

LICENSING TRUSTS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Licensing Trusts Act 1949, the Masterton Licensing Trust Act 1947, and the Invercargill Licensing Trust Act 1950. It is a companion measure to, and largely consequential upon, the Sale of Liquor Amendment Bill, presently before Parliament.

PART I

LICENSING TRUSTS

Clause 2 is a machinery provision.

Clause 3 increases from \$10 to \$12 the maximum amount that may be paid to a Trust member for attending a meeting, and from \$520 to \$672 the maximum aggregate amount that may be paid to a member in any 1 year.

Clause 4 is consequential upon *clause 3* of the Sale of Liquor Amendment Bill, which replaces the present restaurant, theatre, cabaret, and caterers' licences with ancillary licences. [It should be noted, however, that at present only the Invercargill Licensing Trust has express authority to sell liquor in theatres.]

Clause 5 is consequential upon *clause 4* of the Sale of Liquor Amendment Bill, which provides for cafe licences.

Clause 6 is largely consequential upon *clauses 4 and 5*. However, in *subclause (2)*, the opportunity has been taken to bring the principal Act in respect of wholesale premises into line with the relevant provisions of the Sale of Liquor Act 1962 relating to wholesale licences: see section 67 (1) of that Act as amended by section 2 (1) of the Sale of Liquor Amendment Act 1977.

Clause 7 is consequential upon *clause 76* of the Sale of Liquor Amendment Bill, which allows hotels and taverns to seek authority to open for less than the usual 11 hours on any day.

Clause 8 empowers the Trust to seek the approval of the Commission for longer hours in respect of premises established under *clause 4* (that is, restaurants, cabarets, and the like). Under *clause 4*, liquor may be sold on such premises between the hours of 12 noon on any day and 1 a.m. on the following day. Under this clause, the Commission may approve hours between 9 a.m. on any day and 3 a.m. on the following day.

This clause broadly follows *clause 9* of the Sale of Liquor Amendment Bill (see the proposed *section 111A*).

Clause 9 empowers the Trust to seek the approval of the Commission for longer hours in respect of cafes established under *clause 5*. Under that clause, liquor may be sold in such cafes between 12 noon on any day and 7 p.m. on that day for 4 days a week, and 12 noon to 9 p.m. on 2 days. Under this clause, the Commission may, in special circumstances, approve a closing time not later than 10 p.m. on any specified day or days.

The clause broadly follows *clause 10* of the Sale of Liquor Amendment Bill (see the proposed *section 117c*).

Clause 10 is consequential upon *clause 80* of the Sale of Liquor Amendment Bill, which broadly requires licensed cafes to be treated the same as unlicensed cafes for the purposes of regulations and bylaws relating to public health and fire prevention.

PART II

MASTERTON LICENSING TRUST

This Part applies the same provisions to the Masterton Licensing Trust.

PART III

INVERCARGILL LICENSING TRUST

This Part applies the same provisions to the Invercargill Licensing Trust.

Hon. Mr McLay

LICENSING TRUSTS AMENDMENT

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LICENSING TRUSTS

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A BILL INTITULED

An Act to amend the Licensing Trusts Act 1949

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

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1. Short Title and commencement—(1) This Act may be cited as the Licensing Trusts Amendment Act 1980.

(2) This Act shall come into force on the commencement of the Sale of Liquor Amendment Act 1980.

PART I

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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 referred to as the principal Act).

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3. Remuneration of members—(1) Section 8A of the principal Act (as inserted by section 3 of the Licensing Trusts Amendment Act 1962 and amended by section 2 (1) of the Licensing Trusts Amendment Act 1978) is hereby amended—

(a) By omitting the words “a rate fixed by the Trust not exceeding \$10”, and substituting the words “a rate fixed by the Trust not exceeding \$12”:

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(b) By omitting the expression “\$520”, and substituting the expression “\$672”.

(2) The Licensing Trusts Amendment Act 1978 is hereby consequentially repealed.

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4. Establishment and maintenance of certain other premises—(1) The principal Act is hereby amended by repealing section 28A (as inserted by section 3 (1) of the Licensing Trusts Amendment Act 1961), section 28B (as inserted by section 5 (1) of the Licensing Trusts Amendment Act 1974), and section 28c (as inserted by section 3 (1) of the Licensing Trusts Amendment Act 1977), and substituting the following section:

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“28A. (1) This section applies to premises (other than premises in which accommodation is provided, or a cafe) used by members of the public, or by persons on whose behalf the premises have been reserved, for one or more of the following purposes:

“(a) To dine:

“(b) To attend any entertainment (whether or not live):

“(c) To attend any reception, function, or other social gathering.

