

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 1 December 1977

Words inserted are shown with double rule before first line and after last line.

Hon. Mr Thomson

LICENSING TRUSTS AMENDMENT

ANALYSIS

| Title | |
|---|--|
| 1. Short Title | |
| PART I | |
| LICENSING TRUSTS | |
| 2. This Part to be read with Licensing Trusts Act 1949 | |
| 3. Catering premises | |
| 4. Application of Sale of Liquor Act 1962 to Trust and Trust district | |
| 5. Variation of usual hours for sale of liquor in hotel and tavern premises | |
| 6. Application of Sale of Liquor Act 1962 to certain liquor outlets | |
| 7. Provisions applying to suburban Licensing Trusts | |
| | PART II |
| | MASTERTON LICENSING TRUST |
| | 8. This Part to be read with Masterton Licensing Trust Act 1947 |
| | 9. Catering premises |
| | 10. Application of Sale of Liquor Act 1962 to Trust and Trust district |
| | 11. Application of Sale of Liquor Act 1962 to certain liquor outlets |
| | PART III |
| | INVERCARGILL LICENSING TRUST |
| | 12. This Part to be read with Invercargill Licensing Trust Act 1950 |
| | 13. Catering premises |
| | 14. Application of Sale of Liquor Act 1962 to Trust and Trust district |
| | 15. Application of Sale of Liquor Act 1962 to certain liquor outlets |

A BILL INTITULED

An Act to amend the Licensing Trusts Act 1949, the Masterton Licensing Trust Act 1947, and the Invercargill Licensing Trust Act 1950

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

1. **Short Title**—This Act may be cited as the Licensing Trusts Amendment Act 1977.

No. 131—2

PART I

LICENSING TRUSTS

2. This Part to be read with Licensing Trusts Act 1949—
 This Part of this Act shall be read together with and deemed
 Part of the Licensing Trusts Act 1949* (in this Part of this
 Act referred to as the principal Act). 5

*Reprinted, 1969, Vol. 3, p. 2285
 Amendments: 1970, No. 76; 1971, No. 107; 1974, No. 12; 1974, No. 95;
 1975, No. 139; 1976, No. 167

3. Catering premises—(1) The principal Act is hereby
 amended by inserting, after section 28B (as inserted by section
 5 (1) of the Licensing Trusts Amendment Act 1974), the
 following section: 10

“28c. (1) For the purposes of this section “catering
 premises” means premises (other than premises in which
 accommodation is provided, or a restaurant, or a cabaret) in
 which catering services are provided for persons attending
 any social reception, function, or other gathering promoted
 by any person or association of persons (other than the
 Trust). 15

“(2) The Trust may within the Trust district establish and
 maintain catering premises, in or from which it may, at any
 time between the hours of 9 o'clock in the morning of any
 day (except Good Friday) and 1 o'clock in the morning of
 the following day,— 20

“(a) Sell and dispose of liquor for consumption on the
 premises by persons attending any social recep-
 tion, function, or other gathering, promoted by any
 person or association of persons (not being the
 Trust); and 25

“(b) Sell and deliver liquor from the premises for con-
 sumption on any other premises by persons
 attending any social reception, function, or other
 gathering, promoted by any person or association
 of persons (not being the Trust). 30

“(3) Notwithstanding anything in subsection (2) of this
 section, any liquor served in any catering premises before
 1 o'clock in the morning of any day may be consumed in the
 premises by the person to whom it was served at any time
 before 1.30 o'clock in the morning of that day. 35

“(4) The Trust shall not establish or maintain any catering
 premises for the purposes of this section unless the premises
 and the services and facilities provided therein are of a
 standard for the time being approved by the Commission, 40

which may give its approval on and subject to such terms and conditions as it thinks fit.

