

# Supplementary Order Paper.

## HOUSE OF REPRESENTATIVES.

Thursday, the 20th Day of September, 1917.

### SALE OF LIQUOR RESTRICTION BILL.

Right Hon. Mr. MASSEY, in Committee, to move the following new clause:—

Provision for  
reduction of rent  
payable in  
respect of  
licensed  
premises.

2A. (1.) Every licensee of licensed premises (not being the owner thereof, within the meaning of the Licensing Act, 1908) may at any time before the *first* day of February, nineteen hundred and *eighteen*, by notice in writing served on the owner, require the owner to reduce the rent payable by the licensee in respect of the premises, pursuant to any lease, to such amount as may be specified in the notice; or, in the discretion of the owner, to accept a surrender by the licensee of the lease on payment to the licensee of—

(a.) A proportionate part of any bonus or premium that may have been paid by the licensee to the owner or any other person, in consideration of the grant of the lease, calculated by reference to the proportion which the unexpired portion of the term of such lease bears to the whole term of the lease; and

(b.) The value of the furniture and stock-in-trade of the licensee, to be ascertained in case of dispute by arbitration under the Arbitration Act, 1908.

(2.) If the owner of the premises does not, within *fourteen* days after service on him of any such notice as aforesaid, either—

(a.) Reduce the rent to the amount specified in the notice; or

(b.) Accept a surrender of the lease as aforesaid—

the licensee may, by notice in the prescribed form, apply to the Licensing Committee of the licensing district in which the licensed premises are situate for an order reducing the rent payable by the applicant in respect of the licensed premises on the ground that the rent as fixed by the lease is inequitable, having regard to the operation of the foregoing provisions of this Act for the reduction of the hours during which the licensed premises may be kept open.

(3.) Upon receipt of any such application the Clerk of the Licensing Committee shall arrange a time and place for the holding of the meeting of the Licensing Committee to deal with the application, and shall notify the applicant and the owner of the premises of the time and place fixed for such meeting.

(4.) On any application being made under this section, the Licensing Committee shall thereupon have jurisdiction to hear and determine the same, and may, if it thinks fit, by order, reduce the rent payable by the licensee to such amount as it deems just and equitable in the circumstances.

(5.) On the hearing of an application under this section a Licensing Committee shall have the same powers of summoning witnesses, and of hearing evidence on oath, as it has in respect of proceedings before it under the Licensing Act, 1908, and may make such order as it thinks proper as to the payment of costs.

(6.) At the hearing of any such application the applicant and the owner, and any other person or persons whom the Licensing Committee may deem to be interested in the subject-matter of the application, may appear personally or by counsel.

(7.) The provisions of the Licensing Act, 1908, relating to the conduct of meetings of a Licensing Committee, shall, so far as applicable, apply to meetings of the Committee for the purposes of any application under this section, and, in so far as such provisions or the provisions of any regulations under this section do not apply, the Committee may determine its own procedure.

(8.) Every order made by a Licensing Committee under this section shall have effect according to its tenor, and shall take effect as from the date of the service on the owner of a notice under subsection *one* hereof, and shall continue in force during the continuance of the lease or for the duration of this Act, which ever period is the shorter, and the terms of the lease shall be deemed to be modified accordingly.

(9.) For the purposes of this section the term "lease" includes an agreement for a lease and any other tenancy.

(10.) The Governor-General may, by Order in Council gazetted, make such regulations as may be deemed necessary prescribing forms of notices to be given under this section, for the hearing and determining of applications, and for such other matters as may be deemed necessary.

---