



THE LICENSING ACT EMERGENCY REGULATIONS 1942

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 12th day of
February, 1942.

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 1942.

2. In these regulations "intoxicating liquor" means intoxicating liquor as defined by the Licensing Act, 1908.

3. Any constable may at all times by day or night and on any day of the week enter without warrant upon any place, whether a building or not, in which he reasonably suspects that any offence against the provisions of the Licensing Act, 1908, relating to the sale of intoxicating liquor by unlicensed persons has been or is about to be committed, and may search the said place and every part thereof, and may seize any intoxicating liquor and the vessels containing such liquor found in any place so entered, not being premises in respect of which a publican's license, accommodation license, New Zealand wine license, conditional license, or club charter is in force under the Licensing Act, 1908.

4. Every person who resists or obstructs any constable in the exercise of the powers conferred upon him by these regulations, or who fails or refuses to afford to a constable immediate entrance to any such place or to any part thereof, shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £50.

5. If in any prosecution for the sale, exposure, or keeping for sale of intoxicating liquor by an unlicensed person the evidence produced by the informant or the facts admitted by the defendant are sufficient to constitute a reasonable cause of suspicion that the defendant is guilty of the offence charged, the burden of proving that the offence was not committed shall be upon the defendant.

6. When any intoxicating liquor or vessels have been seized under these regulations, then upon the conviction for an offence under the Licensing Act, 1908, or these regulations of any person appearing to the Court to be an owner or to have been in possession thereof or to be an owner or occupier of the place where such liquor or vessels were seized, the Court, unless on any special grounds it thinks it inadvisable so to do, shall make an order declaring that such liquor or vessels are forfeited to His Majesty, and upon the making of an order of forfeiture the provisions of section 143 of the Licensing Act, 1908, shall apply.

W. O. HARVEY,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 13th day of February, 1942.
These regulations are administered in the Police Department.