“(5) The following provisions shall apply to any such catering premises, namely:

5 “(a) Liquor shall be sold and supplied only for consumption by persons attending any social reception, function, or other gathering, and the sale and supply of liquor shall be incidental to the sale and supply by the Trust of food for consumption by
10 those persons at that reception, function, or gathering:

“(b) Except in a case to which subsection (1) (b) of this section applies, every bottle or other container in which liquor is supplied in the premises, and every
15 drinking vessel used for the consumption of liquor, shall be cleared away immediately after 1.30 o'clock in the morning.

“(6) In any case where any of the provisions of subsection (5) of this section are not complied with, the person for the
20 time being charged with the management of the catering premises shall be deemed to have committed an offence and shall be liable on summary conviction to a fine not exceeding \$40.”

New

25 (1A) Section 32 of the principal Act (as substituted by section 4 of the Licensing Trusts Amendment Act 1962) is hereby amended by inserting in subsection (4) (as amended by section 12 of the Licensing Trusts Amendment Act 1976),
30 after the words “section 28B of this Act”, the words “or of any catering premises of a standard approved by the Commission under section 28c of this Act”.

(2) Section 34A of the principal Act (as inserted by section 6 (1) of the Licensing Trusts Amendment Act 1962 and amended by section 5 (3) of the Licensing Trust Amendment
35 Act 1974) is hereby amended by inserting in paragraph (d) of subsection (2), after the words “pursuant to section 28B”, the words “or section 28c”.

(3) The said section 34A is hereby further amended by inserting in subsection (2), after paragraph (da) (as inserted by section 5 (4) of the Licensing Trusts Amendment
40 Act 1974), the following paragraph:

“(db) Premises established and maintained pursuant to section 28c of this Act shall be deemed to be
45 premises in respect of which a caterer’s licence is in force.”

(4) The said section 34A is hereby further amended by adding to subsection (2) (as amended by section 5 (5)) the following paragraph:

“(i) In respect of any premises to which paragraph (db) of this subsection applies, the Trust shall be deemed to be the holder of a caterer’s licence, and the person for the time being charged with the management of the premises shall be deemed to be a manager duly appointed under the Sale of Liquor Act 1962.”

4. Application of Sale of Liquor Act 1962 to Trust and Trust district—(1) The said section 34A of the principal Act (as so inserted) is hereby amended—

(a) By inserting in subsection (1), before the expression “60,”, the expression “54A,”:

(b) By omitting from that subsection the expression “289,”, and substituting the expression “288A to 289A,”.

(2) The First Schedule to the principal Act (as substituted by section 6 (2) of the Licensing Trusts Amendment Act 1962) is hereby amended by inserting, after clause 1 (as amended by section 3 (2) of the Licensing Trusts Amendment Act 1967), the following clause:

“1A. In the application of section 54A of the Sale of Liquor Act 1962 pursuant to section 34A of this Act, subsection (1) of that section shall be read as if, for the words “any conditions imposed either generally or in a particular case by the Commission”, there were substituted the words “the provisions of this Act.”

(3) The said First Schedule is hereby further amended by inserting in clause 4, after the expression “sections 216”, the expression “, 216A,”.

5. Variation of usual hours for sale of liquor in hotel and tavern premises—Section 34B of the principal Act (as inserted by section 3 (1) of the Licensing Trusts Amendment Act 1967) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) No such resolution shall provide for the keeping open of the premises for the sale of liquor to the public for more than—

“(a) Eleven hours on any Monday, Tuesday, Wednesday, or Thursday (not being Christmas Eve or New Year’s Eve):

“(b) Twelve hours on any Friday or Saturday (not being New Year’s Eve), or on Christmas Eve:

“(c) Thirteen and one half hours on New Year’s Eve.

“(4A) For the purposes of subsection (4) of this section, the period commencing at midnight on New Year’s Eve and ending at 0.30 o’clock in the morning of New Year’s Day shall be deemed to be part of New Year’s Eve and not part
5 of New Year’s Day.”

