

**Serial Number 1940/141.**



**THE LICENSING ACT EMERGENCY REGULATIONS 1940.**

GALWAY, Governor-General.

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 26th day of June, 1940.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS.**

1. These regulations may be cited as the Licensing Act Emergency Regulations 1940.

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Licensing Act, 1908:

“Licensed premises” means premises in respect of which a license under the Act has been granted and is in force:

“Local authority” means any local authority or public body that for the time being is a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section 2 of that Act or of any Order in Council thereunder, or by virtue of the provisions of any other Act:

“Minister” means the Minister of Justice.

3. Whenever the whole or any part of any licensed premises is in the possession of or being used by or on behalf of the Government or any local authority for any purpose which appears to the Minister to be directly or indirectly connected with any war in which His Majesty is engaged, the Minister may issue a certificate stating that the whole or part of the premises, as the case may be, is in such possession or is being so used for war purposes and declaring whether or not the license in force in respect of the premises shall be suspended. Every such certificate shall be conclusive evidence of the facts stated therein.

4. Every certificate issued under these regulations shall remain in force until revoked by the Minister, and the Minister may from time to time issue another certificate varying or replacing any certificate issued under these regulations.

5. So long as any certificate remains in force declaring that a license shall be suspended, the license shall be deemed to be suspended and the provisions of the Act relating to licenses and to licensed premises shall not apply in relation to the license or to the premises in respect of which the license was granted:

Provided that the Licensing Committee may from time to time grant a transfer of the license, and for that purpose the provisions of the Act relating to transfers of licenses shall, with the necessary modifications, apply, except that it shall not be necessary for a notice of any application for a transfer of the license to be affixed on the outer side or front of the principal entrance-door of the premises.

6. If a part of any licensed premises is in the possession of or being used by or on behalf of the Government or any local authority for war purposes and the certificate issued under these regulations in respect thereof declares that the license in respect of the premises shall not be suspended, the part in such possession or being so used shall, while the certificate remains in force, be deemed to be unlicensed premises and the provisions of the Act relating to licensed premises shall not apply in relation to that part of the premises.

7. When any certificate issued under these regulations suspending a license is revoked or amended to provide that the license shall no longer be suspended, the license shall thereupon become of full validity and effect and shall continue in force as if it had been renewed for the period ending on the 30th day of June next following, or, in the case of a permanent transfer, as if it had been issued to the holder thereof for that period, and the provisions of the Act relating to licenses and to licensed premises shall thereafter apply in relation to that license and to the premises in respect of which the license was granted or to so much thereof as is no longer in the possession of or being used by or on behalf of the Government or any local authority:

Provided that where pursuant to this regulation a license becomes of full validity and effect in the month of May or June in any year, the license shall continue in force as though it had been renewed or issued, as the case may be, for a period ending on the 30th day of June in the year next following.

8. A copy of each certificate issued by the Minister under these regulations shall be forwarded to the Clerk of the Licensing Committee of the licensing district within which are situated the premises to which the certificate relates.

C. A. JEFFERY,  
Clerk of the Executive Council.