

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]

*House of Representatives, 2 December 1980.*

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line or; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

*House of Representatives, 9 December 1980.*

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*Hon. Mr McLay*

## LICENSING TRUSTS AMENDMENT

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(2) The Licensing Trusts Amendment Act 1978 is hereby consequentially repealed.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

*New*

(1A) Section 32 of the principal Act (as substituted by section 4 of the Licensing Trusts Amendment Act 1962) is hereby amended by omitting from subsection (4) (as amended by sections 11 (3) and 12 of the Licensing Trusts Amendment Act 1976 and by section 3 (2) of the Licensing Trusts Amendment Act 1977) the words “restaurant premises of a standard approved by the Commission under section 28A of this Act, or of any cabaret premises of a standard approved by the Commission under section 28c of this Act, or of any catering premises of a standard approved by the Commission under section 28c of this Act”, and substituting the words “premises established and maintained pursuant to section 28A or section 28B of this Act,”. 25

(2) The following enactments are hereby consequentially repealed:

- (a) Section 3 (1) of the Licensing Trusts Amendment Act 1961:
- (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: 30
- (c) Section 5 (1) of the Licensing Trusts Amendment Act 1974:
- (d) Sections 13, 14, and 18 (2) of the Licensing Trusts Amendment Act 1975: 35

*Struck Out*

- (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. 40

*New*

- (e) Subsections (1) to (3) of section 11 and sections 12 and 13 of the Licensing Trusts Amendment Act 1976:
- 5 (f) Subsections (1) and (2) of section 3 of the Licensing Trusts Amendment Act 1977.

*Struck Out*

- 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:
- 10 “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
- 15 those premises.
- “(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
- 20 noon on any day and—
- “(a) Seven o’clock in the evening of the same day on any 4 days in any week; or
- “(b) Nine o’clock in the evening of the same day on any 2 days in any week—
- 25 (not being a day on which licensed premises are required to be closed for the sale of liquor):
- “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
- 30 proviso called the closing time) may be consumed in the cafe 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
- 35 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.
- “(4) Without limiting subsection (3) of this section, the
- 40 Commission may, on giving its approval in respect of any cafe, impose such conditions as it thinks fit relating to the provision or holding of music, dancing, and entertainment in the cafe.

*Struck Out*

- “(5) The following provisions shall apply to any such cafe:
- “(a) Liquor shall not become the predominant part of the business conducted on the premises: 5
- “(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:
- “(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 are required to be closed for the sale of liquor. 10 15
- “(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 liable on summary conviction to a fine not exceeding \$100.” 20

**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: 25

“(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.”. 30

(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”. 35

(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))** paragraph: 40 45

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

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*Struck Out*

“(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:”.

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(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),

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and substituting the following ~~((paragraphs))~~ paragraph:

“(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)~~ a food and entertainment licence, and the person for the time

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being charged with the management of the premises shall be deemed to be a manager duly appointed under the Sale of Liquor Act 1962:

*Struck Out*

“(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.”

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(5) The following enactments are hereby consequentially repealed:

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

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(b) Subsections (3), (4), and (5) of section 3 of the Licensing Trusts Amendment Act 1977.

### 7. Variation of usual hours for sale of liquor in hotel and tavern premises—

(1) 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:

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“(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):”.

## New

(2) Section 34B of the principal Act (as so inserted) is hereby further amended by omitting from paragraph (e) of subsection (3) (as added by section 16 of the Licensing Trusts Amendment Act 1975) the words "Friday or Saturday", and substituting the words "2 days in any week of which one shall be Saturday and the other shall be either Thursday or Friday". 5

(3) Section 34B of the principal Act (as so inserted) is hereby further amended by repealing paragraphs (a) and (b) of subsection (4) (as substituted by section 5 of the Licensing Trusts Amendment Act 1977), and substituting the following paragraphs: 10

"(a) Twelve hours on Christmas Eve, or on any day in any week (not being a New Year's Eve) on which the resolution provides for the closing of the premises after the usual hour of closing under subsection (3) (e) of this section: 15

"(b) Eleven hours on any other day in any week (not being Christmas Eve or New Year's Eve):". 20

