

Mr George

RANFURLY LICENSING TRUST

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to constitute the Ranfurly Licensing Trust and to make provision incidental thereto

WHEREAS in the County Town of Ranfurly in the County
5 of Maniototo in the year nineteen hundred and sixty-five the
only premises in respect of which a licence under the Sale of
Liquor Act 1962 was in force were certain premises in respect
of which a provisional hotel premises licence had been granted:
And whereas a hotelkeeper's licence was in force in respect of
10 those premises: And whereas the land and buildings and
other property related to or used in the carrying on of the
Hotel were purchased by the Corporation of the County of
Maniototo: And whereas those premises and certain chattels
15 Ranfurly Hotel Limited: And whereas the Corporation con-
siders it had authority pursuant to certain sections of the
Counties Act 1956 and amendments thereto to purchase and

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lease the land and buildings of the Ranfurly Hotel: And whereas doubts have arisen as to the authority of the Corporation to make that purchase and to grant that lease: And whereas Ranfurly Hotel Limited is incorporated under the Companies Act 1955 with a share capital of three thousand dollars divided into fifteen hundred ordinary shares of two dollars each: And whereas the provisional hotel premises licence was duly assigned to the company and notice of such assignment was given to the Central Otago Licensing Committee pursuant to section 279 of the Sale of Liquor Act 1962 and a hotelkeeper's licence in respect of the Ranfurly Hotel was also duly granted to and is now held by that company: And whereas the shares in that company are held by fifteen share holders all of whom are resident in the County Town of Ranfurly or in the areas adjacent thereto: And whereas the company is prepared to transfer the hotel premises licence held by it to a local trust: And whereas the articles of association of the said company provide that no dividends shall be payable to any member of the company at any time but profits, as certified by the accountant and auditor of the company (after provision for taxes), shall be applied, in such shares and proportions as the directors may from time to time recommend to the company in general meeting, generally for any purpose of public recreation, enjoyment, health, education, or instruction or of improving, beautifying, or developing public amenities in the County Town of Ranfurly which County Town is the main centre of the County of Maniototo: And whereas the said company was formed so that the benefits of a local trust could be provided until such time as legislation was enacted allowing the transfer of the said hotel premises licence to a local trust: And whereas it is desired that a local trust to be known as the Ranfurly Licensing Trust be constituted:

BE IT THEREFORE 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 Ranfurly Licensing Trust Act 1968.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Ranfurly Hotel” means the premises in the County Town of Ranfurly in respect of which a provisional hotel premises licence is held at the passing of this Act by the company known as Ranfurly Hotel Limited:

“Trust” means the Ranfurly Licensing Trust constituted by subsection (1) of section 3 of this Act and deemed by subsection (3) of that section to be constituted under section 46 of the Licensing Trusts Act 1949.

5 **3. Trust constituted**—(1) There is hereby constituted, for the purpose of conducting the Ranfurly Hotel, a local trust to be called the Ranfurly Licensing Trust.

(2) The trust may at any time after the passing of this Act apply for and may hold a hotelkeeper’s Licence in respect of
10 the Ranfurly Hotel, but no such licence shall come into force before the date appointed under subsection (4) of section 5 of this Act.

(3) Subject to the provisions of this Act, the Trust shall be deemed to have been constituted under section 46 of the
15 Licensing Trusts Act 1949 and the provisions of that Act and of the Sale of Liquor Act 1962 and of other enactments shall apply accordingly.

(4) Nothing in regulations 2 to 4 or in subclauses (4) and (5) of regulation 6 of the Local Licensing Trusts Regulations
20 1966 shall apply to the Trust.

4. Trust Area—(1) The area within which polls shall be taken for the election of members of the Trust and the area within which the Trust may expend or distribute profits pursuant to subsection (1) of section 44 of the Licensing Trusts
25 Act 1949 shall be the area described in the Schedule to this Act.

(2) The Minister of Justice may from time to time, by notice published in the *Gazette*, alter the boundaries of either of the areas referred to in subsection (1) of this section.

5. Dissolution of Ranfurly Hotel Limited and provision incidental thereto—(1) The private company incorporated under the Companies Act 1955 and known as Ranfurly Hotel Limited (in this section referred to as “the company”) is hereby dissolved.

(2) All real and personal property belonging to the company
35 (including, but not by way of limitation, the provisional hotel premises licence granted in respect of the Ranfurly Hotel and the benefit of any contracts entered into by the company and all rights and powers pertaining to any such contracts) is hereby vested in the Trust and all debts and other liabilities
40 lawfully incurred by the company shall be debts and liabilities of the Trust.

(3) The Trust shall pay to each holder of shares in the company, in full compensation for the loss of his shares, the nominal value of his shares.

(4) This section shall come into force on a date to be appointed for the commencement thereof by the Minister of Justice by notice in the *Gazette*. 5

6. Administrative services—The Trust may enter into arrangements, on such terms and conditions as may be agreed with the Maniototo County Council, whereby the County Clerk of that County shall provide secretarial and accounting services for the Trust; and while that County Clerk provides those services he shall, for the purposes of the Licensing Trusts Act 1949, be deemed to be the Secretary of the Trust. 10

7. Validation and authorisation—(1) The actions of the Maniototo County Council— 15

(a) In purchasing the land and buildings of the Ranfurly Hotel and other property related to or used in the carrying on of that hotel, and in leasing the land and buildings of the hotel and any of the property so purchased to Ranfurly Hotel Limited; and 20

(b) In promoting the establishment of the Trust, are hereby validated and declared to have been lawful.

(2) The Council is hereby authorised to sell the Ranfurly Hotel, and other property related to or used in the carrying on of that hotel, to the Trust on such terms and conditions as it thinks fit (including, but not by way of limitation, terms of deferred payment which may provide for the transfer of the property sold and the securing of the unpaid purchase money by way of mortgage of the property sold). 25

8. Savings—(1) The powers conferred on the Trust by this Act are in addition to and not in derogation of the powers conferred on the Trust by or pursuant to other enactments. 30

(2) Nothing in this Act shall prevent the Ranfurly Hotel from being redefined under section 284 of the Sale of Liquor Act 1962. 35

SCHEDULE

Section 4

RANFURLY LICENSING TRUST AREA

ALL that area in the Otago Land District, Maniototo County, bounded by a line commencing at the northernmost corner of Section 9, Block II, Maniototo Survey District, and proceeding generally south-easterly along the south-western side of a road forming the north-eastern boundaries of Sections 9, 20, 46, 36, 27, 41, 28, and 31, Block II aforesaid, to the easternmost corner of the last-mentioned section; thence north-westerly along the north-eastern side of State Highway No. 85 to a point in line with the eastern boundary of the Town of Ranfurly; thence southerly to and along that boundary and westerly along the southern boundary of the Town of Ranfurly to the eastern side of Patearoa-Ranfurly Road; thence generally north-westerly along that side of the said road to a point in line with the south-western boundary of that part of Section 1, Block V, Maniototo Survey District, contained in D.P. 6802; thence north-westerly to and along that boundary and easterly along the northern boundary of that D.P. 6802 and its production to the eastern side of State Highway 85; thence generally northerly along that side of the said highway to the point of commencement.