“(2) Subject to the provisions of this section, the Trust may within the Trust district establish and maintain premises to which this section applies, in which it may sell and dispose of liquor, for consumption only on the premises, at any time between the hours of 12 noon on any day and 1 o'clock in the morning of the following day:

“Provided that any liquor served on any such 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 in the morning of that day.

“(3) Where the Trust is conducting any premises to which this section applies in connection with the business of a caterer, the Trust may within the Trust district sell and deliver liquor from the premises for consumption on any other premises by persons attending any reception or function or other social gathering in respect of which the Trust is doing the catering in the course of that business.

“(4) The Trust shall not establish or maintain any premises to which this section applies unless the premises and the services and facilities provided therein are of a standard for the time being approved by the Commission, which may give its approval on and subject to such terms and conditions as it thinks fit.

“(5) Without limiting subsection (4) of this section, the Commission may, on giving its approval in respect of any premises, impose such conditions as it thinks fit relating to the provision or holding of music, dancing, and entertainment on the premises.

“(6) The following provisions shall apply to any premises established pursuant to this section:

“(a) Liquor shall not become the predominant part of the business conducted on the premises:

“(b) Liquor shall be supplied only to persons who are attending the premises for any of the purposes referred to in subsection (1) of this section:

“(c) Every bottle or other container in which liquor is supplied on the premises, and every drinking vessel used for the consumption of liquor, shall be cleared away immediately after the expiration of 30 minutes after the time at which the premises are required to be closed for the sale of liquor. 5

“(7) In any case where any of the provisions of subsection (6) of this section are not complied with, the person for the time being charged with the management of the premises shall be deemed to have committed an offence and shall be liable on summary conviction to fine not exceeding \$100.” 10

(2) The following enactments are hereby consequentially repealed:

- (a) Section 3 (1) of the Licensing Trusts Amendment Act 1961: 15
- (b) So much of Part I of the Fourth Schedule to the Licensing Trusts Amendment Act 1962 as relates to section 28A of the principal Act:
- (c) Section 5 (1) of the Licensing Trusts Amendment Act 1974: 20
- (d) Sections 13, 14, and 18 (2) of the Licensing Trusts Amendment Act 1975:
- (e) Subsections (1) and (2) of section 11 and section 13 of the Licensing Trusts Amendment Act 1976:
- (f) Section 3 (1) of the Licensing Trusts Amendment Act 1977. 25

5. Establishment and maintenance of cafes—The principal Act is hereby amended by inserting, after section 28A (as substituted by section 4 (1) of this Act), the following section:

“28B. (1) In this section ‘cafe’ means any premises (other than premises in which accommodation is provided) in which refreshments are regularly supplied on sale to the public for consumption on the premises or on any land contiguous to those premises. 30

“(2) Subject to the provisions of this section, the Trust may within the Trust district establish and maintain cafes, in which it may sell and dispose of liquor, for consumption only on the premises, at any time between the hours of 12 noon on any day and— 35

“(a) Seven o’clock in the evening of the same day on any 40
4 days in any week; or

“(b) Nine o’clock in the evening of the same day on any
2 days in any week—
(not being a day on which licensed premises are required
to be closed for the sale of liquor):

5 “Provided that any liquor served to any person in any such
cafe on any day before the time at which the premises are
required to be closed for the sale of liquor on that day (in this
proviso called the closing time) may be consumed in the cafe
10 by that person at any time before the expiration of 30
minutes after the closing time.

“(3) The Trust shall not establish or maintain a cafe for
the purposes of this section unless the cafe premises and the
services and facilities provided therein are of a standard for
the time being approved by the Commission, which may give
15 its approval on and subject to such terms and conditions as
it thinks fit.

“(4) Without limiting subsection (3) of this section, the
Commission may, on giving its approval in respect of any
cafe, impose such conditions as it thinks fit relating to the
20 provision or holding of music, dancing, and entertainment
in the cafe.

“(5) The following provisions shall apply to any such
cafe:

25 “(a) Liquor shall not become the predominant part of the
business conducted on the premises:

“(b) Liquor shall be consumed only by persons who are
seated:

“(c) The Trust shall have available for sale and serving a
reasonable range of non-alcoholic beverages:

30 “(d) Every bottle or other container in which liquor is
supplied on the premises, and every drinking
vessel used for the consumption of liquor, shall
be cleared away immediately after the expiration
of 30 minutes after the time at which the premises
35 are required to be closed for the sale of liquor.

