

**HOUSE OF REPRESENTATIVES**

# Supplementary Order Paper

**Thursday, the 28th Day of March 1974**

**LICENSING TRUSTS AMENDMENT BILL**

*Proposed Amendments*

HON. DR FINLAY, in Committee, to move the following amendments:

*Clause 3A:* To insert, after *clause 3*, the following clause:

**3A. Filling of extraordinary vacancies**—(1) Section 16 of the principal Act is hereby amended by repealing subsection (4) (as amended by section 5 (2) of the Licensing Trusts Amendment Act 1959), and substituting the following subsection:

“(4) Section 51 of the Local Elections and Polls Act 1966 shall apply in respect of any extraordinary vacancy in the office of an elective member of the Trust in any case where subsection (1) or subsection (1A) of this section does not apply in respect of that vacancy.”

(2) Section 5 of the Licensing Trusts Amendment Act 1959 is hereby consequentially amended by revoking subsection (2).

(3) This section shall be deemed to have come into force on the 9th day of October 1971.

(4) Nothing in this section shall invalidate any election which took place during the period commencing with the 9th day of October 1971 and ending with the date of the passing of this Act.

*Clause 4:* To insert, after subclause (1), the following subclause:

(1A) Section 34 of the principal Act is hereby amended by omitting from subsection (7) (as substituted by section 5 of the Licensing Trusts Amendment Act 1962), the words “(other than a restaurant, and other than booth premises)” and substituting the words “(except a restaurant, a cabaret, or booth premises)”.

*Clause 8A:* To insert, after *clause 8*, the following clause:

**8A. Filling of extraordinary vacancies**—Section 16 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Section 51 of the Local Elections and Polls Act 1966 shall apply in respect of any extraordinary vacancy in the office of an elective member of the Trust in any case where subsection (1) or subsection (1A) of this section does not apply in respect of that vacancy.”

*Clause 9:* To insert, after subclause (1), the following subclause:

(1A) Section 34 of the principal Act is hereby amended by omitting from subsection (7) (as substituted by section 14 of the Licensing Trusts Amendment Act 1962) the words “(other than a restaurant, and other than booth premises)”, and substituting the words “(except a restaurant, a cabaret, or booth premises)”.

*Clause 14A:* To insert, after *clause 14*, the following clause:

**14A. Filling of extraordinary vacancies—**(1) Section 17 of the principal Act is hereby amended by repealing subsection (4) (as amended by section 16 (2) of the Licensing Trusts Amendment Act 1959), and substituting the following subsection:

“(4) Section 51 of the Local Elections and Polls Act 1966 shall apply in respect of any extraordinary vacancy in the office of an elective member of the Trust in any case where subsection (1) or subsection (1A) of this section does not apply in respect of that vacancy.”

(2) Section 16 of the Licensing Trusts Amendment Act 1959 is hereby consequentially amended by revoking subclause (2).

*Clause 15:* To insert, after subclause (1), the following subclause:

(1A) Section 35 of the principal Act is hereby amended by omitting from subsection (7) (as substituted by section 23 of the Licensing Trusts Amendment Act 1962) the words “(other than a restaurant, and other than booth premises)”, and substituting the words “(except a restaurant, a cabaret, or booth premises)”.

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#### EXPLANATORY NOTE

The proposed new *clauses 3A, 8A, and 14A* relate to the filling of extraordinary vacancies in the elective membership of licensing trusts. Section 51 of the Local Elections and Polls Act 1966 (as substituted by section 4 of the Local Elections and Polls Amendment Act 1970) sets out a procedure whereby an extraordinary vacancy may be filled by appointment. Public notice of the determination to fill by appointment must be given and a “specified number” of electors may demand that an election be held. The proposed new clauses make it clear that this procedure applies to licensing trusts. The new *clause 3A* which amends the Licensing Trusts Act 1949 is retrospective to 9 October 1971 (the date of the last triennial election) as some licensing trusts have already used the procedure.

The proposed amendments to *clauses 4, 9, and 15* relate to the power to operate cabarets conferred on district licensing trusts by those clauses. Those trusts are limited in the number of hotels which they may operate and the term “hotels” is, for that purpose, given a special definition. Restaurants and booths are the only types of premises excluded from it. The amendment now proposed will exclude cabarets as well.

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