

LICENSING AMENDMENT BILL (No. 2)

EXPLANATORY NOTE

PART I of this Bill provides for special polls to be taken on the questions of licensing and Trust control in the King country, and in certain areas in licensing districts where at present, owing to past changes in electoral boundaries, it is not lawful for licences to be granted.

Part II re-enacts, with amendments, the law relating to wine makers' licences.

Part III makes miscellaneous amendments to the Licensing Act 1908.

PART I

POLLS IN SPECIAL AREAS

King Country Poll

Clauses 2 to 7 deal with the King country. Under *clause 2*, a special poll is to be taken in the King country at the same time as the next general licensing poll. Two proposals are to be submitted, namely, that the sale of liquor be authorized in the King country ("the licensing proposal"), and that (if the licensing proposal is carried) a licensing Trust be established for the whole of the King country. The proposals are to be submitted in separate voting papers in the forms in the *Fourth* Schedule. The majority required to carry the licensing proposal is three-fifths of the total votes recorded on that proposal. If the licensing proposal is carried, a bare majority is required to carry the Trust proposal.

If the licensing proposal is carried, but the Trust proposal is not, licences may be granted in the King country as if the poll were a local restoration poll in a no-licence district (*clause 3*).

If the licensing proposal and the Trust proposal are both carried, the King country is to be declared a licensing Trust district or divided into licensing Trust districts, under Part I of the Licensing Trusts Act 1949, and a licensing Trust or Trusts established (*clause 4*).

If the licensing proposal is not carried, the King country will automatically become a no-licence district (*clause 5*).

Clause 6 repeals the legislation relating to proclaimed areas, as from the coming into force of the result of the poll.

Clause 7 provides that if the Trust proposal is carried, or if the licensing proposal is not carried, the tourist-house licences of the Chateau Tongariro, the Hotel Waitomo, and Bridge Lodge at Turangi, are not to be affected.

Special Polls in Johnsonville and Porirua Areas

Clauses 8 to 13 deal with two areas which, for convenience of reference, are called the Johnsonville area and the Porirua area. These areas were formerly in no-licence districts, but are now in ordinary licensing districts because of changes made in electoral boundaries between 1918 (when local option polls were abolished) and 1945 (when the boundaries of no-licence districts were fixed). The Supreme Court recently held that the grant of a licence in Johnsonville was invalid, because under section 12 (*b*) of the Licensing Amendment Act 1910 such areas retain the status they had before the change in boundaries.

The Johnsonville area roughly corresponds to the Onslow Electorate. Before being included in an ordinary licensing district it was part of a district that became a no-licence district at a local option poll. The Porirua area adjoins it, and contains a small part of the Onslow Electorate (to the north-east of Tawa Flat) together with the southern part of the Otaki Electorate up to a line running from a point south of Paekakariki to the north-western boundary of the Borough of Upper Hutt. It was originally in an ordinary licensing district, but lost its licences through being included in a no-licence district, and was later transferred to an ordinary licensing district.

Under *clause 8*, a special poll is to be taken, on a day to be fixed by Order in Council, in the Johnsonville area. Two proposals are to be submitted, namely, that the sale of liquor be authorized in the area ("the licensing proposal"), and that (if the licensing proposal is carried) a licensing Trust be established for the whole area. The proposals are to be submitted in separate voting papers in the forms in the *Fifth* Schedule. The majority required to carry the licensing proposal is three-fifths of the total votes recorded on that proposal. If the licensing proposal is carried, a bare majority is required to carry the Trust proposal.

Under *clause 9*, a similar poll, on the same proposals and in the same forms, is to be taken in the Porirua area on a day to be fixed by Order in Council. In this case a bare majority is sufficient to carry either of the proposals.

If in either area the licensing proposal is carried, but the Trust proposal is not, licences may be granted in the area as if the poll were a local restoration poll in a no-licence district (*clause 11*).

If in either area the licensing proposal and the Trust proposal are both carried, the area is to be declared a licensing Trust district under Part I of the Licensing Trusts Act 1949, and a licensing Trust established for the area. If both proposals are carried in both areas, the areas are to be combined as one district and one Trust established (*clause 12*).

If in either area the licensing proposal is not carried, further polls on the same proposals may be taken in that area at intervals of not less than two years, but no such poll is to be taken unless the Licensing Control Commission is of opinion that a poll is desirable (*clause 13*).

Polls as to Licences in Certain Other Areas

Clauses 11 to 16 deal with all other areas which are in licensing districts but in which licences cannot be granted for the reasons stated above (in relation to the Johnsonville and Porirua areas).

The effect of *clause 14* is that before any licence is authorized in any such area, or in any part thereof, a poll is to be taken of the electors of that area or part. The Licensing Control Commission may authorize the taking of a poll when it is of opinion that a licence or licences should be issued, but no such poll is to be taken within two years of a previous poll. Two proposals are to be submitted, namely, that the issue of licences be authorized ("the licensing proposal"), and that (if the licensing proposal is carried) all licences so authorized be issued to a local Trust (*subclause (2)*). The proposals are to be submitted in separate voting papers in the forms in the *Sixth Schedule*. The majority required to carry the licensing proposal is (a) three-fifths of the total votes, if more than half the population of the whole area resides in an area which was in a licensing district that carried a no-licence proposal at a local option poll; or (b) a bare majority, if more than half the population of the whole area resides in an area which became part of a no-licence district by reason only of a change in electoral boundaries (*subclause (5)*). A bare majority is sufficient to carry the Trust proposal (*subclause (6)*).

Clause 15 authorizes the Licensing Control Commission to do all things necessary to enable the poll to take place, including the definition of the area for the poll, the fixing of the dates for taking the poll and closing the rolls, the appointment of a Returning Officer, and the giving of directions for the preparation and marking of rolls.

General Provisions as to Polls

Clause 16 provides that, subject to the special provisions of this Part of the Bill, all polls under this Part are to be taken in the same manner as local restoration polls in no-licence districts.

Clause 17 authorizes the making of regulations to give effect to this Part.

PART II

WINE MAKERS' LICENCES

This Part of the Bill consolidates and amends the law relating to the manufacture of wine for sale. At present, under section 11 of the Licensing Amendment Act 1914, as amended by sections 104 and 105 of the Licensing Amendment Act 1948, licences are required for the manufacture of wine, which is defined as including any liquor produced from fruit (other than apples and pears) grown in New Zealand and of a strength not exceeding 40 per cent of proof spirit.

The following is a summary of the amendments made by this Part:

- (a) Wine made from apples, pears, or vegetables, and cider and perry, are brought within the scope of the legislation, so that wine makers' licences will be required if they are made for sale (*clauses 19 and 22*);
- (b) There are to be two kinds of wine makers' licences (namely, grape wine licences and fruit wine licences). No person may hold both kinds of licences. Grape wine licences will authorize the making of wine from grapes grown in New Zealand. Fruit wine licences

will authorize the making of wine, cider, or perry from apples or pears grown in New Zealand, or fruit or vegetable wine from any fruit or vegetable (except grapes) grown in New Zealand (*clauses 20 to 22*):

- (c) The right to blend the wine of one licensee with the wine of another licensee is limited to the holders of grape wine licences, so that grape wine may not be blended with fruit or vegetable wine (*clause 21 (2)*):
- (d) No wine makers' licence is to be granted unless the premises and equipment of the manufacturer are suitable for the manufacture, storage, and sale of wine (*clause 21 (1) (b)*):
- (e) No grape wine licence is to be granted unless the applicant will have available to him a sufficient supply of grapes to enable him to make the quantity specified in his application (*clause 21 (1) (c)*):
- (f) Machinery amendments are made to give effect to the above-mentioned changes:
- (g) The new provisions come into force on 1 July 1954, and the annual expiry date of the new licences will be 30 June instead of 31 December. As existing licences are due for renewal on 31 December 1953 on payment of the full year's fee, licensees will be required, when taking out new licences on 1 July 1954, to pay only half the fee for the year ending 30 June 1955 (*clauses 23 (6) and 24 (4)*).

Subject to the above-mentioned amendments, the provisions of this Part re-enact the existing law, with minor drafting amendments. As the existing provisions have been rearranged, references to them are shown in the margin to the clauses in this Part of the Bill.

Clause 18: This Part comes into force on 1 July 1954.

Clause 19 redefines wine as including any liquor that is made from any fruit or vegetable and is of a strength not exceeding 40 per cent of proof spirit.

Clause 20 provides that no one may manufacture wine for sale except under a licence granted by a Magistrate. The licence is to be either a grape wine licence or a fruit wine licence. No one may hold both kinds of licence.

Clause 21 deals with grape wine licences. Under such a licence the licensee may make wine from grapes grown in New Zealand. He may also blend wine made by him with wine made by any other holder of a grape wine licence, who may sell it to him for that purpose.

Clause 22 deals with fruit wine licences. Such a licence will authorize the licensee to make such of the following as may be specified in the licence, namely, wine, cider, or perry from apples or pears, or wine from any fruit (other than grapes), or wine from any vegetable. In each case the fruit or vegetable is to be grown in New Zealand.

Clause 23 re-enacts the existing law relating to sales and deliveries, and fixes the date for the expiry of licences under this Part as 30 June in each year. The main provisions are that the licensee may sell wine of his own manufacture in quantities of not less than 2 gallons to any one person at any one time (*subclause (1)*), and that the wine is not to be consumed on the premises (*subclause (3)*).

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Clause 24 requires the Magistrate to be satisfied, before granting any wine maker's licence, that the applicant is a fit person to be the holder of a licence (this being the existing law), and that the premises and equipment are suitable for the manufacture, storage, and sale of wine and are maintained in a proper sanitary condition. Where the application is for a grape wine licence, he must also be satisfied that the applicant will have available to him enough grapes to enable him to make the quantity specified in his application.

Clause 25 re-enacts the existing provisions relating to offences by licensees.

Clause 26 consequentially repeals section 11 of the Licensing Amendment Act 1914 and sections 104 and 105 of the Licensing Amendment Act 1948.

PART III

MISCELLANEOUS

Clause 27 authorizes the Licensing Control Commission to conduct inquiries on such matters as may be referred to it by the Minister.