**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 Licensing Trusts Amendment Act 1967), the following section: 25

"34c. (1) In this section, unless the context otherwise requires,— 25

" 'Premises to which this section applies' means premises established and maintained by the Trust pursuant to section 28A of this Act:

" 'Usual hour' means— 30

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

"(b) In relation to the closing of the premises, 1 o'clock in the morning:

"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*)). 35

"(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)* a District Court Judge, fix hours other than the usual hours for the opening or closing of any premises to which this section applies. 40 45



“(3) The **((Commission))** Judge 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 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))** Judge shall have regard to—

“(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 for such facilities and services:

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

*Struck Out*

20 **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 section:

25 “34D. In this section, unless the context otherwise requires,—

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

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

30 “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 cafe is required to be closed for the sale of liquor.

35 “(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 licensed premises are required to be closed for the sale of

40 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.

*Struck Out*

“(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 5  
under this section unless it is satisfied that there are special  
circumstances that justify doing so, having regard to—

“(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: 10

“(b) The time during which persons are likely to resort to  
the cafe:

“(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 15  
fit to take into account.”

*Struck Out*

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

“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  
of the Town and Country Planning Act 1977, no cafe shall  
be deemed to be licensed premises for the purposes of any 25  
such bylaw or scheme merely because the premises are  
established and maintained by the Trust pursuant to  
section 28B of this Act.

“(2) Notwithstanding anything in any other Act, no  
regulation, order, notice, rule, or bylaw may be made or 30  
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  
in the same manner and to the same extent to premises of  
the same kind in respect of which no cafe licence is in 35  
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  
commencement of this Act that is inconsistent with sub-  
section (2) of this section shall, to the extent of that incon- 40  
sistency, be of no effect.”

*New*

**10A. Application of Part I to suburban licensing Trusts—**

(1) Section 72 (1) of the principal Act (as inserted by section 9 of the Licensing Trusts Amendment Act 1976 and amended by section 7 (1) of the Licensing Trusts Amendment Act 1977) is hereby amended by omitting the expression “28c.”

(2) Section 72 of the principal Act (as so inserted) is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) Where, pursuant to section 64 of this Act, a suburban licensing Trust establishes and maintains premises of a kind described in section 28A (1) or section 28B (1) of this Act, the provisions of the said section 28A, or (as the case may require) the said section 28B, so far as they are applicable and with the necessary modifications, shall apply with respect to those premises.”

(3) Section 7 (1) of the Licensing Trusts Amendment Act 1976 is hereby consequentially repealed.

**20 10B. Application of Sale of Liquor Act 1962 to suburban licensing Trusts and Trust areas—**

(1) Section 73 (3) of the principal Act (as inserted by section 9 of the Licensing Trusts Amendment Act 1976 and amended by section 7 (4) of the Licensing Trusts Amendment Act 1977) is hereby amended by omitting the expression “(a) to (d), (da), (db), (e) to (g), (h), and (i)”, and substituting the expression “(a) to (h)”.

(2) Section 7 (4) of the Licensing Trusts Amendment Act 1977 is hereby consequentially repealed.

*New*

**30 10c. Empowering Wiri Trust to lease certain premises—**

(1) Notwithstanding anything in the principal Act or the Sale of Liquor Act 1962, the Wiri Licensing Trust may grant a lease of its premises known as the Wiri Trust Hotel and situated on the Great South Road, Manukau, to Lion Breweries Limited on such terms and conditions as the Trust thinks fit.

(2) During the currency of any such lease, the lessee shall be deemed for all the purposes of the principal Act and the Sale of Liquor Act 1962 to be the holder of the hotel premises licence issued in respect of the premises and held at the date of the passing of this Act by the Trust.

