form, and shall contain the prescribed particulars, and entries therein shall be made at the times and in the manner prescribed.

(3) Every Inspector of licensed premises shall be entitled to inspect such register-book on demand, and to make any extracts therefrom.

(4) Every innkeeper shall be liable to a fine of *ten* pounds in any of the following cases, that is to say :—

(a) If a lodgers' register-book is not kept on the licensed premises as required by this section :

(b) If with respect to any lodgers' register-book kept on the licensed premises there is any contravention of or failure to comply with any of the provisions of this section or of regulations thereunder :

(c) If any entry required to be made in the lodgers' register-book is not made, or if any entry is to the knowledge of the innkeeper, or of his servant or agent, false in any material particular.

(5) Every lodger or other person shall be liable to a fine of *ten* pounds who enters in a lodgers' register-book, or who supplies to an innkeeper or to his servant or agent for entry in such book, any information which is, to his knowledge, false in any material particular.

(6) The power to make regulations conferred on the Governor-General by section three hundred and four of the principal Act shall include power to make regulations—

(a) Prescribing the form and manner of keeping lodgers' register-books, the particulars to be entered therein, and the manner in which entries shall be made therein :

5 (b) Prescribing any other matter or thing necessary or convenient to be prescribed for carrying into effect the purposes of this section.

(7) Until regulations are made under this section prescribing the form of lodgers' register-books and the particulars to be entered therein, it shall be sufficient compliance with this section if a written record is
10 kept, to be open for inspection on demand by any Inspector, containing the name and address of every lodger, the room or rooms in the licensed premises appropriated to his use, the date of his arrival at and, on his departure, the date of his departure from the licensed premises.

15 40. (1) After the first day of April, nineteen hundred and twenty-nine, no male person shall be employed as a barman in any licensed premises, and no such person other than the licensee or his son shall have authority to serve liquor in any bar or private bar, unless he is registered as a barman pursuant to this section. Nothing in this subsection shall apply to the employment of any person to sell or to
20 serve liquor in accordance with a conditional license granted under the principal Act.

Registration of
barmen.

(2) Application for registration as a barman shall be made in writing in the prescribed form to the Commissioner of Police, or to such other officer of Police as the Commissioner may from time to time appoint for
25 the purpose of receiving such applications.

(3) Every application for registration as a barman shall be accompanied by not less than two certificates signed by reputable persons to the effect that, in the opinion of the person giving such certificate, the applicant is of good character and repute.

30 (4) On receipt of an application for the registration of any person as a barman under this section, the Commissioner shall cause inquiries to be made with respect to the character of the applicant, and if he is satisfied that the applicant is a person of good character and repute shall cause his name to be entered in a Register of Barmen to be kept
35 by him. Every person whose name is entered in such register shall be entitled, on application, to receive a certificate of registration.

(5) If any person registered as a barman under this Act is at any time convicted of any offence under the principal Act the Court before
40 which such person is so convicted may, in addition to any other penalty that it may impose,—

(a) Suspend his registration for such time as the Court thinks fit ;
or

(b) Cause particulars of the conviction to be endorsed on the certificate of registration, and to be entered in the register
45 to be kept pursuant to this section.

(6) If any person is employed as a barman contrary to the provisions of this section such person, and also the licensee of the premises in which he is so employed, shall be severally guilty of an offence and shall be liable on summary conviction to a fine of *ten* pounds for every
50 day on which such offence is committed.

(7) The Governor-General may from time to time, by Order in Council, make such regulations as may in his opinion be necessary for the purposes of this section, and may in such regulations prescribe fees, not exceeding *five* shillings in any case, in respect of the issue of certificates of registration hereunder.

PART III.

Repeals and Savings.

Repeal of spent provisions.

Saving of provisions as to local restoration polls.

41. The enactments specified in the *Fourth* Schedule hereto are hereby repealed.

42. Nothing in this Act or in any former Licensing Act shall be deemed to repeal or supersede the provisions of sections eight to ten of the Licensing Amendment Act, 1910, and those provisions shall continue to apply at all times before a determination of the electors of New Zealand in favour of national prohibition has come into force.

Schedules.

Licensing District of.....

SCHEDULES.

FIRST SCHEDULE.

I VOTE FOR NATIONAL CONTINUANCE.

I VOTE FOR NATIONAL PROHIBITION.

DIRECTIONS.

The voter must strike out the proposal for which he does not wish to vote. If the voter strikes out both or fails to strike out one of the proposals the voting paper will be void, and his vote will not be recorded. The voting-paper so marked is to be placed by the voter in the ballot-box prepared for it. The voter is not allowed to take this voting-paper out of the polling-booth.

Electoral District of.....

SECOND SCHEDULE.

I VOTE FOR NATIONAL RESTORATION.

I VOTE AGAINST NATIONAL RESTORATION.

DIRECTIONS.

THE voter must strike out the proposal for which he does not wish to vote. If the voter strikes out both or fails to strike out one of the proposals the voting-paper will be void, and his vote will not be recorded. The voting-paper so marked is to be placed by the voter in the ballot-box prepared for it. The voter is not allowed to take this voting-paper out of the polling-booth.

THIRD SCHEDULE.

..... PROPOSAL that Licensing Committee be empowered to grant license in respect of [Insert name or other sufficient description of premises].

I VOTE FOR THE ABOVE PROPOSAL.

I VOTE AGAINST THE ABOVE PROPOSAL.

DIRECTIONS.

THE voter must strike out the proposal for which he does not wish to vote.

If the voter strikes out both or fails to strike out one of the proposals the voting-paper will be void, and his vote will not be recorded.

The voting-paper so marked is to be placed by the voter in the ballot-box prepared for it.

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

Licensing District of.....

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Title of Act.	Extent of Repeal.
1918, No. 11.— The Licensing Amendment Act, 1918.	Section 1, subsection (3); Part I; sections 56, 57, 58, 59, 60, 64, 65 to 71; Part III, and Schedule.