Clause 28 gives a right of appeal to the Supreme Court against the following decisions of the Licensing Control Commission:

- (a) The cancellation of a licence on the ground that it is not needed (*subclause (1) (a)*):
- (b) The award of compensation where a licence is cancelled or surrendered (*subclause (1) (b)*):
- (c) The decision of the Commission on an appeal against a direction of a Licensing Committee to a licensee to rebuild, add to, alter, or repair his licensed premises, where the cost of the work will be £5,000 or more (*subclause (2)*).

Clause 29 provides that any local authority, or fifty or more electors, may apply to the Licensing Control Commission for the taking of a poll to determine whether the residents of any area desire that a publican's licence should be authorized in that area. The Commission is not bound to take the poll; but if it is of the opinion that the application is made in good faith and that there is a proper case for a poll, it is to direct the taking of the poll. It is thus given the same discretion as is already conferred on a Magistrate (under section 56 of the Licensing Amendment Act 1948) in respect of objections to a particular site for licensed premises. It may also direct that a further poll be taken at the same time to determine whether, if a licence is granted, the residents desire a local Trust. The area in which a poll is to be taken is to be defined by the Commission, which is authorized to appoint a Returning Officer and to give such directions as may be necessary to enable the poll to be taken.

Clause 30 provides that if the result of a poll in any area under *clause 29* is against the granting of a licence, the Commission is not to authorize the granting of a licence in that area unless, having regard to the proportion of electors who voted, the size of the majority against the proposal, the convenience of travellers, and all other relevant matters, it thinks that special circumstances exist and that it is in the public interest that a licence should be granted.

Clause 31: The effect of this clause is that where the Licensing Control Commission has authorized the granting of a publican's licence there will be no right to object to the Licensing Committee (under section 91 (c) of the principal Act) on the ground that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the locality will be disturbed. These matters are already grounds for objecting to a

Magistrate, under section 56 of the Licensing Amendment Act. 1948, against the granting of a licence on the intended site, or for applying for a poll under that section; and *clause 29* of the Bill gives further rights to apply for a poll as to whether a licence should be granted in the area. The right to object to the Licensing Committee on the ground that the licence is not required is not affected.

Clause 32 authorizes a Magistrate, when ordering that a poll be taken (under section 56 of the Licensing Amendment Act 1948) as to whether licensed premises shall be established on a particular site, to direct that the local body rolls be used instead of the electoral rolls under the Electoral Act 1927.

Clause 33: The effect of this clause is that the granting or renewal of a wine seller's licence must be done at a meeting of the Licensing Committee; thus bringing these licences into line with wholesale licences. At present the Chairman and any two members may grant or renew a wine seller's licence.

Clause 34: The effect of this clause is that the Chairman of a Licensing Committee may grant a temporary transfer of a licence to a purchaser or assignee where there has been a sale or assignment of licensed premises. At present the Chairman and any two members must sign the memorandum of temporary transfer, but do not have to meet together for that purpose. A temporary transfer remains valid only until the next quarterly licensing meeting, when the matter is dealt with by the Licensing Committee.

Clauses 35 and 36: At present, the seller of liquor intended to be sent or taken into a no-licence district is required to send to the Magistrate's Court a statement of the nature and quantity of the liquor sold and of the names and addresses of the persons by whom it is ordered and to whom it is sent. The effect of these clauses is that the sending of these statements will not be necessary; except that in the case of liquor to be sent or taken into any of the no-licence districts of Oamaru, Clutha, and Mataura the seller must send such a statement to the police station nearest to the address to which the liquor is sent or taken. As is the case now, the statement, when filed, is not to be shown to any one except a Magistrate or an Inspector of licensed premises or a person appointed by a Court for the purposes of proceedings for an offence. All other provisions relating to no-licence districts remain in force in all such districts. *Both clauses* come into force on 1 January 1954.

Clauses 37 and 38 are intended to deal with the anomalies that have arisen out of the fixing of the boundaries of no-licence districts and licensing Trust districts, and the union in 1910 of the existing city electorates to form one city licensing district for each of the four principal cities. The boundaries of ordinary licensing districts correspond with the boundaries of electoral districts. Changes in electoral boundaries and the fixing of no-licence districts and Trust districts leave small "licence" areas which may not contain licensed premises, or small licensing districts in which Licensing Committees are elected but have few functions. Similarly, the cities now contain more electoral districts than there were in 1910, so that there are now several licensing districts in each of the four principal cities. *Clause 37* provides that new city licensing districts for Auckland, Wellington, Christchurch, and Dunedin may be constituted by Order in Council on the recommendation of the Licensing Control Commission. Any such city district may comprise two or more electoral districts each containing part of the city, together with any adjoining part

of a licensing district remaining after the exclusion of a no-licence district or Trust district. In the same way, the boundaries of a city district may be altered. *Clause 38* provides that the boundaries of any ordinary licensing district may be altered, in the same way, by the inclusion of any part of an adjoining district remaining after the exclusion of a no-licence district or Trust district; but power is not given to combine entire districts.

Clause 39 authorizes the Licensing Committee to redefine any licensed premises by excluding any land or building or part of a building that is not used or intended to be used as licensed premises, or by including any land or building or part of a building that is so used or intended to be used. For example, new shop premises built in a hotel frontage may be excluded, or extensions of a hotel building may be included. The clause replaces some of the provisions of the Licensing Act Emergency Regulations 1940, under which there is still in force a certificate suspending a licence in respect of part of a hotel yard.

Clause 40 amends section 19 of the Public Works Amendment Act 1948, which deals with the disposal of licences that have been acquired by the Crown. The clause makes it clear that where such a licence is at present suspended by a certificate issued under the Licensing Act Emergency Regulations 1940, the certificate of suspension is to remain in force under section 19 until it is revoked. The licence to which the clause relates is that of the former Hotel Cecil at Wellington. *Subclause (2)* consequentially revokes the emergency regulations.

Clause 41: Under section 67 (3) of the Licensing Amendment Act 1948, the Licensing Control Commission is authorized to exempt the holder of a tourist-house licence from the restrictions of the principal Act on the holding of dances and other entertainments and the playing of billiards and similar games on the licensed premises. This clause gives the Commission power, where such an exemption has been granted and the tourist-house licence is later replaced by a publican's licence granted in respect of the same premises, to continue to grant similar exemptions for those premises, if the Commission is satisfied that no other facilities for those things are reasonably available in the locality.

Clause 42 repeals spent provisions of several amending Acts.

Hon. Mr Webb

LICENSING AMENDMENT (No. 2)

ANALYSIS

Title.	
1. Short Title.	<i>Polls as to Licences in Certain Other Areas</i>
PART I	
POLLS IN SPECIAL AREAS	
<i>King Country Poll</i>	
2. Special poll of electors of King country.	14. Provision for polls as to licences in certain areas in licensing districts.
3. Grant of licences if licensing proposal carried and Trust proposal not carried.	15. Directions for taking poll under last preceding section.
4. Licensing Trust to be constituted if Trust proposal carried.	<i>General Provisions as to Polls</i>
5. King country to be no-licence district if licensing proposal not carried.	16. Procedure at polls under this Part.
6. Consequential repeals and amendment.	17. Regulations.
7. Saving.	PART II
<i>Special Polls in Johnsonville and Porirua Areas</i>	WINE MAKERS' LICENCES
8. Special poll of electors of Johnsonville area.	18. Commencement of this Part.
9. Special poll of electors of Porirua area.	19. Interpretation.
10. When determination of electors to come into force.	20. Wine makers' licences
11. Grant of licences if licensing proposal carried and Trust proposal not carried.	21. Grape wine licences.
12. Licensing Trust to be constituted if Trust proposal carried.	22. Fruit wine licences.
13. Provision for further polls if licensing proposal not carried.	23. Provisions applying to all wine makers' licences.
	24. Granting of wine makers' licences.
	25. Offences.
	26. Repeals and savings.
	PART III
	MISCELLANEOUS
	27. Power of Licensing Control Commission to conduct inquiries.
	28. Appeals from certain decisions of Licensing Control Commission.
	29. Commission may authorize poll as to whether publican's licence is desired.

30. Commission to have regard to result of poll.	36. Special provisions as to sale of liquor for delivery in no-licence districts of Oamaru, Clutha, and Maitauro. Commencement.
31. Section 55 of Licensing Amendment Act 1948 (as to hearing of applications for licence) amended.	37. City licensing districts.
32. Use of local body rolls for polls as to sites of hotels.	38. Power to alter boundaries of other licensing districts.
33. Grant and renewal of wine sellers' licences to be by Licensing Committee.	39. Power to redefine licensed premises.
34. Power of Chairman of Licensing Committee to grant temporary transfer of licence.	40. Section 19 of Public Works Amendment Act 1948 (as to disposal of licences acquired by the Crown) amended.
35. Section 147 of principal Act (as to sale of liquor for delivery in no-licence districts) amended. Commencement.	41. Section 67 of Licensing Amendment Act 1948 amended.
	42. Repeals. 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 (No. 2) 1953, and shall be read together with and deemed part of the Licensing Act 1908 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. IV, p. 234

PART I

POLLS IN SPECIAL AREAS

King Country Poll

Special poll of electors of King country.

2. (1) On the day appointed for the taking of the licensing poll next following the passing of this Act, and concurrently with the taking of that poll, there shall be taken in accordance with this Part of this Act a special poll (in this Part referred to as the King country poll) of the electors (including the Maori electors) of the area known as the King country, being the area defined in the *First Schedule* to this Act, on the proposal that the sale of liquor be authorized in the King country (in this section referred to as the licensing proposal), and on the further proposal that, if the

licensing proposal is carried, a licensing Trust or licensing Trusts be established to conduct hotels and sell liquor in the King country (in this section referred to as the Trust proposal).

- 5 (2) The proposals shall be submitted in separate voting papers in the forms numbered 1 and 2 in the *Fourth* Schedule to this Act:

Provided that the voting paper given to any elector of a Maori electoral district shall be printed both in
10 the English language and in the Maori language.

(3) Any elector of a Maori electoral district who is a resident of the King country may vote at any Maori polling place that—

- 15 (a) Is in the Maori electoral district; and
(b) Is also in a European electoral district of which any part is within the King country.

(4) Any elector, other than an elector of a Maori electoral district, who is a resident of the King country may vote at any European polling place in a European
20 electoral district of which any part is within the King country:

Provided that if the polling place is in an electoral district other than that of which he is an elector he shall vote as an absent voter under section one hundred
25 and thirty-nine of the Electoral Act 1927.