6. Application of Sale of Liquor Act 1962 to certain liquor outlets—(1) The principal Act is hereby amended by repealing section 35, and substituting the following section:

10 “35. (1) All the provisions of the Sale of Liquor Act 1962 shall, so far as they are applicable, apply within the Trust district in respect of—

“(a) Restaurant licences and restaurant permits:

“(b) Cabaret licences and cabaret permits:

“(c) Caterers’ licences and caterers’ permits:

15 “(d) General ancillary licences and extended hours permits for holders of such licences:

“(e) Winemakers’ licences and vineyard bar permits:

“(f) Liquor permits for unlicensed restaurants:

20 “(g) Club charters, special dining permits and extended hours permits for chartered clubs, and applications for variation of the usual hours of sale in chartered clubs:

“(h) Premises for which and persons to whom such licences, charters, and permits as aforesaid have been or
25 may hereafter be lawfully granted.

“(2) For the purposes of subsection (1) of this section, references in the Sale of Liquor Act 1962 to the Licensing Committee (or to the Chairman or Clerk of the Committee) shall be deemed to be references to the Licensing Committee
30 (or to the Chairman or Clerk of the Committee) of the licensing district adjoining the Trust district.”

(2) Section 7 of the Licensing Trusts Amendment Act 1962 is hereby consequentially repealed.

7. Provisions applying to suburban Licensing Trusts—

35 (1) Section 72 of the principal Act (as inserted by section 9 of the Licensing Trusts Amendment Act 1976) is hereby amended by inserting in subsection (1), after the expression “28B”, the expression “28c,”.

New

40 “(1A) Section 73 of the principal Act (as inserted by section 9 of the Licensing Trusts Amendment Act 1976) is hereby amended by inserting, after subsection (1), the following subsection:

45 “(1A) For the purposes of subsection (1) of this section, references in the Sale of Liquor Act 1962 to the Licensing Committee (or to the Chairman or Clerk of the Committee) shall be deemed to be references to the Licensing Committee (or to the Chairman or Clerk of the Committee) of the licensing district adjoining the Trust area.”

(2) Section 73 of the principal Act (as inserted by section 9 of the Licensing Trusts Amendment Act 1976) is hereby amended by inserting in subsection (2), after the word “sections”, the expression “54A”.

(3) The said section 73 is hereby further amended— 5

(a) By omitting from subsection (3) the words “(as inserted by section 11 (4) of the Licensing Trusts Amendment Act 1974)”, and substituting the expressions “, (db)”:

(b) By omitting from that subsection the words “and (h) 10 (as added by section 11 (5) of that Act)”, and substituting the words “(h), and (i)”.

PART II

MASTERTON LICENSING TRUST

8. This Part to be read with Masterton Licensing Trust Act 1947—This Part of this Act shall be read together with and deemed part of the Masterton Licensing Trusts Act 1947* (in this Part referred to as the principal Act). 15

9. Catering premises—(1) The principal Act is hereby amended by inserting, after section 28B (as inserted by section 11 (1) of the Licensing Trusts Amendment Act 1974), the following section: 20

“28c. The provisions of section 28c of the Licensing Trusts Act 1949 shall apply to the Trust.”

New

(1A) Section 32 of the principal Act (as substituted by section 13 of the Licensing Trusts Amendment Act 1962) is hereby amended by inserting in subsection (4) (as amended by section 31 of the Licensing Trusts Amendment Act 1976), after the words “section 28B of this Act”, the words “or of any catering premises of a standard approved by the Commission under section 28c of this Act”. 25 30

(2) Section 34 of the principal Act is hereby amended by inserting in subsection (7) (as substituted by section 14 of the Licensing Trusts Amendment Act 1962 and amended by section 11 (2) of the Licensing Trusts Amendment Act 1974), after the words “a cabaret,”, the words “catering premises,”. 35

(3) Section 34A of the principal Act (as inserted by section 15 (1) of the Licensing Trusts Amendment Act 1962 and amended by section 11 (3) of the Licensing Trusts Amendment Act 1974) is hereby amended by inserting in paragraph (d) of subsection (2), after the words “pursuant to section 28B”, the words “or section 28c”. 40

(4) The said section 34A is hereby further amended by inserting in subsection (2), after paragraph (da) (as inserted by section 11 (4) of the Licensing Trusts Amendment Act 1974), the following paragraph:

- 5 “(db) Premises established and maintained pursuant to section 28c of this Act shall be deemed to be premises in respect of which a caterer’s licence is in force.”.