“(6) In any case where any of the provisions of subsection
(5) of this section are not complied with, the person for the
time being charged with the management of the premises
shall be deemed to have committed an offence and shall be
40 liable on summary conviction to a fine not exceeding \$100.”

6. Application of certain provisions of Sale of Liquor Act 1962 to Trust and Trust district—(1) Section 34A (2) of the principal Act (as inserted by section 6 (1) of the Licensing Trusts Amendment Act 1962) is hereby amended by repealing paragraph (b), and substituting the following paragraph: 5

“(b) Premises in which accommodation is not so provided, and in which liquor is sold or supplied in quantities of less than 8 litres to any one person at any one time, shall, unless they are established and maintained pursuant to section 28A or section 28B of this Act, be deemed to be premises in respect of which a tavern premises licence is in force:” 10

(2) Section 34A (2) of the principal Act (as so inserted) is hereby further amended by omitting from paragraph (c) the expression “2 gallons”, and substituting the expression “8 litres”. 15

(3) Section 34A (2) of the principal Act (as so substituted) is hereby further amended by repealing paragraph (d), paragraph (da) (as inserted by section 5 (4) of the Licensing Trusts Amendment Act 1974), and paragraph (db) (as inserted by section 3 (4) of the Licensing Trusts Amendment Act 1977), and substituting the following paragraphs: 20

“(d) Premises established and maintained pursuant to section 28A of this Act shall be deemed to be premises in respect of which an ancillary licence is in force: 25

“(da) Premises established and maintained pursuant to section 28B of this Act shall be deemed to be premises in respect of which a cafe licence is in force:” 30

(4) Section 34A (2) of the principal Act (as so inserted) is hereby further amended by repealing paragraph (g), paragraph (h) (as added by section 5 (5) of the Licensing Trusts Amendment Act 1974), and paragraph (i) (as added by section 3 (5) of the Licensing Trusts Amendment Act 1977), and substituting the following paragraphs: 35

“(g) In respect of any premises to which paragraph (d) of this subsection applies, the Trust shall be deemed to be the holder of an ancillary 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: 40

5 “(h) In respect of any premises to which paragraph (da)
of this subsection applies, the Trust shall be deemed
to be the holder of a cafe 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.”

(5) The following enactments are hereby consequentially
repealed:

- 10 (a) Subsections (3), (4), and (5) of section 5 of the
Licensing Trusts Amendment Act 1974:
(b) Subsections (3), (4), and (5) of section 3 of the
Licensing Trusts Amendment Act 1977.

15 **7. 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 inserting in subsection (3), after
paragraph (d), the following paragraph:

20 “(da) The opening of the premises for less than 11 hours
on any day (not being a day on which the premises
are required to be closed for the sale of liquor):”.

25 **8. Variation of usual hours for sale of liquor in other
premises**—The principal Act is hereby amended by inserting,
after section 34B (as inserted by section 3 (1) of the Licen-
sing Trusts Amendment Act 1967), the following section:

“34c. (1) In this section, unless the context otherwise
requires,—

30 “‘Premises to which this section applies’ means premises
established and maintained by the Trust pursuant
to section 28A of this Act:

“‘Usual hour’ means—

“ (a) In relation to the opening of the premises,
12 noon:

35 “ (b) In relation to the closing of the premises,
1 o’clock in the morning:

40 “References to the opening or closing of premises are
references to the opening or closing of those premises
for the sale of liquor to the public on any day other
than a day on which the premises are required to
be closed for the sale of liquor.

“(2) Notwithstanding anything in this Act, but subject to the provisions of this section, the Trust may from time to time, with the approval of the Commission, fix hours other than the usual hours for the opening or closing of any premises to which this section applies. 5

“(3) The Commission shall not in any case approve a time for the opening of the premises earlier than 9 o'clock in the morning of any day, nor a time for the closing of the premises later than 3 o'clock in the morning of the following day.

“(4) Different times may be so approved in respect of 10 different periods of the year, or different days of every week or of any such period.

“(5) In approving a time for the opening of the premises, and a time for the closing of the premises, the Commission shall have regard to— 15

“(a) The purpose or purposes for which persons resort or will resort to the premises:

“(b) The nature and standard of the facilities and services to be provided on the premises:

“(c) The times during which there is likely to be demand 20 for such facilities and services:

“(d) The reputation (if any) of the premises.”