(5) Notwithstanding anything in any regulations for the time being in force for the purposes of postal voting under section one hundred and forty of the Electoral Act 1927, postal voting papers for the purposes of the
30 poll under this section may be issued only by the Returning Officer for an electoral district of which any part is within the King country or by a Deputy Returning Officer at any polling place at which any elector would be entitled to vote in person under this section.

35 (6) The licensing proposal shall be deemed to be carried if the number of valid votes recorded for that proposal is not less than three-fifths of all the valid votes recorded in respect of the proposal.

(7) The Trust proposal shall be deemed to be carried
40 if—

- (a) The licensing proposal is carried; and
(b) The number of valid votes recorded for the Trust proposal exceeds the number of valid votes recorded against it.

See Reprint
of Statutes,
Vol. VI, p. 524

Ibid., p. 525

(8) The determination of the electors at the poll shall come into force at the expiration of three months after the day on which the poll is taken.

Grant of licences if licensing proposal carried and Trust proposal not carried.

3. (1) If at the King country poll the licensing proposal is carried, and the Trust proposal is not carried, it shall be lawful, after the coming into force of the determination of the electors, for licences to be granted in the King country in accordance with the principal Act; and for that purpose the following provisions shall apply: 5

See Reprint of Statutes, Vol. IV, p. 351

(a) Every Licensing Committee in whose district any part of the King country is situated shall have in respect of that part the powers and functions conferred by section eleven of the Licensing Amendment Act 1910 on Licensing Committees constituted under section ten of that Act, as if the King country had been a no-licence district and the poll were a local restoration poll at which the restoration proposal was carried and the Trust proposal was not carried: 10

1948, No. 74

(b) The provisions of the said section eleven and of section eighty-four of the Licensing Amendment Act 1948, so far as they are applicable and with the necessary modifications, shall apply accordingly as if each such part as aforesaid were a licensing district: 25

(c) For the purposes of section twenty-seven of the Licensing Amendment Act 1948 (which relates to the maximum number of publicans' licences), any publican's licence granted pursuant to this section shall be deemed to be a publican's licence to which paragraph (d) of subsection one of that section applies. 30

Licensing Trust to be constituted if Trust proposal carried. 1949, No. 43

4. If at the King country poll the Trust proposal is carried, the following provisions shall apply: 35

(a) As soon as may be practicable after the coming into force of the determination of the electors, the King country shall be declared to be a licensing Trust district by Order in Council under section three of the Licensing Trusts Act 1949, as if the King country had been a no-licence district and the poll were a local restoration poll at which the Trust proposal was carried, or may by Order in Council under 45

that section be divided into two or more districts which shall be declared by the Order to be licensing Trust districts:

- (b) A licensing Trust or licensing Trusts shall be constituted for the said licensing Trust district or districts under Part I of that Act, and the provisions of that Part shall apply accordingly.

5. (1) If at the King country poll the licensing proposal is not carried, the King country shall be deemed for all purposes, as from the coming into force of the determination of the electors, to be a no-licence district within the meaning of section two of the Licensing Amendment Act 1910, and all the provisions of the principal Act and of any other enactment relating to no-licence districts shall apply accordingly.

King country to be no-licence district if licensing proposal not carried.
See Reprint of Statutes, Vol. IV, p. 350

(2) The provisions of section one hundred and forty-seven A of the principal Act (as inserted by section *thirty-six* of this Act) shall also apply to the King country—

- (a) Until the coming into force of the determination of the electors at the poll; and
(b) Thereafter, if the licensing proposal is not carried, so long as the King country continues to be a no-licence district,—

as if the King country were a no-licence district to which the said section one hundred and forty-seven A is expressed to apply.

(3) If the licensing proposal is not carried, the provisions of section ten of the Electoral Amendment Act 1945 shall extend and apply to the King country no-licence district.

1945, No. 10

6. (1) The following enactments are hereby repealed as from the coming into force of the determination of the electors at the King country poll:

Consequential repeals and amendment.

- (a) Sections two hundred and seventy-two and two hundred and seventy-three of the principal Act:

(b) The King Country Licences Act 1909:

See Reprint of Statutes, Vol. IV, p. 349

- (c) Sections twenty-nine and forty-five of the Licensing Amendment Act 1910:

Ibid., p. 369

(d) Section nine of the Licensing Amendment Act 1914:

Ibid., pp. 356, 362

- (e) Subsection three of section sixty-six, section eighty-one, and Part VI of the Licensing Amendment Act 1948.

1948, No. 74

See Reprint
of Statutes,
Vol. IV, p. 360

(2) Section thirty-eight of the Licensing Amendment Act 1910 is hereby consequentially amended, as from the coming into force of the determination of the electors at the King country poll, by omitting from subsection one the words "or within any area to which section two hundred and seventy-three of the principal Act is applicable". 5

Saving.

See Reprint
of Statutes,
Vol. VIII,
p. 568.

7. (1) Notwithstanding anything in the foregoing provisions of this Act, and without limiting the provisions of the Acts Interpretation Act 1924, if the Trust proposal is carried at the King country poll, or if the licensing proposal at that poll is not carried, the tourist-house licences then in force in respect of the licensed premises known as the Chateau Tongariro and the Hotel Waitomo, and in respect of the licensed premises at Turangi known as Bridge Lodge, shall not be affected. 10 15

(2) In any such case as aforesaid, those licences and those premises and the licensees thereof shall be under and subject to the jurisdiction of the Licensing Committees in whose districts the premises are situated immediately before the coming into force of the determination of the electors at the King country poll; and the provisions of the principal Act shall apply to them in all respects as if the licensing proposal had been carried and the Trust proposal had not been carried. 20 52

Special Polls in Johnsonville and Porirua Areas

Special poll
of electors of
Johnsonville
area.

8. (1) On a day to be fixed by the Governor-General by Order in Council, there shall be taken in accordance with this Part of this Act a special poll (in this Part referred to as the Johnsonville poll) of the electors of the area defined in the *Second* Schedule to this Act on the proposal that the sale of liquor be authorized in that area (in this section referred to as the licensing proposal), and on the further proposal that, if the licensing proposal is carried, a licensing Trust be established to conduct hotels and sell liquor in that area (in this section referred to as the Trust proposal). 30 35

(2) The proposals shall be submitted in separate voting papers in the forms numbered 1 and 2 in the *Fifth* Schedule to this Act. 40

1949, No. 43

(3) The licensing proposal shall be deemed to be carried if the number of valid votes recorded for that proposal is not less than three-fifths of all the valid votes recorded in respect of the proposal.

5 (4) The Trust proposal shall be deemed to be carried if—

(a) The licensing proposal is carried; and

(b) The number of valid votes recorded for the Trust proposal exceeds the number of valid votes recorded against it.

10 9. (1) On a day to be fixed by the Governor-General by Order in Council, there shall be taken in accordance with this Part of this Act a special poll (in this Part of this Act referred to as the Porirua poll) of the
15 electors of the area defined in the *Third* Schedule to this Act on the proposal that the sale of liquor be authorized in that area (in this section referred to as the licensing proposal), and on the further proposal that, if the licensing proposal is carried, a licensing
20 Trust be established to conduct hotels and sell liquor in that area (in this section referred to as the Trust proposal).

Special poll of electors of Porirua area.

1949, No. 43

(2) The proposals shall be submitted in separate voting papers in the forms numbered 1 and 2 in the
52 *Fifth* Schedule to this Act.

(3) The licensing proposal shall be deemed to be carried if the number of valid votes recorded for that proposal exceeds the number of valid votes recorded against it.

30 (4) The Trust proposal shall be deemed to be carried if—

(a) The licensing proposal is carried; and

(b) The number of valid votes recorded for the Trust proposal exceeds the number of valid votes recorded against it.

35 10. The determination of the electors at the Johnsonville poll or the Porirua poll shall come into force at the expiration of three months after the day on which the poll is taken.

When determination of electors to come into force.

40 11. If at the Johnsonville poll or at the Porirua poll the licensing proposal is carried and the Trust proposal is not carried, it shall be lawful, after the coming into force of the determination of the electors at that poll,

Grant of licences if licensing proposal carried and Trust proposal not carried.

for licences to be granted, in accordance with the principal Act, in the area in which the poll was taken; and for that purpose the following provisions shall apply:

- (a) Every Licensing Committee in whose district any part of that area is situated shall have in respect of that part the powers and functions conferred by section eleven of the Licensing Amendment Act 1910 on Licensing Committees constituted under section ten of that Act, as if the area had been a no-licence district and the poll were a local restoration poll at which the restoration proposal was carried and the Trust proposal was not carried: **5**
- (b) The provisions of the said section eleven and of section eighty-four of the Licensing Amendment Act 1948, so far as they are applicable and with the necessary modifications, shall apply accordingly as if each such part as aforesaid were a licensing district: **10**
- (c) For the purposes of section twenty-seven of the Licensing Amendment Act 1948 (which relates to the maximum number of publicans' licences) any publican's licence granted pursuant to this section shall be deemed to be a publican's licence to which paragraph (d) of subsection one of that section applies. **20**

See Reprint
of Statutes,
Vol. IV, p. 351

1948, No. 74

12. If at the Johnsonville poll or the Porirua poll the Trust proposal is carried, the following provisions shall apply:

- (a) As soon as may be practicable after the coming into force of the determination of the electors, the area in which the poll was taken shall be declared to be a licensing Trust district under section three of the Licensing Trusts Act 1949, as if the area had been a no-licence district and the poll were a local restoration poll at which the Trust proposal was carried: **30**
- (b) A licensing Trust shall be constituted for the said licensing Trust district under Part I of that Act, and the provisions of that Part shall apply accordingly: **35**
- 40**

Licensing
Trust to be
constituted
if Trust
proposal
carried.

1949, No. 43

Provided that if the Trust proposal is carried at both the Johnsonville poll and the Porirua poll, the two areas in which the polls were taken shall be combined and shall be declared to be one licensing Trust district for the purposes of the said Part I, and one licensing Trust shall be constituted therefor.

13. (1) Subject to the provisions of this section, if at the Johnsonville poll or at the Porirua poll the licensing proposal is not carried, further polls may from time to time be taken in the area in which the proposal was not carried until the licensing proposal is carried.