## 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 amended— 10

(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”. 15

(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 substituting the following section: 25

“28A. The provisions of section 28A 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 omitting from subsection (4) (as amended by section 30 (1) and section 31 of the Licensing Trusts Amendment Act 1976 and by section 9 (2) of the Licensing Trusts Amendment Act 1977) the words “restaurant premises of a standard approved by the Commission under section 28A of this Act or of any cabaret premises of a standard approved by the Commission under section 28B of this Act or of any catering premises of a standard approved by the Commission under section 28C of this Act”, 30 and substituting the words “premises established and maintained pursuant to section 28A or section 28B of this Act”, 35 40

(2) The following enactments are hereby consequentially repealed:

- (a) Section 11 (1) of the Licensing Trusts Amendment Act 1961:  
 5 (b) Section 11 (1) of the Licensing Trusts Amendment Act 1974:

*Struck Out*

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

10 *New*

(c) Section 30 (1) and section 31 of the Licensing Trusts Amendment Act 1976:

(d) Subsections (1) and (2) of section 9 of the Licensing Trusts Amendment Act 1977.

15 *Struck Out*

**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:

- 20 “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  
 25 amended by repealing paragraph (b), and substituting the following paragraph:

- 30 “(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  
 35 force.”

(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”.

(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 paragraphs paragraph: 5

“(d) Premises established and maintained pursuant to section 28A of this Act shall be deemed to be premises in respect of which (an ancillary) a food and entertainment licence is in force: 10

*Struck Out*

“(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:” 15

(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 paragraph. 20

“(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) a food and entertainment 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: 25 30

*Struck Out*

“(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.” 35

(5) The following enactments are hereby consequentially repealed: 40

- (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.

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**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

10 section:

“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

15 of this Act.”

*Struck Out*

**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

20 following section:

“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

25 of this Act.”

*Struck Out*

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

30

“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.”

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PART III

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).

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\*R.S. Vol. 3, p. 19

**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— 5

- (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”. 10

**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: 15

“29A. The provisions of section 28A of the Licensing Trusts Act 1949 shall apply to the Trust.” 20

*New*

(1A) Section 33 of the principal Act (as substituted by section 22 of the Licensing Trusts Amendment Act 1962) is hereby amended by omitting from subsection (4) (as amended by section 34 (1) and section 35 of the Licensing Trusts Amendment Act 1976 and by section 13 (2) of the Licensing Trusts Amendment Act 1977 and by section 3 (2) of the Invercargill Licensing Trust Amendment Act 1978) the words “restaurant premises of a standard approved by the Commission under section 29A of this Act, or of any cabaret premises of a standard approved by the Commission under section 29B of this Act, or any catering premises of a standard approved by the Commission under section 29C of this Act, or of any theatre premises of a standard approved by the Commission under section 29D of this Act,” and substituting the words “premises established and maintained pursuant to section 29A or section 29B of this Act,”. 25 30 35

(2) The following enactments are hereby consequentially repealed: 40

- (a) Section 19 (1) of the Licensing Trusts Amendment Act 1961:
- (b) Section 18 (1) of the Licensing Trusts Amendment Act 1974: 45



*Struck Out*

(c) Section 13 (1) of the Licensing Trusts Amendment Act 1977.

*New*

- 5 (c) Section 34 (1) and section 35 of the Licensing Trusts Amendment Act 1976:  
 (d) Subsections (1) and (2) of section 13 of the Licensing Trusts Amendment Act 1977:  
 10 (e) Section 3 (2) of the Invercargill Licensing Trust Amendment Act 1978.

*Struck Out*

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  
 15 section:  
 “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  
 20 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:

25 “(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))~~  
 30 of this Act, be deemed to be premises in respect of which a tavern premises licence is in force.”

(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”.

35 (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))~~ paragraph: 5

“(d) Premises established and maintained pursuant to section 29A of this Act shall be deemed to be premises in respect of which ~~(an ancillary)~~ food and entertainment licence is in force: 10

*Struck Out*

“(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:” 15

(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 1977), and paragraph (j) (as added by section 3 (6) of the Invercargill Licensing Trust Amendment Act 1978), and substituting the following ~~((paragraphs))~~ paragraph: 20

“(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)~~ a food and entertainment 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: 25

*Struck Out*

“(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.” 30

(5) The following enactments are hereby consequentially repealed:

(a) Subsections (3), (4), and (5) of section 18 of the Licensing Trusts Amendment Act 1974: 40

(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 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:

“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.”

*Struck Out*

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.”

*Struck Out*

26. **Application of bylaws, health requirements, etc.**—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 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.