9. Variation of usual hours for sale of liquor in cafes—The principal Act is hereby amended by inserting, after section 34c (as inserted by section 8 of this Act), the following 25 section:

“34D. In this section, unless the context otherwise requires,—

“‘Cafe’ means a cafe established by the Trust pursuant to section 28B of this section: 30

“‘Usual hour’ means 7 o'clock, or, as the case may require, 9 o'clock, in the evening:

“References to the closing of a cafe are references to the closing of the cafe for the sale of liquor to the public on any day other than a day on which the 35 cafe is required to be closed for the sale of liquor.

“(2) Notwithstanding anything in this Act, but subject to the provisions of this section, the Trust may from time to time, with the approval of the Commission, fix hours other than the usual hour for the closing of any cafe on any specified day or days in any week (not being a day on which 40 licensed premises are required to be closed for the sale of liquor).

“(3) The Commission shall not in any case approve a time for the closing of the cafe later than 10 o'clock in the evening of any day.

5 “(4) Different times may be so approved in respect of different periods of the year, or different days of every week or of any such period.

“(5) The Commission shall not in any case approve a time under this section unless it is satisfied that there are special circumstances that justify doing so, having regard to—

- 10 “(a) The nature of the area in which the cafe is situated, and the hours of business of neighbouring shops, places of entertainment, and other establishments:
- “(b) The time during which persons are likely to resort to the cafe:
- 15 “(c) The nature and standard of the services and facilities provided or to be provided in the cafe:
- “(d) Such other considerations as the Commission thinks fit to take into account.”

10. Application of bylaws, health requirements, etc.—The principal Act is hereby amended by inserting, after section 20 44, the following section:

“44A. (1) Notwithstanding anything in any bylaw made by any local authority, or in any proposed or operative district scheme prepared by any Council under and for the purposes 25 of the Town and Country Planning Act 1977, no cafe shall be deemed to be licensed premises for the purposes of any such bylaw or scheme merely because the premises are established and maintained by the Trust pursuant to section 28B of this Act.

30 “(2) Notwithstanding anything in any other Act, no regulation, order, notice, rule, or bylaw may be made or given under any such Act making, in relation to any cafe established and maintained by the Trust pursuant to section 28B of this Act, any provision that does not apply 35 in the same manner and to the same extent to premises of the same kind in respect of which no cafe licence is in force under the Sale of Liquor Act 1962.

“(3) Notwithstanding anything in any other Act, any regulation, order, notice, rule, or bylaw made before the 40 commencement of this Act that is inconsistent with sub-section (2) of this section shall, to the extent of that inconsistency, be of no effect.”

PART II

MASTERTON LICENSING TRUST

11. 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 Trust Act 1947* (in this Part referred to as the principal Act). 5

12. Remuneration of members—(1) Section 9A of the principal Act (as inserted by section 12 of the Licensing Trusts Amendment Act 1962 and amended by section 2 (1) of the Masterton Licensing Trust Amendment Act 1978) is hereby 10 amended—

(a) By omitting the words “a rate fixed by the Trust not exceeding \$10”, and substituting the words “a rate fixed by the Trust not exceeding \$12”:

(b) By omitting the expression “\$520”, and substituting 15 the expression “\$672”.

(2) The Masterton Licensing Trust Amendment Act 1978 is hereby consequentially repealed.

13. Establishment and maintenance of certain other premises—(1) The principal Act is hereby amended by 20 repealing section 28A (as inserted by section 11 (1) of the Licensing Trusts Amendment Act 1961), section 28B (as inserted by section 11 (1) of the Licensing Trusts Amendment Act 1974), and section 28c (as inserted by section 9 (1) of the Licensing Trusts Amendment Act 1977), and substi- 25 tuting the following section:

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

(2) The following enactments are hereby consequentially 30 repealed:

(a) Section 11 (1) of the Licensing Trusts Amendment Act 1961:

(b) Section 11 (1) of the Licensing Trusts Amendment Act 1974:

(c) Section 9 (1) of the Licensing Trusts Amendment 35 Act 1977.

14. Establishment and maintenance of cafes—The principal Act is hereby amended by inserting, after section 28A (as substituted by section 11 (1) of this Act), the following section:

5 “28B. The provisions of section 28B of the Licensing Trusts Act 1949 shall apply to the Trust.”