Provision for further polls if licensing proposal not carried.

(2) No such further poll as aforesaid shall be taken until after the expiration of two years from the date of the first poll under this Part of this Act, or, in the case of any subsequent poll, until after the expiration of two years from the date of the poll immediately preceding it.

(3) No such further poll as aforesaid shall be taken unless the Licensing Control Commission reports to the Minister that in its opinion it is desirable that such a poll should be taken.

(4) Every poll under this section shall be taken in the same area, on the same proposals, and in the same manner as the poll provided for by the foregoing provisions of this Part of this Act relating to that area; and the provisions of this Part, so far as they are applicable and with the necessary modifications, shall apply accordingly.

Polls as to Licences in Certain Other Areas

14. (1) Notwithstanding anything in the principal Act or any other enactment, where by reason of any change in the boundaries of any electoral district that took effect after the tenth day of December, nineteen hundred and eighteen (being the date of the passing of the Licensing Amendment Act 1918), and before the twelfth day of November, nineteen hundred and forty-five (being the date of the passing of the Electoral Amendment Act 1945), any area, not being an area to which any of the foregoing provisions of this Part of this Act applies, that was formerly within any no-licence

Provision for polls as to licences in certain areas in licensing districts. See Reprint of Statutes, Vol. IV, p. 374 1945, No. 10

district is at the passing of this Act within any licensing district, not being a no-licence district or a licensing Trust district, that area (in this section referred to as a special area) shall be deemed for all purposes to be part of the licensing district within which it is situated at the passing of this Act, and the provisions of the principal Act shall apply accordingly: 5

Provided that the Licensing Control Commission shall not authorize the granting of any licence in the special area unless at a poll of electors taken in accordance with this section the proposal that the issue of licences be authorized is carried. 10

(2) Whenever the Licensing Control Commission is of opinion that the issue of a licence or licences should be authorized in any special area or in any part thereof, it may, by notice in the *Gazette*, authorize the taking of a poll of the electors residing in the special area, or in that part, on the proposal that the issue of licences be authorized therein (in this section referred to as the licensing proposal), and on the further proposal that, if the licensing proposal is carried, every licence so authorized be issued to a local Trust (in this section referred to as the Trust proposal): 15 20

Provided that whenever a poll is so taken, no further poll shall be taken under this section in that area or part until after the expiration of two years from the date on which the first-mentioned poll is taken. 52

(3) The proposals shall be submitted in separate voting papers in the forms numbered 1 and 2 in the *Sixth* Schedule to this Act. 30

(4) In the notice under subsection *two* of this section, the Commission shall specify the majority required to carry the licensing proposal, which shall be determined by the Commission in accordance with subsection *five* of this section. 35

(5) The majority required to carry the licensing proposal at a poll in any special area, or in any specified part thereof, shall be—

(a) Three-fifths of all the valid votes recorded in respect of that proposal, if more than half of the population of the whole of the special area resides in an area which was in a licensing district when the electors of that licensing district carried a proposal that no licences be granted in that district: 40

(b) More than half of all the valid votes recorded in respect of the proposal, if more than half of the population of the whole of the special area resides in an area which became part of a no-licence district by reason only of a change in the boundaries of any electoral district.

(6) The Trust proposal shall be deemed to be carried at any such poll if the number of valid votes recorded for that proposal exceeds the number of valid votes recorded against the proposal.

(7) If the licensing proposal is carried, the following provisions shall apply:

(a) The Licensing Control Commission may from time to time, in accordance with Part II of the Licensing Amendment Act 1948 and this Act, authorize the granting of a licence or licences in the special area or part within which the poll was taken, and the provisions of the said Part II and of the principal Act, so far as they are applicable, shall apply:

(b) The proviso to subsection *one* of this section shall cease to apply to the special area or part in which the poll was taken.

(8) Section twelve of the Licensing Amendment Act 1910 is hereby amended by repealing paragraphs (b) to (f).

1948, No. 74
See Reprint of Statutes, Vol. IV, p. 352

15. (1) Whenever the Licensing Control Commission authorizes the taking of any poll under section *fourteen* of this Act, the Commission may—

Directions for taking poll under last preceding section.

(a) Define an area within which the poll is to be taken:

(b) Fix a date for the taking of the poll:

(c) Fix a date for the closing of the rolls of electors:

(d) Appoint a Returning Officer to conduct the poll:

(e) Give such directions as may be necessary in relation to the form of notices to be given by the Returning Officer in respect of the poll:

(f) Direct how the costs of preparing rolls and conducting the poll shall be borne by the local authorities having jurisdiction in the area in which the poll is to be taken, or by any one or more of them:

(g) Authorize or direct the doing of any other thing necessary or expedient for the taking of the poll.

(2) The Commission may direct that the rolls of electors of the appropriate electoral districts for the time being in force, or the rolls of electors of the districts or portions of the districts of any local authorities for the time being in force, shall be suitably marked to indicate the persons entitled to vote and used as the rolls of electors for the purposes of the poll; and, for the purpose of ensuring that electors residing, on the date fixed for the closing of the rolls, in the area in which the poll is to be taken are entitled to vote, may direct that the Returning Officer shall prepare a supplementary roll.

General Provisions as to Polls

Procedure at
polls under
this Part.

16. Subject to the provisions of this Part of this Act and of any regulations made thereunder, and subject to all necessary modifications, every poll under this Part of this Act shall be taken in the same manner as polls in no-licence districts relating to local restoration, and the provisions of the principal Act relating to licensing polls, so far as they are applicable, shall apply.

Regulations.

17. The Governor-General may from time to time, by Order in Council, make all such regulations as he deems necessary or expedient for the purpose of giving full effect to the provisions of this Part of this Act and for the due administration thereof.

PART II

WINE MAKERS' LICENCES

Commencement
of this Part.

18. This Part of this Act shall come into force on the first day of July, nineteen hundred and fifty-four.

Interpretation.
1914, No. 27,
s. 11 (13)
(Reprint of
Statutes,
Vol. IV, p. 369)

19. In this Part of this Act, unless the context otherwise requires,—

“Wine” includes any liquor that is produced from any fruit or vegetable, whether the fruit or vegetable is cultivated or not, and is of a strength not exceeding forty per cent of proof spirit:

References to the manufacture of wine include, in relation to the holder of a grape wine licence, but not otherwise, references to the blending of wine in accordance with section *twenty-one* of this Act.

1948, No. 74,
s. 104 (3)

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20. (1) No person shall manufacture wine for sale except pursuant to this Part of this Act and to the terms of a wine maker's licence granted by a Magistrate under this Part and for the time being in force.

Wine makers'
licences.
1914, No. 27,
s. 11 (1)

10 (2) A wine maker's licence shall be either—

- (a) A grape wine licence; or
- (b) A fruit wine licence.

(3) No person shall be the holder of both a grape wine licence and a fruit wine licence.

15 **21.** (1) Every grape wine licence shall be in the prescribed form, and shall authorize the holder thereof to manufacture, in a quantity to be specified in the licence, wine from grapes grown in New Zealand. The quantity to be so specified shall not exceed the limit, if any, specified in the application for the licence.

Grape wine
licences.

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(2) Every grape wine licence shall be deemed to include authority for the holder thereof to blend wine of his own manufacture with wine manufactured by any other holder of a grape wine licence, so long as the following conditions are complied with, namely:

1948, No. 74,
s. 104 (1)

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(a) The total quantity of wine, including blended wine, manufactured by the licensee during the year of the currency of his licence shall not exceed the quantity specified in the licence:

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(b) The strength of the wine after blending shall not exceed forty per cent of proof spirit.

(3) It shall be lawful for the holder of a grape wine licence to sell and deliver wine manufactured by him to any other holder of a grape wine licence for the purpose of being blended with wine manufactured by that other holder, and for that other holder to purchase and receive the wine for that purpose, notwithstanding that the premises of either or both of the parties to the sale are situated within a no-licence district, and none of the provisions of the principal Act relating to no-licence districts shall apply to any such sale.

1948, No. 74,
s. 104 (2)

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Fruit wine
licences.

22. Every fruit wine licence shall be in the prescribed form, and shall authorize the holder thereof to manufacture, in a quantity to be specified in the licence, such kind or kinds of wine as shall be so specified, being wine, cider, or perry from apples or pears grown in New Zealand, or wine from any fruit, not being grapes, grown in New Zealand, or wine from any vegetable grown in New Zealand, whether the fruit or vegetable is cultivated or not. The quantity to be so specified shall not exceed the limit, if any, specified in the application for the licence.

Provisions
applying to all
wine makers'
licences.

1914, No. 27,
s. 11 (8)

1948, No. 74,
s. 105 (1)

See Reprint
of Statutes,
Vol. IV, p. 373

23. (1) Every wine maker's licence shall authorize the holder thereof to sell wine manufactured by him pursuant to his licence in quantities of not less than two gallons to any one person at any one time.

(2) The holder of a wine maker's licence may sell and deliver wine pursuant to this section, and to the terms of his licence, at any time when the holder of a wholesale licence may sell or deliver liquor pursuant to section eight of the Sale of Liquor Restriction Act 1917, and shall not be entitled to sell or deliver wine at any other time.

(3) The wine may be delivered from one place only, being premises specified in the licence, and shall not be consumed on the wine maker's premises or at the place so specified for delivery.

1948, No. 74,
s. 105 (1)

(4) Where the place specified in any wine maker's licence as the place from which wine may be delivered on sale is situated in a no-licence district, nothing in section one hundred and forty-six of the principal Act shall prevent the holder from selling wine, pursuant to this section and to the terms of his licence, to any person not residing or carrying on business within the district,—

(a) If the wine is to be delivered beyond the limits of the district; or

(b) If the wine is sold and delivered to the purchaser in person on the premises of the wine maker and is taken away by the purchaser from the place where it is sold.

1914, No. 27,
s. 11 (10)

(5) No holder of a wine maker's licence shall sell or offer for sale, or cause or permit to be sold or offered for sale, any wine manufactured by him, unless the name and address of the licensee are printed on a label attached to the cask or bottle containing the wine.

