

Supplementary Order Paper.

LEGISLATIVE COUNCIL.

Friday, the 2nd Day of December, 1927.

LICENSING AMENDMENT BILL.

Right Hon. Sir FRANCIS BELL, in Committee, to move the following new clauses:—

Amendment of definition of the term "wine" for purposes of wine-makers' licenses.

16A. Section eleven of the Licensing Amendment Act, 1914, is hereby amended by repealing subsection thirteen thereof, and substituting the following subsection:—

"(13) For the purposes of this section the term "wine" includes any liquor being the produce of fruit (other than apples or pears) grown in New Zealand, either with or without an admixture of imported brandy, but so that in no case shall the strength exceed forty per centum of proof spirit."

Section 77 of principal Act amended to conform, in so far as it relates to sale of New Zealand wine, to provisions relating to manufacture of such wine.

16B. (1) Section seventy-seven of the principal Act is hereby amended as follows:—

- (a) By omitting the word "wine" before the word "cider"; and
- (b) By inserting, after the words "twenty per centum of proof spirit," the words "and any wine of a kind which may lawfully be manufactured by the holder of a wine-maker's license pursuant to the terms of that license."

Consequential amendment of form of New Zealand wine license.

(2) The form numbered two in the Seventh Schedule to the principal Act is hereby consequentially amended as follows:—

- (a) By omitting the word "wine" before the word "cider"; and
- (b) By inserting, after the words "twenty per centum of proof spirit," the words "and any wine of a kind which may lawfully be manufactured by the holder of a wine-maker's license pursuant to the terms of that license."

Licensed premises may be required to provide sufficient hot-water service.

16C. In addition to the matters specified in section ninety-one or in section one hundred and nine of the principal Act, as the case may be, but without limiting the provisions of those sections, objection may be taken to the grant or renewal of a publican's license under the principal Act on the specific ground that there is not a proper hot-water service in connection with the public bar or with any private bar therein, or that provision is not made to ensure sufficient sanitary or other accommodation for the comfort or convenience of guests or of the persons employed in the licensed premises.

Restrictions upon transfer of licenses.

18A. (1) In considering any application for the transfer of a license made pursuant to the principal Act the Licensing Committee may take into account the consideration paid or agreed to be paid in respect of the proposed transfer, and may refuse to grant such transfer if in any case it is of opinion that such consideration, including the consideration for any transaction incidental to the proposed transfer, is excessive.

(2) It shall not be lawful for the holder of any publican's license on the assignment or other disposition of his interest therein, or of his interest in the licensed premises, to demand or receive any fine, premium, bonus, or other like sum in addition to the reasonable value of such interest; and any amount paid by way of fine, premium, bonus, or other like sum may be recovered by the person who paid the same as a debt due to him from the person who received the same.

(3) The question whether or not any amount has been paid by way of fine, premium, bonus, or other like sum as aforesaid shall be a question of fact to be determined by the Court in which any proceedings for the recovery thereof may be taken. In determining any such question the Court may take into account the terms and conditions of all contracts or agreements incidental to the assignment or transfer of the license, and may in its discretion determine, with respect to any such contract or agreement, that the consideration or any part of the consideration purported to be given therefor is in fact in the nature of a premium, bonus, or fine paid or agreed to be paid in consideration of the assignment or transfer.

Discretionary
power to cancel
charter on
ground that
offence as to
supply or
consumption
of liquor has
been committed
within chartered
club.

30A. Subsection six of section two hundred and sixty-two of the principal Act, as set out in section nine of the Sale of Liquor Restriction Act, 1917, is hereby amended by omitting therefrom the word "shall" after the words "the charter of the club," and substituting the word "may."