(5) The said section 34A is hereby further amended by adding to subsection (2) (as amended by section 11 (5) of the Licensing Trusts Amendment Act 1974) the following paragraph:

- 10 “(i) In respect of any premises to which paragraph (db) of this subsection applies, the Trust shall be deemed to be the holder of a caterer’s licence, and the person for the time being charged with the management of the premises shall be deemed to be a manager duly appointed under the Sale of Liquor Act 1962.”

20 **10. Application of Sale of Liquor Act 1962 to Trust and Trust district**—(1) The said section 34A of the principal Act (as so inserted) is hereby amended—

- (a) By inserting in subsection (1), before the expression “60”, the expression “54A,”;
- 25 (b) By omitting from that subsection the expression “289,”, and substituting the expression “288A to 289A,”.

(2) The Third Schedule to the principal Act (as substituted by section 15 (2) of the Licensing Trusts Amendment Act 1962) is hereby amended by inserting, after clause 1 (as amended by section 6 (2) of the Licensing Trusts Amendment Act 1967), the following clause:

30 “1A. In the application of section 54A of the Sale of Liquor Act 1962 pursuant to section 34A of this Act, subsection (1) of that section shall be read as if, for the words “any conditions imposed either generally or in a particular case by the Commission”, there were substituted the words “the provisions of this Act”.

(3) The said Third Schedule is hereby further amended by inserting in clause 4, after the expression “sections 216”, the expression “, 216A,”.

11. Application of Sale of Liquor Act 1962 to certain liquor outlets—(1) The principal Act is hereby amended by repealing section 35, and substituting the following section:

45 “35. (1) All the provisions of the Sale of Liquor Act 1962 shall, so far as they are applicable, apply within the Trust district in respect of—

- “(a) Restaurant licences and restaurant permits:

- “(b) Cabaret licences and cabaret permits:
“(c) Caterers’ licences and caterers’ permits:
“(d) General ancillary licences and extended hours permits for holders of such licences:
“(e) Winemakers’ licences and vineyard bar permits: 5
“(f) Liquor permits for unlicensed restaurants:
“(g) Club charters, special dining permits and extended hours permits for chartered clubs, and applications for variation of the usual hours of sale in chartered clubs: 10
“(h) Premises for which and persons to whom such licences, charters, and permits as aforesaid have been or may hereafter be lawfully granted.
“(2) For the purposes of subsection (1) of this section, references in the Sale of Liquor Act 1962 to the Licensing Committee (or to the Chairman or Clerk of the Committee) shall be deemed to be references to the Licensing Committee (or to the Chairman or Clerk of the Committee) of the licensing district adjoining the Trust district.” 15
(2) Section 16 of the Licensing Trusts Amendment Act 1962 is hereby consequentially repealed. 20

PART III

INVERCARGILL LICENSING TRUST

12. This Part to be read with Invercargill Licensing Trust Act 1950—This Part of this Act shall be read together with and deemed part of the Invercargill Licensing Trusts Act 1950* (in this Part referred to as the principal Act). 25

13. Catering premises—(1) The principal Act is hereby amended by inserting, after section 29B (as inserted by section 18 (1) of the Licensing Trusts Amendment Act 1974), the following section: 30

“29c. The provisions of section 28c of the Licensing Trusts Act 1949 shall apply to the Trust.”