- (6) Every wine maker's licence shall, unless sooner forfeited under the principal Act or cancelled under this Part of this Act, continue in force until the thirtieth day of June next after its issue. Ibid., s. 11 (9)
- 5 **24.** (1) No wine maker's licence shall be granted unless the Magistrate is satisfied— Granting of wine makers' licences.
- (a) That the applicant for the licence is a fit person to be the holder of such a licence; and Ibid., s. 11 (4)
- 10 (b) That the premises in which the wine is to be manufactured, and the equipment therein, are suitable for the manufacture, storage, and sale of wine of the kind to which the application relates and are maintained in a proper sanitary condition; and
- 15 (c) That, in the case of an application for a grape wine licence, the applicant will have available to him a sufficient supply of grapes to enable him to manufacture the quantity of wine specified in his application.
- 20 (2) Every application for a wine maker's licence shall— Ibid., s. 11 (2)
- (a) Be made in the prescribed form and manner to the Registrar of the Magistrate's Court nearest to the place where the applicant proposes to manufacture wine:
- 52 (b) Specify whether the licence applied for is a grape wine licence or a fruit wine licence, and, in the case of a fruit wine licence, the kind or kinds of wine intended to be manufactured by the applicant:
- 30 (c) Specify the total quantity of wine intended to be manufactured by the applicant, whether for sale or otherwise, during the year of the currency of the licence that is applied for: 1914, No. 27, s. 11 (6)
- 35 (d) Be dealt with in the prescribed manner.
- (3) In respect of every wine maker's licence, the applicant shall deposit with the Registrar, when the application for the licence is made, the appropriate fee as prescribed in the *Seventh* Schedule to this Act. If
- 40 the licence is granted, the amount so deposited shall be applied in the manner prescribed by section one hundred and forty of the principal Act. If the licence is not granted, that amount shall be refunded to the applicant. Ibid., s. 11 (5)

- (4) Notwithstanding anything in subsection *three* of this section, where any applicant for a wine maker's licence under this Part of this Act is at the commencement of this Part the holder of a wine maker's licence under section eleven of the Licensing Amendment Act 1914, the fee payable in respect of any licence granted to the applicant under this Part for the year ending on the thirtieth day of June, nineteen hundred and fifty-five, shall be half the appropriate fee prescribed in the said *Seventh* Schedule. 5
- Offences. **25.** (1) Subject to the foregoing provisions of this Part of this Act, the place specified in a wine maker's licence as the place from which wine may be delivered on sale shall be deemed to be licensed premises, and the holder of the licence shall be deemed to be a licensed person, within the meaning of the following provisions of the principal Act, namely: 10
- (a) Sections one hundred and eighty-nine and one hundred and ninety (which relate to closing hours for licensed premises): 20
- (b) Part VI (which relates to prohibition orders):
- (c) Sections two hundred and eighteen to two hundred and thirty-two (which relate to the inspection of licensed premises):
- (d) Sections two hundred and thirty-three to two hundred and thirty-six (which relate to adulteration). 25
- Ibid., s. 11 (7), (11) (2) Subject to the provisions of subsection *one* of this section, every person commits an offence and is liable to a fine not exceeding one hundred pounds who acts in contravention of or fails to comply with any of the provisions of this Part of this Act. 30
- Ibid., s. 11 (12) (3) If the holder of a wine maker's licence is convicted of an offence against the principal Act or against this Part of this Act the convicting Court may in its discretion cancel his licence. Any person whose licence is so cancelled shall thereby be disqualified from holding a licence under this Part of this Act for two years after the date of the cancellation. 35
- Repeals and savings. **26.** (1) This Part of this Act is in substitution for section eleven of the Licensing Amendment Act 1914, and that section and the Second Schedule to that Act and sections one hundred and four and one hundred and five of the Licensing Amendment Act 1948 are hereby repealed. 40 45
- See Reprint of Statutes, Vol. IV, p. 369 1948, No. 74

(2) Without limiting the provisions of the Acts Interpretation Act 1924, but subject to the provisions of this Part of this Act, it is hereby declared that the repeal of any provision by this section shall not affect
 5 any document made or any thing whatsoever done under the provision so repealed, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been
 10 made or done under the corresponding provision of this Part of this Act and as if that provision had been in force when the document was made or the thing was done.

See Reprint
of Statutes,
Vol. VIII,
p. 568

PART III

15 MISCELLANEOUS

27. Section thirteen of the Licensing Amendment Act 1948 is hereby amended by inserting in subsection one, after paragraph (h), the following paragraph:

20 “(hh) To conduct inquiries on such matters as may from time to time be referred to it by the Minister:”.

Power of
Licensing
Control
Commission
to conduct
inquiries.
1948, No. 74

28. (1) The Licensing Amendment Act 1948 is hereby amended by inserting, after section sixty-five, the following heading and section:

25 “*Appeals from Licensing Control Commission*

“65A. (1) Notwithstanding anything in this Act, where the Commission—

30 “(a) Cancels any licence under section thirty-one of this Act (which relates to the cancellation of unnecessary licences); or

“(b) Determines under section thirty-eight of this Act the amount of compensation payable to any person on the cancellation or surrender of a licence,—

35 any person being the licensee or the owner of the licensed premises or a lessee, sublessee, or tenant thereof or a mortgagee within the meaning of section forty-six of this Act, or any other person having any estate or interest in the licensed premises, may appeal to the
 40

Appeals from
certain
decisions of
Licensing
Control
Commission.

Supreme Court against the Commission's decision on giving notice of appeal within fourteen days after the giving of the decision.

“(2) Where the holder of any licence is required or directed by a Licensing Committee to rebuild, add to, alter, or repair any licensed premises, and on any appeal to the Commission against that direction under subsection two of section sixty-five of this Act the Commission confirms or modifies the direction, or directs that the matter be referred back to the Licensing Committee for further consideration, any person being the licensee or the owner of the licensed premises or a lessee, sublessee, or tenant thereof or a mortgagee within the meaning of section forty-six of this Act, or any other person having any estate or interest in the licensed premises, may, if after the determination of the appeal by the Commission it will be necessary for the licensee or owner to expend five thousand pounds or more in order to comply with the direction, appeal to the Supreme Court against the Commission's decision on giving notice of appeal within fourteen days after the giving of that decision.

“(3) Notwithstanding anything in this section, a Judge of the Supreme Court, on the application by motion of any person having a right of appeal under this section, may grant leave to that person to give notice of appeal after the expiration of the time prescribed by this section, and within such time as the Judge thinks fit, where in the opinion of the Judge there was reasonable cause for the failure or inability of that person to give notice within the time prescribed by this section.

“(4) The notice of appeal shall be in writing and shall be filed in the office of the Supreme Court. It shall not be necessary to state in the notice the grounds of the appeal. Either before or immediately after the filing of the notice of appeal, a copy of the notice shall be delivered or sent to the Secretary of the Commission.

“(5) The operation of the decision appealed against shall be suspended until the final determination of the appeal. In the case of the cancellation of a licence, the licence shall, if the appeal is not finally determined on or before the expiry of the licence by effluxion of time, be deemed to be extended until the final determination

of the appeal, and the provisions of subsections two and three of section one hundred and sixteen of the principal Act shall, with the necessary modifications, apply with respect to the licence.

5 “(6) Every appeal under this section shall be by way of rehearing of the original proceedings, in like manner as if the proceedings had been properly and duly commenced in the Supreme Court. The Court may, on hearing the appeal, confirm, modify, or reverse
10 the decision appealed against, and the decision of the Court shall be final and binding on all parties.

“(7) If the appellant does not prosecute his appeal with due diligence, the Commission may apply to the Supreme Court for the dismissal of the appeal.”

15 (2) Section thirty-three of the Licensing Amendment Act 1948 is hereby amended by repealing subsection three.

1948, No. 74

29. The Licensing Amendment Act 1948 is hereby further amended by inserting, after section fifty, the
20 following section:

Commission may authorize poll as to whether publican's licence is desired.

“50A. (1) The local authority of any district, or any two or more local authorities of adjoining districts, or any fifty or more electors residing in any such district or districts as aforesaid, may, at any time
25 before the Commission authorizes the granting of a publican's licence in any area in any such district or districts as aforesaid, apply in writing to the Commission for the taking of a poll for the purpose of ascertaining whether the residents of that area desire
30 that a publican's licence be granted in that area.

“(2) On any application under this section, the Commission may hold such inquiry and take such evidence as it thinks fit; and if it is of opinion that the application is made in good faith and that such a
35 poll should be taken it shall direct that a poll be taken under this section.

“(3) If the Commission directs that a poll be taken as aforesaid, it may also direct that a further poll be taken, simultaneously therewith, for the purpose of
40 ascertaining whether, if a licence is issued, the residents desire that it be issued to a local Trust.

“(4) If the Commission directs that a poll be taken under this section, it may, by the same or any further direction,—

“(a) Determine an area within which the poll is to be taken and define the boundaries of that area: 5

“(b) Fix a date for the taking of the poll:

“(c) Fix a date for the closing of the rolls of electors:

“(d) Appoint a Returning Officer to conduct the poll: 10

“(e) Give such directions as may be necessary in relation to the form of notices to be given by the Returning Officer in respect of the poll: 15

“(f) Direct how the costs of preparing rolls and conducting the poll shall be borne by the local authorities having jurisdiction in the area in which the poll is to be taken, or by any one or more of them: 20

“(g) Authorize or direct the doing of any other thing necessary or expedient for the taking of the poll.

“(5) The Commission may direct that the rolls of electors of the appropriate electoral districts for the time being in force, or the rolls of electors of the districts or portions of the districts of any local authorities for the time being in force, shall be suitably marked to indicate the persons entitled to vote and used as the rolls of electors for the purposes of the poll; and, for the purpose of ensuring that electors residing, on the date fixed for the closing of the rolls, in the area in which the poll is to be taken are entitled to vote, may direct that the Returning Officer shall prepare a supplementary roll. 35

“(6) Every poll under this section shall be a poll of the electors residing, on the date fixed for the closing of the rolls, in the area determined by the Commission as aforesaid.

“(7) Subject to the provisions of this section and of any regulations under this Act, and of any directions given by the Commission as aforesaid, and subject to any necessary modifications, the provisions of the Local Elections and Polls Act 1953, so far as they are applicable, shall apply to the poll. 45

“(8) Every direction or decision of the Commission under this section shall be final and binding on all parties.”

