

(Mr. Stout.)

Local Option Licensing.

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A BILL INTITULED

AN ACT to further amend the Licensing Laws in force in the Colony. Title.

WHEREAS it is advisable to give the people greater control in the licensing of persons to sell alcoholic and spirituous liquors : Preamble.

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

1. The Short Title of this Act shall be "The Local Option Licensing Act, 1876." Short Title.

2. In the interpretation of this Act the following terms and expressions shall have the meanings hereby assigned to them, that is to say,— Interpretation.

"Licensing Clerk" shall mean and include any person appointed or acting as Clerk to any Licensing Commissioners, or as Clerk of any Licensing Court.

"Licensing district" shall mean any district constituted as a licensing district under "The Licensing Act, 1873," "The Licensing Act, 1874," or any Act amending the said Acts.

"Clerk" shall mean and include any person appointed by the governing body to do any act required to be done under this Act.

"Governing body" means the Council of any city or borough constituted under "The Municipal Corporations Act, 1867," or any Act constituting Municipal Corporations, and the Council, Board of Commissioners, trustees, or the persons or body having the control of the affairs of any city borough or place, or of roads or highways in any roads or highway district, or in any other district however denominated.

"Mayor" shall include the chairman of a Road Board or Highway Board, or other the presiding officer at meetings of the governing body.

No. 7—1.

List of ratepayers in licensing district to be compiled.

3. On the thirty-first day in the month of March in the year one thousand eight hundred and seventy-seven, and on the thirty-first day of March in every third year thereafter, or if that day fall on a Sunday, then on the thirtieth day of the said month, the Clerk of every governing body shall compile an alphabetical list of all persons who shall have been assessed to pay and shall have made payment of any rate struck by such governing body in respect of rateable property situate in any licensing district, within the year ending on the thirtieth day of March then instant. 5

List to be signed by Clerk and Mayor, and sent to Licensing Clerk for district.

4. Every such list, when so prepared, shall be signed by the Clerk, and shall be countersigned by the Mayor, and shall be forwarded to the Licensing Clerk for the licensing district within which the municipality, highway or road district, or other division of the colony under the control of such governing body shall be situate, on or before the seventh day of the month of April in the year one thousand eight hundred and seventy-seven, and every third year thereafter: Provided always that when any municipality, road district, highway district, or other division of the colony as aforesaid is in part comprised within two or more licensing districts, or if there shall be one or more licensing districts within the said municipality, or road or highway district, or other division as aforesaid, then the Clerk to the governing body of such municipality, road district, highway district, or other division as aforesaid, shall, in preparing the list of ratepayers required to be prepared under this Act, make a separate list for each of such portions of the municipality, road district, highway district, or other division as aforesaid, or for each licensing district within the said municipality, or road or highway district, or other division as aforesaid, and shall forward the same to the Licensing Clerk of the licensing district within which such portion of the municipality, road district, highway district, or other division as aforesaid is contained. 10
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Provided that a separate list be made for each portion of a municipality, and sent to Licensing Clerk for that portion.

No person to have more votes than allowed by one qualification.

5. It is hereby expressly declared that no person possessing more than one qualification in the same licensing district shall possess or exercise any greater or other number of votes within such licensing district than he would if he had possessed only one qualification.

Penalty if provisions of Act not complied with.

6. If the Clerk of any governing body, or the Mayor, or Licensing Clerk, shall wilfully or negligently fail to comply with the provisions of this Act, he shall be liable to a penalty not exceeding fifty pounds, to be recovered summarily under "The Justices of the Peace Act, 1866." 35

Lists to be made even if rate struck be set aside.

7. When the rate struck by any governing body shall have been quashed or set aside by any Court of competent jurisdiction, the lists required to be prepared under section three of this Act shall, notwithstanding the quashing of such rate, be proceeded with under this Act in the same manner as if such rate had not been so quashed or set aside. 40

List to constitute voters' list for district.

8. The Licensing Clerk of every licensing district shall, on the receipt of the lists of the said voters from the clerk so countersigned by the Mayor as aforesaid, sign the said list, which shall constitute the voters' list for the licensing district. 45

Licensing Clerk to take vote by ballot.

9. On the first Monday in the month of May in the year one thousand eight hundred and seventy-seven, and every third year thereafter, or on such other day of May in the year one thousand eight hundred and seventy-seven, and any third year thereafter, as the Licensing Commissioners shall appoint, it shall be the duty of the Licensing Clerk of every licensing district in the colony to take a vote of all those whose names shall be in the voters' list for the licensing district by ballot papers in the form in the First Schedule to this Act. 50
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Polling place to be provided.

10. The Licensing Clerk shall provide a convenient polling place or polling places within the said licensing district for the taking of the said votes, and shall keep the said polling place open from nine a.m. to eight p.m.

11. The provisions of sections forty-one, forty-seven, forty-eight, forty-nine, fifty, and fifty-one of "The Regulation of Elections Act, 1870," shall apply to all votes given under this Act.

Clauses in Regulation of Elections Act applying to votes.

12. After the close of the said ballot, the Licensing Clerk, or any deputy duly appointed by him, shall count the number of votes given and make a return of the said election, which he shall lodge with the Licensing Court.

Election return lodged with Licensing Court.

13. Whenever by returns of the said votes in any licensing district there shall be a majority who shall have voted "against license," it shall not be lawful for the Licensing Court of the licensing district to grant any license or any renewal of any license for the sale of any spirituous or intoxicating liquors whatsoever.

No license to be granted if majority against.

14. This Act shall be read as part of and along with "The Licensing Act, 1873," "The Licensing Act, 1874," and the Acts amending the said Acts.

Act to be read with Licensing Acts Amendment Acts.

SCHEDULE.

VOTE PAPER.

THE Licensing District of [*Here specify district*] Vote Paper.

For license.

Against license.

Any one desirous that licenses shall be granted will strike out the words "Against license," and any one desirous that licenses shall not be granted shall strike out the words "For license."

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