New

“(1A) Section 33 of the principal Act (as substituted by section 22 of the Licensing Trusts Amendment Act 1962) is hereby amended by inserting in subsection (4) (as amended by section 35 of the Licensing Trusts Amendment Act 1976), after the words “section 29B of this Act”, the words “or of any catering premises of a standard approved by the Commission under section 29c of this Act”. 35 40

*Reprinted, 1969, Vol. 3, p. 1559
Amendments: 1971, No. 103; 1974, No. 90

(2) Section 35 of the principal Act is hereby amended by inserting in subsection (7) (as substituted by section 23 of the Licensing Trusts Amendment Act 1962 and amended by section 18 (2) of the Licensing Trusts Amendment Act 1974),
5 after the words "a cabaret," the words "catering premises,".

(3) Section 35A of the principal Act (as inserted by section 24 (1) of the Licensing Trusts Amendment Act 1962 and amended by section 18 (3) of the Licensing Trusts Amendment Act 1974) is hereby amended by inserting in paragraph
10 (d) of subsection (2), after the words "pursuant to section 28B", the words "or section 28c".

(4) The said section 35A is hereby further amended by inserting in subsection (2), after paragraph (da) (as inserted by section 18 (4) of the Licensing Trusts Amendment Act
15 1974), the following paragraph:

"(db) Premises established and maintained pursuant to section 28c of this Act shall be deemed to be premises in respect of which a caterer's licence is
20 in force:".

(5) The said section 35A is hereby further amended by adding to subsection (2) (as amended by section 18 (5) of the Licensing Trusts Amendment Act 1974) the following
paragraph:

"(i) In respect of any premises to which paragraph (db)
25 of this subsection applies, the Trust shall be deemed to be the holder of a caterer's licence, and the person for the time being charged with the management of the premises shall be deemed to be a manager duly appointed under the Sale of Liquor
30 Act 1962."

14. Application of Sale of Liquor Act 1962 to Trust and Trust district—(1) The said section 35A of the principal Act (as so inserted) is hereby amended—

35 (a) By inserting in subsection (1), before the expression "60," the expression "54A,":

(b) By omitting from that subsection the expression "289," and substituting the expression "288A to 289A,".

(2) The Second Schedule to the principal Act (as substituted by section 24 (2) of the Licensing Trusts Amendment Act 1962) is hereby amended by inserting, after clause 1 (as amended by section 9 (2) of the Licensing Trusts Amendment Act 1967), the following clause:

“1A. In the application of section 54A of the Sale of Liquor Act 1962 pursuant to section 35A of this Act, subsection (1) of that section shall be read as if, for the words “any conditions imposed either generally or in a particular case by the Commission”, there were substituted the words “the provisions of this Act”.

(3) The said Second Schedule is hereby further amended by inserting in clause 4, after the expression “sections 216”, the expression “, 216A,”.

15. Application of Sale of Liquor Act 1962 to certain liquor outlets—(1) The principal Act is hereby amended by repealing section 36, and substituting the following section:

“36. (1) All the provisions of the Sale of Liquor Act 1962 shall, so far as they are applicable, apply within the Trust district in respect of—

“(a) Restaurant licences and restaurant permits:

“(b) Cabaret licences and cabaret permits:

“(c) Caterers’ licences and caterers’ permits:

“(d) General ancillary licences and extended hours permits for holders of such licences:

“(e) Winemakers’ licences and vineyard bar permits:

“(f) Liquor permits for unlicensed restaurants:

“(g) Club charters, special dining permits and extended hours permits for chartered clubs, and applications for variation of the usual hours of sale in chartered clubs:

“(h) Premises for which and persons to whom such licences, charters, and permits as aforesaid have been or may hereafter be lawfully granted.

“(2) For the purposes of subsection (1) of this section, references in the Sale of Liquor Act 1962 to the Licensing Committee (or to the Chairman or Clerk of the Committee) shall be deemed to be references to the Licensing Committee (or to the Chairman or Clerk of the Committee) of the licensing district adjoining the Trust district.”

(2) Section 25 of the Licensing Trusts Amendment Act 1962 is hereby consequentially repealed.