30. Section fifty of the Licensing Amendment Act 1948 is hereby amended by inserting, after subsection two, the following subsection:

Commission to have regard to result of poll. 1948, No. 74

“(2A) If in the case of a poll taken under subsection two of section fifty A of this Act a majority in number of the valid votes recorded at the poll is against the granting of a licence, the Commission shall not authorize the granting of a publican’s licence in the area in which the poll was taken unless in its opinion, having regard to the proportion that the total number of valid votes bears to the number of electors entitled to vote, the proportion that the number of valid votes recorded against the granting of the licence bears to the total number of valid votes, the convenience of travellers, and all such other matters as it considers relevant, there are special circumstances in which it is desirable in the public interest that a licence should be granted.”

31. Section fifty-five of the Licensing Amendment Act 1948 is hereby amended by repealing subsection seven, and substituting the following subsection:

Section 55 of Licensing Amendment Act 1948 (as to hearing of applications for licence) amended. 1948, No. 74

“(7) Where any such application relates to a publican’s licence, no person shall be entitled to object, under paragraph (c) of section ninety-one of the principal Act, on the ground that the premises are in the immediate vicinity of a place of public worship, hospital, or school, or that the quiet of the place in which the premises are situated will be disturbed if a licence is granted.”

32. Section fifty-six of the Licensing Amendment Act 1948 is hereby amended by adding to subsection four the following paragraph:

Use of local body rolls for polls as to sites of hotels.

“(c) Direct that, instead of the appropriate rolls within the meaning of the Electoral Act 1927, the rolls of electors of every local authority within whose district the whole or any part of the said area is situated shall be the rolls of electors for the poll.”

1948, No. 74
See Reprint of Statutes, Vol. VI, p. 469

Grant and renewal of wine sellers' licences to be by Licensing Committee.

Power of Chairman of Licensing Committee to grant temporary transfer of licence.

See Reprint of Statutes, Vol. IV, p. 367

Section 147 of principal Act (as to sale of liquor for delivery in no-licence districts) amended.

1947, No. 16

33. Section sixty-nine of the Licensing Amendment Act 1948 is hereby amended by repealing subsection seven.

34. (1) Section one hundred and twenty of the principal Act is hereby amended as follows: 5

- (a) By omitting from subsection one the words " and any two members ":
- (b) By omitting from subsection two the words " If such Chairman and any two members of the Licensing Committee think fit, they may ", 10 and substituting the words " If the Chairman thinks fit, he may ":
- (c) By omitting from subsection two the words " under their hands ", and substituting the words " under his hand ":
- (d) By repealing subsection four (as added by section five of the Licensing Amendment Act 1914). 15

(2) The form of temporary transfer to a purchaser or assignee of licensed premises set out in the Twelfth Schedule to the principal Act is hereby amended as follows: 20

- (a) By omitting the words " and E. F. and G. H., being two members ":
- (b) By omitting the words " to us ".

(3) Section five of the Licensing Amendment Act 1914 is hereby repealed. 25

35. (1) Subsection one of section one hundred and forty-seven of the principal Act is hereby amended as follows:

- (a) By repealing paragraphs (b) and (g): 30
- (b) By omitting from paragraph (d) the words " All statements filed as aforesaid, and ":
- (c) By omitting from subparagraph (ii) of paragraph (e) (as amended by subsection four of section twelve of the Magistrates' Courts Act 1947) the words " or without furnishing a statement to the Registrar of the Magistrate's Court as aforesaid ":
- (d) By omitting from paragraph (f) (as amended by the said subsection four) the words " or 40 to furnish any statement to the Registrar of the Magistrate's Court in respect thereof ".

(2) This section shall come into force on the first day of January, nineteen hundred and fifty-four. Commencement.

36. (1) The principal Act is hereby amended by inserting, after section one hundred and forty-seven, 5 the following section:

“ 147A. (1) This section shall apply to every person who sells any liquor in compliance with any order, whether verbal or in writing, and who is notified or is aware that the liquor is intended to be sent or taken 10 into any of the no-licence districts of Oamaru, Clutha, and Maitaura.

“(2) Every person to whom this section applies shall, forthwith after the sale of the liquor, deliver or send by post to the member of the Police Force in charge 15 of the police station nearest to the address of the person to whom the liquor is being sent or, as the case may be, by whom it is taken a statement in writing specifying—

“(a) The nature and quantity of the liquor so sold:

“(b) The name and address of the person ordering 20 the liquor:

“(c) The name and address of the person to whom the liquor is being sent or by whom it is taken:

“ Provided that it shall not be necessary for any 25 statement to be delivered or sent under this subsection in any case to which paragraph (f) or paragraph (h) of subsection one of section one hundred and forty-seven of this Act applies.

“(3) Every such statement shall be filed by the 30 member of the Police Force by whom it is received, and shall be open to inspection by any Magistrate or any Inspector of licensed premises, or by any person appointed in that behalf by any Court before which proceedings under this or either of the last two 35 preceding sections have been taken, and shall not be open to inspection by any other person.

“(4) Every person commits an offence against this Act and shall be liable to a fine not exceeding fifty 40 pounds who contravenes or fails to comply in any respect with any of the provisions of this section.

Special provisions as to sale of liquor for delivery in no-licence districts of Oamaru, Clutha, and Maitaura.

“(5) Every person commits an offence against this Act and shall be liable to a fine not exceeding twenty pounds who discloses any information contained in any statement under this section, except pursuant to subsection *three* of this section or in good faith for the purpose of detecting and punishing offenders. 5

“(6) Nothing in this section shall be construed to limit the application to the no-licence districts of Oamaru, Clutha, and Mataura of any other provision of this Act or any other enactment relating to no-licence districts.” 10

Commencement.

(2) This section shall come into force on the first day of January, nineteen hundred and fifty-four.

City licensing districts.

37. (1) The principal Act is hereby amended by inserting, after section five, the following section: 15

“6. (1) This section shall apply with respect to the cities of Auckland, Wellington, Christchurch, and Dunedin.

“(2) The Governor-General may from time to time, by Order in Council, on the recommendation of the Minister made on the recommendation of the Licensing Control Commission, declare any electoral district or districts comprising any city to which this section applies, or any two or more electoral districts of which each contains any part of any such city, or any such electoral district or districts together with any adjoining part of any licensing district remaining after the exclusion therefrom (whether before or after the commencement of this section) of any no-licence district or licensing Trust district, to be one licensing district (in this Act referred to as a city licensing district) with such name and from such date as may be specified in the Order; and may in the Order define the boundaries of any city licensing district so constituted. 20 25 30

“(3) The Governor-General may from time to time, in like manner, alter the boundaries of any city licensing district by adding thereto the whole of any adjoining licensing district containing any part of the city, or any adjoining part of any licensing district remaining after the exclusion therefrom (whether before or after the commencement of this section) of any no-licence district or licensing Trust district, and redefine the boundaries of the city licensing district as so altered. Any Order in Council under this subsection shall take effect as from such date as may be specified therein. 35 40 45

“(4) Nothing in this section shall be construed to authorize the inclusion in any city licensing district of the whole or any part of any no-licence district or licensing Trust district.”

5 (2) Section seven of the principal Act is hereby amended as follows:

(a) By omitting from paragraph (a) the word “three”:

10 (b) By omitting from paragraph (b) the words “of the licensing poll and”:

15 (c) By adding to paragraph (c) the words “If the city licensing district includes any area that was formerly part of any ordinary licensing district and has been added to the city licensing district by Order in Council under section *six* of this Act, the Registrar of Electors for the electoral district in which that area is situated shall cause the rolls of that electoral district to be marked so as to indicate the electors qualified to vote at elections of members of the Licensing Committee for the city licensing district”.

20 (3) Until the boundaries of any of the city licensing districts of Auckland, Wellington, Christchurch, and Dunedin are defined, or, as the case may be, redefined, for
 25 the first time by the taking effect of an Order in Council under section six of the principal Act (as inserted by subsection *one* of this section), that city licensing district shall continue to have such boundaries as are declared in the report of the Representation Commission made
 30 pursuant to section six of the Electoral Amendment Act 1945 on the sixth day of May, nineteen hundred and fifty-two, and shall comprise the electoral districts declared by that report to be in the city licensing district.

1945, No. 10

35 (4) Section forty-one of the Licensing Amendment Act 1910 is hereby repealed.

See Reprint of Statutes, Vol. IV, p. 361

38. (1) Notwithstanding anything in the principal Act or in any other enactment, the Governor-General may from time to time, by Order in Council, on the recommendation of the Minister made on the recommendation of the Licensing Control Commission, alter the boundaries of any licensing district, not being a city licensing district, by adding thereto any part of any adjoining licensing district remaining after the exclusion (whether before or

Power to alter boundaries of other licensing districts.

after the passing of this Act) of any no-licence district or licensing Trust district, and redefine the boundaries of the district as so altered. Any such Order in Council shall take effect as from such date as may be specified in the Order in Council.

5

(2) Nothing in this section shall be construed to authorize the alteration of the boundaries of any no-licence district or licensing Trust district, or the union of any part of any such district with any other licensing district.

10

(3) Whenever under this section the boundaries of any licensing district are altered, the provisions of section seven of the principal Act, with the necessary modifications, shall apply to that district for the purposes of the election of members of the Licensing Committee, as if that district were a city licensing district.

15

Power to
redefine
licensed
premises.

39. The principal Act is hereby amended by inserting, after section two hundred and ninety-one, the following section:

“291A. (1) The Licensing Committee may from time to time, by certificate, redefine any licensed premises by excluding therefrom any land, or any building or any part of any building, that is not being used or is not intended to be used for the purpose for which the licence was granted, or by including therein any land, or any building or any part of any building, that is being or is intended to be used for that purpose.

20

25

“(2) Every such certificate shall take effect from the date thereof or from such other date, whether before or after the date of the certificate, as may be specified therein.

30

“(3) Any such certificate may be expressed to have effect until such date as may be specified therein. Except when a date is so specified, the certificate shall, while it remains in force, have effect during the currency of the licence and of any renewal thereof unless it is varied under subsection *four* of this section.

35

“(4) Any such certificate may at any time be revoked by the Licensing Committee, or may from time to time be varied by it so as to have effect until such date as may be specified by the Committee.

40

“(5) The Clerk of the Licensing Committee shall record in Part II of the Register of Licences particulars of every certificate issued under this section, and of every revocation or variation of any such certificate.