15. Application of certain provisions of Sale of Liquor Act 1962 to the Trust and the Trust district—(1) Section 34A (2) of the principal Act (as inserted by section 15 (1) of the Licensing Trusts Amendment Act 1962) is hereby
10 amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Premises in which accommodation is not so provided, and in which liquor is sold or supplied in quantities of less than 8 litres to any one person at any one time, shall, unless they are established and maintained pursuant to section 28A or section 28B of this Act, be deemed to be premises in respect of which a tavern premises licence is in force:”
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(2) Section 34A (2) of the principal Act (as so inserted) is hereby further amended by omitting from paragraph (c) the expression “2 gallons”, and substituting the expression “8 litres”.
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(3) Section 34A (2) of the principal Act (as so substituted) is hereby further amended by repealing paragraph (d), paragraph (da) (as inserted by section 11 (4) of the Licensing Trusts Amendment Act 1974), and paragraph (db) (as inserted by section 9 (5) of the Licensing Trusts Amendment Act 1977), and substituting the following
25 paragraphs:
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“(d) Premises established and maintained pursuant to section 28A of this Act shall be deemed to be premises in respect of which an ancillary licence is in force:

35 “(da) Premises established and maintained pursuant to section 28B of this Act shall be deemed to be premises in respect of which a cafe licence is in force:”

(4) Section 34A (2) of the principal Act (as so inserted) is hereby further amended by repealing paragraph (g), paragraph (h) (as added by section 11 (5) of the Licensing Trusts Amendment Act 1974), and paragraph (i) (as added by section 9 (6) of the Licensing Trusts Amendment Act 1977), and substituting the following paragraphs:
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“(g) In respect of any premises to which paragraph (d) of this subsection applies, the Trust shall be deemed to be the holder of an ancillary 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: 5

“(h) In respect of any premises to which paragraph (da) of this subsection applies, the Trust shall be deemed to be the holder of a cafe 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.” 10

(5) The following enactments are hereby consequentially repealed: 15

(a) Subsections (3), (4), and (5) of section 11 of the Licensing Trusts Amendment Act 1974:

(b) Subsections (4), (5), and (6) of section 9 and section 10 (1) of the Licensing Trusts Amendment Act 1977. 20

16. Variation of usual hours for sale of liquor in other premises—The principal Act is hereby amended by inserting, after section 34B (as inserted by section 6 (1) of the Licensing Trusts Amendment Act 1967) the following section: 25

“34c. The provisions of section 34c of the Licensing Trusts Act 1949 shall apply to the Trust as if the reference in subsection (1) of the said section 34c to section 28A of the Licensing Trusts Act 1949 were a reference to section 28A of this Act.” 30

17. Variation of usual hours for sale of liquor in cafes—The principal Act is hereby amended by inserting, after section 34c (as inserted by section 16 of this Act), the following section: 35

“34d. The provisions of section 34d of the Licensing Trusts Act 1949 shall apply to the Trust as if the reference in subsection (1) of the said section 34d to section 28B of the Licensing Trusts Act 1949 were a reference to section 28B of this Act.” 40

18. **Application of bylaws, health requirements, etc.**—The principal Act is hereby amended by inserting, after section 44, the following section:

- 5 “44A. The provisions of section 44A of the Licensing Trusts Act 1949 shall apply to cafes established and maintained by the Trust as if the references in that section to section 28B of the Licensing Trusts Act 1949 were a reference to section 28B of this Act.”

PART III

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INVERCARGILL LICENSING TRUST

19. **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 Trust Act 1950* (in this Part referred to as the principal Act).

- 15 20. **Remuneration of members**—Section 9A of the principal Act (as inserted by section 21 of the Licensing Trusts Amendment Act 1962 and amended by section 2 (1) of the Invercargill Licensing Trust Amendment Act 1978) is hereby amended—

- 20 (a) By omitting the words “a rate fixed by the Trust not exceeding \$10”, and substituting the words “a rate fixed by the Trust not exceeding \$12”;
- (b) By omitting the expression “\$520”, and substituting the expression “\$672”.