45

“(6) While any certificate under this section continues in force, the licence in respect of the premises shall be deemed to have been granted in respect of the licensed premises as redefined by the certificate.

5 “(7) Any certificate issued by the Minister, before the commencement of this section, under the Licensing Act Emergency Regulations 1940, declaring that any part of any premises shall not be licensed premises, being a certificate in force at the commencement of this section,
10 shall be deemed to be a certificate issued under this section by the Licensing Committee, and shall continue in force until it is revoked by the Licensing Committee.”

40. (1) Section nineteen of the Public Works Amendment Act 1948 is hereby amended by inserting in
15 subsection two, after paragraph (c), the following paragraph:

“(cc) Any certificate issued before the date of the commencement of this section by the Minister of Justice under the Licensing Act Emergency Regulations 1940, declaring a
20 licence in respect of the premises to be suspended, being a certificate in force at that date, shall be deemed, notwithstanding that the licence may have been acquired after that date, to be a certificate issued
25 under paragraph (c) of this subsection, and shall continue in force until it is revoked under that paragraph.”

(2) The Licensing Act Emergency Regulations 1940 and the Licensing Act Emergency Regulations 1940, Amendment No. 1, are hereby revoked.

41. Section sixty-seven of the Licensing Amendment Act 1948 is hereby amended by inserting, after subsection three, the following subsection:

35 “(3A) Where at any time, whether before or after the commencement of this subsection, any exemption has been granted under subsection three of this section to the holder of any tourist house licence, and a publican’s licence has subsequently been granted, whether before or
40 after the commencement of this subsection, in respect of the same premises, the Commission may grant to the holder of the publican’s licence any exemption under the said subsection three, if the Commission is satisfied that in the locality in which the licensed premises are

Serial numbers
1940/141
1942/301

Section 19 of
Public Works
Amendment
Act 1948 (as
to disposal
of licences
acquired
by the Crown)
amended.
1948, No. 39

Serial numbers
1940/141
1942/301

Section 67 of
Licensing
Amendment
Act 1948
amended.

situated there are no other facilities reasonably available for the enjoyment by the public of the things to which the exemption will relate. For the purposes of this subsection, the provisions of the said subsection three shall apply with the necessary modifications.”

Repeals.

42. The following enactments are hereby repealed, namely:

See Reprint of Statutes, Vol. IV, p. 361

(a) Section forty-two of the Licensing Amendment Act 1910, and the First and Fifth Schedules to that Act:

Ibid., p. 367

(b) Section four and subsections one to three of section six of the Licensing Amendment Act 1914:

Ibid., p. 372

(c) Sections four to six of the Sale of Liquor Restriction Act 1917:

Ibid., p. 374

(d) Subsection three of section one, sections two to fifty-five, and section sixty of the Licensing Amendment Act 1918, and Form No. 1 in the Schedule to that Act.

Schedules.

SCHEDULES

Section 2 (1)

FIRST SCHEDULE

KING COUNTRY AREA

ALL that area situated in the Auckland, Wellington, and Taranaki Land Districts, bounded by a line commencing at a point on the shore of Aotea Harbour in line with the north-western boundary of Moerangi No. 3A Block, in Block XIII, Karioi Survey District; thence proceeding north-easterly to and along that boundary and the generally north-western boundaries of Moerangi Nos. 3B 1, 3B 2c 2, and 3B 2A Blocks, Sections 14, 13, and 12, Block XIV, Karioi Survey District, Sections 1 and 2, Block XV, Karioi Survey District, Sections 7 and 8, Block XI, Karioi Survey District, Section 3, Block IX, Alexandra Survey District, and Moerangi Nos. 1A 2 and 1A 1 Blocks; thence south-easterly along the generally north-eastern boundaries of Moerangi Nos. 1A 1, 1B 2A, 1E 4, 1E 5, 1D, and 4 Blocks to Tahunui Trig. Station in Block II, Pirongia Survey District; thence along a right line to Trig. Station 1922 (Mahaukura) in Block III, Pirongia Survey District; thence easterly along the northern boundaries of Mangauika B 2 Section 2 Block, Sections 5, 3, and 2, Block III, aforesaid, Sections 8 and 2, Block IV, Pirongia Survey District, and Mangauika B 1A 1 Block to the Waipa River; thence down the Waipa River to and up the Puniu River to and up the Owairaka Stream to a point due west of Trig. Station No. 1303 (Anakaitangata) in Block XV, Maungatautari Survey District;

*FIRST SCHEDULE—continued**KING COUNTRY AREA—continued*

thence due east to that trig. station: thence south-easterly along the north-eastern boundaries of Lot 1, Deposited Plan No. 7300, and Section 1, Block XV, Maungatautari Survey District, and the production of the last-mentioned boundary to the middle of the Waikato River; thence up the middle of that river to a point in line with the western boundary of Tatra West Block; thence southerly along the western boundary of that block, the western boundary of Whangamata Block, and along a right line across Lake Taupo to the middle of the mouth of the Tauranga River; thence up the middle of that river to its source, and along a right line to Waione Trig. Station in the Kaimanawa Mountains; thence south-westerly generally along the summit of the Kaimanawa Mountains to and along the summit of the watersheds between the upper reaches of the Waikato and Moawhango Rivers and the Waikato and Whangaehu Rivers, and a right line due south to the source of the Whangaehu River; thence down the middle of that river to a point in line with the eastern boundary of Section 1, Block VII, Mangawhero Survey District; thence to and along that boundary, the north-eastern, northern, and western boundaries of Section 6, Block VII, aforesaid, and the western boundary of the said Section 1, to Totara Trig. Station; thence south-westerly along the north-western boundaries of the said Section 1, Section 4, and part Section 1, Block VI, Mangawhero Survey District, and the production of the last-mentioned boundary to the middle of the Mangawhero River; thence down the middle of that river to and up the middle of the Mangahowi Stream to its intersection by the south-western boundary of Section 7, Block I, Mangawhero Survey District; thence north-westerly generally along the south-western boundary of the said Section 7 and the production of the last-mentioned boundary to the middle of Te Komai Road; thence southerly along the middle of that road to a point in line with the north-western boundary of Section 1, Block VIII, Waipakura Survey District; thence to and along that boundary, the northern and north-western boundaries of Section 2, and the north-western boundaries of Sections 3 and 4, all of Block VIII aforesaid, to the Upokonui Stream; thence down that stream and the Upokongaro Stream to the north-eastern boundary of Pukenui 5B Block, in Block XI, Waipakura Survey District; thence north-westerly along that boundary and the north-eastern boundaries of Pukenui Nos. 4, 3, 2A, and 2B Blocks; thence south-westerly generally along the northern and north-western boundaries of Pukenui Nos. 2B and 1 Blocks and the production of the last-mentioned boundary to the middle of the Wanganui River; thence down the middle of that river to and up the middle of the Kaurapaoa Stream to and along the generally northern boundary of Kaurapaoa Block to and along the generally southern and western boundaries of Sections 3 and 2, Block XVI, Momahaki Survey District; thence along the generally north-western boundary

*FIRST SCHEDULE—continued**KING COUNTRY AREA—continued*

of Section 4, the generally western boundaries of Sections 6 and 7, all of Block XVI aforesaid, the generally south-western boundary of Section 2, Block XII, Momahaki Survey District, the generally western and northern boundaries of Section 16 (E.R.), Blocks XII and VIII, Momahaki Survey District, and the north-western boundary of Section 18, Block VIII aforesaid, to and down the Rangitatau Stream to and up the Otaupari Stream to and along the south-western boundaries of Section 9, an unsurveyed Maori block, again Section 9, and Section 8, all of Block IV, Momahaki Survey District, to the southern boundary of the said Section 8; thence westerly along the generally southern boundaries of Section 8 aforesaid, Sections 4, 5, and 3, Block III, Momahaki Survey District, Sections 5, 6, 4, and 3, Block IV, Kapara Survey District, to Taurakawau Trig. Station; thence north-westerly along a right line to Rakautihitihi Trig. Station and a right line to Tawanui Trig. Station; thence westerly generally along the southern boundary of Section 10, Block III, Kapara Survey District, to and down the Tunapoto Stream to the Pokeka Stream; thence down that stream to and up the Waitotara River to its confluence with the Omaru Stream; thence northerly generally along a right line to the middle of Omaru Road, and along the middle of that road and Puteore Road and a right line to and along the western and north-western boundaries of Section 8, Block II, Taurakawa Survey District, and the south-eastern boundaries of Sections 1 and 6, Block II aforesaid, to Mount Humphries Trig. Station; thence north-westerly along the north-eastern boundaries of Section 6 aforesaid, Sections 2, 3, 4, and 5, Block XIV, Mahoe Survey District, Sections 6, 1, 9, and 19, Block XIII, Mahoe Survey District, Sections 18, 17, and 16, Block XVI, Ngatimaru Survey District, to the Mangaehu Stream; thence up the Mangaehu Stream to and along the south-eastern boundary of Lot 17, Deposited Plan No. 403, part Pohokura Block, to the easternmost point of that lot; thence easterly along a right line to the confluence of the Wanganui and Tangarakau Rivers; thence up the middle of the Wanganui River to the Paparoa Stream at the south-western boundary of Section 4, Block IV, Heao Survey District; thence up that stream to and along the generally southern boundaries of Section 3, Block IV aforesaid, Section 1, Block III, Heao Survey District, Ohura South Part K 1 Section 2c 4 Block, Sections 16 and 3, Block II, Heao Survey District, Ohura South Parts K 1 Section 2c 1, K 1 Section 2c 5, and K 1 Section 2c 4 Blocks; thence northerly along the generally western boundaries of Ohura South Part K 1 Section 2c 4 aforesaid, and Section 7, Block XIII, Ohura Survey District, to the westernmost point of the said Section 7; thence westerly along a right line to Peneta Trig. Station in Section 3, Block XVI, Waro Survey District; thence along a right line bearing 300° to the Taranaki confiscation boundary line; thence north-easterly and westerly along that boundary line to the sea coast;

*FIRST SCHEDULE—continued**KING COUNTRY AREA—continued*

thence northerly generally along the sea coast to and along the generally western and northern shores of Aotea Harbour to the point of commencement; and including all adjacent islands:

Excluding, however, from the above-described area all that area bounded by a line commencing at a point on the shore of Lake Taupo at its junction with the right bank of the Tokaanu River; thence proceeding easterly along the shore of Lake Taupo to a point due north of Manganamu Trig. Station situated in Section 7, Block X, Puketi Survey District; thence due south to the said Trig. Station; thence due west to the right bank of the Tokaanu River; thence down the right bank of that river to its junction with the shore of Lake Taupo, being the point of commencement.

SECOND SCHEDULE

Section 8 (1)

JOHNSONVILLE AREA

ALL that area situated in the Wellington Land District and bounded by a line commencing at a point on the sea coast in line with the southern boundary of Wairere No. 1 Block in Block 1, Belmont Survey District; thence proceeding easterly to and along that boundary and the southern boundary of Wairere No. 2 Block to the western boundary of Porirua Asylum Reserve; thence along the generally western, southern, and eastern boundaries of that reserve to the northern boundary of Section 57, Porirua District; thence easterly along that boundary to the Wellington-Porirua Road; thence southerly generally along that road to a point in line with the northern boundary of Section 50, Porirua District; thence easterly generally along the northern and eastern boundaries of the said Section 50 to and along the northern boundary of Section 6, Tukapu District; thence southerly along the eastern boundaries of the said Section 6 and Sections 4, 3, 2, and 1, Tukapu District, and Sections 38, 19, 18, 17, 13, 10, and 8, all of Horokiwi Road District; thence easterly along the northern boundaries of Section 7, Horokiwi Road District, and Section 78, Hutt District, to the Korokoro Stream; thence southerly generally down that stream to and along the eastern boundary of the said Section 78 and the north-eastern boundary of Section 19, Harbour District, and the production of the last-mentioned boundary to the shore of Port Nicholson; thence south-westerly along the shore of Port Nicholson to its intersection with the extension of the middle line of Baker Street in the City of Wellington; thence westerly generally to and along the middle of Baker Street, Watt Street, the old Wadestown Tram Road, Sefton Street, and Wadestown Road to and along the generally northern boundary of the Wellington Town Belt to and along the north-eastern boundary of Section 2, Kaiwarra District, and its production to the

SECOND SCHEDULE—continued**JOHNSONVILLE AREA—continued**

middle of the Kaiwharawhara Stream; thence up the middle of that stream to a point in line with the south-western boundary of Subdivision VIII, Otari Maori Reserve; thence to and along that boundary to the western corner of the said Subdivision VIII; thence along the north-western boundaries of the said Subdivision VIII, and Subdivisions VII, VI, V, IV, III, II, and I, Otari Maori Reserve; thence along the south-western and north-western boundaries of Section 7, Kaiwarra District, to the south-western boundary of Section 9, Kaiwarra District; thence north-westerly along the south-western boundary of Section 9 aforesaid to the south-eastern boundary of Section 128, Ohariu District; thence south-westerly generally along the south-eastern and south-western boundaries of the said Section 128 and the south-eastern boundaries of Section 129, Ohariu District; thence north-westerly generally along the south-western and north-western boundaries of Sections 55 and 103, parts of the north-western and south-western boundaries of Section 101, the south-western boundaries of Sections 100, 78, and 75, the north-western boundaries of Sections 75 and 74, part of the south-western boundary of Section 73, and the south-western boundary of Section III and its production to the sea coast, all the aforesaid sections being in Block III, Port Nicholson Survey District; thence north-easterly along the sea coast to a point in line with the southern boundary of Wairere No. 1 Block, being the point of commencement.

Section 9 (1)

THIRD SCHEDULE**PORIRUA AREA**

ALL that area situated in the Wellington Land District and bounded by a line commencing at a point on the sea coast in line with the southern boundary of Wairere No. 1 Block in Block I, Belmont Survey District; thence proceeding easterly to and along that boundary and the southern boundary of Wairere No. 2 Block to the western boundary of Porirua Asylum Reserve; thence along the generally western, southern, and eastern boundaries of that reserve to the northern boundary of Section 57, Porirua District; thence easterly along that boundary to the Wellington-Porirua Road; thence southerly generally along that road to a point in line with the northern boundary of Section 50, Porirua District; thence easterly generally along the northern and eastern boundaries of the said Section 50 to and along the northern boundary of Section 6, Tukapu District; thence southerly along the eastern boundaries of the said Section 6, Sections 4, 3, 2, and 1, Tukapu District, and Sections 38, 19, 18, 17, 13, 10, and 8, all of Horokiwi Road District; thence easterly along the northern boundaries of Section 7, Horokiwi Road District, and Section 78, Hutt District, to the Korokoro Stream; thence down that stream to the eastern boundary of

*THIRD SCHEDULE—continued**PORIRUA AREA—continued*

Section 78, Hutt District; thence northerly along that boundary to the north-western corner of Section 79, Hutt District; thence easterly along the northern boundary of that section to the westernmost corner of Section 20, Hutt District; thence north-easterly along the north-western boundaries of Sections 20, 24, 28, and 75, Hutt District; thence south-easterly and easterly along the north-eastern and northern boundaries of Section 75 aforesaid, and the production of the last-mentioned boundary to the Wellington-Wairarapa Railway Line; thence north-easterly along that railway line to the Silverstream Railway Bridge; thence up the Hutt River to Wakatikei Road; thence northerly along that road to its intersection with the Wakatikei River near the southernmost corner of Section 5, Block XIII, Akatarawa Survey District; thence up the Wakatikei River to a point in line with the northern boundary of Section 2, Block IX, Akatarawa Survey District; thence to and along the northern boundaries of the said Section 2 and Sections 6, 5, 4, 3, and 2, Block VII, Paekakariki Survey District; thence northerly along the eastern boundaries of Sections 64 and 66, Block VII aforesaid, to and along the south-western boundary of the Wainui Forest Reserve to its intersection by a right line being the production easterly of the southern boundary of Tunupo Block; thence westerly along the said right line to the easternmost corner of Tunupo Block; thence north-westerly along the north-eastern boundary of Tunupo Block and its production to the sea coast; thence south-westerly generally along the sea coast crossing the mouths of all rivers and inlets to a point in line with the southern boundary of Wairere No. 1 Block, being the point of commencement; and including Mana Island.

Section 2 (2)

FOURTH SCHEDULE

KING COUNTRY POLL

VOTING PAPER No. 1

(Poll to determine whether liquor should be sold in the King country)

NOTE.—The voter should also mark Voting Paper No 2.

I vote FOR the sale of liquor
I vote AGAINST the sale of liquor

Directions

The voter must strike out one line, leaving untouched the line which shows the way he wishes to vote.

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

The voting paper so marked is to be folded up so that the contents cannot be seen, and placed by the voter in the ballot box, or (in the case of an absentee vote) handed back to the Deputy Returning Officer.

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

KING COUNTRY POLL

VOTING PAPER No. 2

(Poll to determine, if the proposal for the sale of liquor set out in Voting Paper No. 1 is carried, whether the King country should be a licensing Trust district or districts, or whether licences should be issued under the Licensing Act).

NOTE.—The voter should also mark Voting Paper No. 1.

I vote for Trust control
I vote for licences under the Licensing Act

Directions

The voter must strike out one line, leaving untouched the line which shows the way he wishes to vote.

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

The voting paper so marked is to be folded up so that the contents cannot be seen, and placed by the voter in the ballot box, or (in the case of an absentee vote) handed back to the Deputy Returning Officer.

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

FIFTH SCHEDULE

JOHNSONVILLE [or PORIRUA] POLL

VOTING PAPER No. 1

(Poll to determine whether liquor should be sold in the Johnsonville [or the Porirua] area)

NOTE.—The voter should also mark Voting Paper No. 2.

I vote FOR local restoration
I vote AGAINST local restoration

Directions

The voter must strike out one line, leaving untouched the line which shows the way he wishes to vote.

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

The voting paper so marked is to be folded up so that the contents cannot be seen, and placed by the voter in the ballot box, or (in the case of an absentee vote) handed back to the Deputy Returning Officer.

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

JOHNSONVILLE [or PORIRUA] POLL

VOTING PAPER No. 2

(Poll to determine, if the proposal for local restoration set out in Voting Paper No. 1 is carried, whether the whole area should be a licensing Trust district, or whether licences should be issued under the Licensing Act)

NOTE.—The voter should also mark Voting Paper No. 1.

I vote for Trust control
I vote for licences under the Licensing Act

Directions

The voter must strike out one line, leaving untouched the line which shows the way he wishes to vote.

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

The voting paper so marked is to be folded up so that the contents cannot be seen, and placed by the voter in the ballot box, or (in the case of an absentee vote) handed back to the Deputy Returning Officer.

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

Sections 8 (2),
9 (2)

Section 14 (3)

SIXTH SCHEDULE

POLL IN SPECIAL AREA OF [Name of Area]

VOTING PAPER NO. 1

(Poll to determine whether licences should be issued under the Licensing Act)

NOTE.—The voter should also mark Voting Paper No. 2.

I vote FOR the issue of licences
I vote AGAINST the issue of licences

Directions

The voter must strike out one line, leaving untouched the line which shows the way he wishes to vote.

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

The voting paper so marked is to be folded up so that the contents cannot be seen, and placed by the voter in the ballot box, or (in the case of an absentee vote) handed back to the Deputy Returning Officer.

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

POLL IN SPECIAL AREA OF [Name of Area]

VOTING PAPER NO. 2

(Poll to determine, if the proposal for the issue of licences set out in Voting Paper No. 1 is carried, whether the licences should be granted to a local Trust under the Licensing Act)

NOTE.—The voter should also mark Voting Paper No. 1.

I vote FOR Trust control
I vote AGAINST Trust control

Directions

The voter must strike out one line, leaving untouched the line which shows the way he wishes to vote.

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

The voting paper so marked is to be folded up so that the contents cannot be seen, and placed by the voter in the ballot box, or (in the case of an absentee vote) handed back to the Deputy Returning Officer.

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

SEVENTH SCHEDULE

Section 24 (3)

FEES PAYABLE FOR WINE MAKERS' LICENCES

WHERE the total quantity intended to be manufactured by the licensee in the year of the currency of his licence, including wine manufactured for any purpose as well as wine manufactured for sale,—

(a) Does not exceed 500 gallons	£
(b) Exceeds 500 gallons but does not exceed 1,000 gallons	2
(c) Exceeds 1,000 gallons	5
	10