- 25 21. **Establishment and maintenance of certain other premises**—(1) The principal Act is hereby amended by repealing section 29A (as inserted by section 19 (1) of the Licensing Trusts Amendment Act 1961), section 29B (as inserted by section 18 (1) of the Licensing Trusts Amendment Act 1974), section 29C (as inserted by section 13 (1) of the Licensing Trusts Amendment Act 1977), and section 29D (as inserted by section 3 (1) of the Invercargill Licensing Trust Amendment Act 1978), and substituting the following section:

- 30 “29A. The provisions of section 28A of the Licensing Trusts Act 1949 shall apply to the Trust.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 19 (1) of the Licensing Trusts Amendment Act 1961:
- (b) Section 18 (1) of the Licensing Trusts Amendment Act 1974:
- (c) Section 13 (1) of the Licensing Trusts Amendment Act 1977. 5

22. Establishment and maintenance of cafes—The principal Act is hereby amended by inserting, after section 29A (as substituted by section 21 (1) of this Act), the following section: 10

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

23. Application of certain provisions of Sale of Liquor Act 1962 to the Trust and the Trust district—(1) Section 35A (2) of the principal Act (as inserted by section 24 (1) of the Licensing Trusts Amendment Act 1962) is hereby amended by repealing paragraph (b), and substituting the following paragraph: 15

“(b) Premises in which accommodation is not so provided, and in which liquor is sold or supplied in quantities of less than 8 litres to any one person at any one time, shall, unless they are established and maintained pursuant to section 29A or section 29B of this Act, be deemed to be premises in respect of which a tavern premises licence is in force.”. 20 25

(2) Section 35A (2) of the principal Act (as so inserted) is hereby further amended by omitting from paragraph (c) the expression “2 gallons”, and substituting the expression “8 litres”.

(3) Section 35A (2) of the principal Act (as so substituted) is hereby further amended by repealing paragraph (d), paragraph (da) (as inserted by section 18 (4) of the Licensing Trusts Amendment Act 1974), paragraph (db) (as inserted by section 13 (5) of the Licensing Trusts Amendment Act 1977), and paragraph (dc) (as inserted by section 3 (5) of the Invercargill Licensing Trust Amendment Act 1978), and substituting the following paragraphs: 30 35

“(d) Premises established and maintained pursuant to section 29A of this Act shall be deemed to be premises in respect of which an ancillary licence is in force: 40

“(da) Premises established and maintained pursuant to section 29B of this Act shall be deemed to be premises in respect of which a cafe licence is in force.”.

5 (4) Section 35A (2) of the principal Act (as so inserted) is hereby further amended by repealing paragraph (g), paragraph (h) (as added by section 18 (5) of the Licensing Trusts Amendment Act 1974), paragraph (i) (as added by section 13 (6) of the Licensing Trusts Amendment Act
10 1977), and paragraph (j) (as added by section 3 (6) of the Invercargill Licensing Trust Amendment Act 1978), and substituting the following paragraphs:

“(g) In respect of any premises to which paragraph (d) of this subsection applies, the Trust shall be
15 deemed to be the holder of an ancillary 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 “(h) In respect of any premises to which paragraph (da) of this subsection applies, the Trust shall be deemed to be the holder of a cafe licence, and the person for the time being charged with the management of the premises shall be deemed
25 to be a manager duly appointed under the Sale of Liquor Act 1962.”

(5) The following enactments are hereby consequentially repealed:

30 (a) Subsections (3), (4), and (5) of section 18 of the Licensing Trusts Amendment Act 1974:

(b) Subsections (4), (5), and (6) of section 13 and section 14 (1) of the Licensing Trusts Amendment Act 1977.

24. Variation of usual hours for sale of liquor in other
35 **premises**—The principal Act is hereby amended by inserting, after section 35B (as inserted by section 9 (1) of the Licensing Trusts Amendment Act 1967) the following section:

40 “35c. The provisions of section 34c of the Licensing Trusts Act 1949 shall apply to the Trust as if the reference in subsection (1) of the said section 34c to section 28A of the Licensing Trusts Act 1949 were a reference to section 29A of this Act.”

25. Variation of usual hours for sale of liquor in cafes—
The principal Act is hereby amended by inserting, after section 35c (as inserted by section 24 of this Act), the following section:

“35D. The provisions of section 34D of the Licensing Trusts Act 1949 shall apply to the Trust as if the reference in subsection (1) of the said section 34D to section 28B of the Licensing Trusts Act 1949 were a reference to section 29B of this Act.” 5

26. Application of bylaws, health requirements, etc.— 10
The principal Act is hereby amended by inserting, after section 46, the following section:

“46A. The provisions of section 44A of the Licensing Trusts Act 1949 shall apply to cafes established and maintained by the Trust as if the references in that section to section 28B 15 of the Licensing Trusts Act 1949 were a reference to section 29B of this Act.”

27. Repeal—The Invercargill Licensing Trust Amendment Act 1978 is hereby consequentially repealed.