

Serial Number 1952/129



**THE LOCAL LICENSING TRUSTS REGULATIONS 1949,  
AMENDMENT NO. 1**

FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 25th day of June 1952

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 46 of the Licensing Trusts Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

**1.** These regulations may be cited as the Local Licensing Trusts Regulations 1949, Amendment No. 1, and shall be read together with and deemed part of the Local Licensing Trusts Regulations 1949\* (hereinafter referred to as the principal regulations).

**2.** Regulation 13 of the principal regulations is hereby amended by omitting the words "If the Governor-General is pleased to constitute a local Trust", and substituting the words "Where pursuant to regulation 15 hereof a local Trust is constituted".

**3.** The principal regulations are hereby amended by revoking regulation 15, and substituting the following regulations:—

"15. (1) Whenever a Licensing Committee has determined that it will grant a licence to a local Trust to be formed, the Minister may by notice published in the *Gazette*, constitute a local Trust, with such name as may be specified in the notice.

"(2) Subject to the provisions of these regulations, the provisions of Part I of the Licensing Trusts Act 1949, with the exception of the provisions referred to in the First Schedule to these regulations, shall, as far as they are applicable and with the necessary modifications, apply to any local Trust constituted under these regulations.

\* Statutory Regulations 1949, Serial number 1949/189, page 768.

“(3) With respect to any local Trust constituted under these regulations, the following provisions shall apply—

“(a) The local Trust shall consist of six members:

“(b) The terms of office of three of the members of the local Trust elected at the first election of members shall expire on the day appointed for the second election of members pursuant to section 11 of the Licensing Trusts Act 1949:

“(c) At any meeting of the local Trust, three members shall form a quorum:

“(d) The Trust shall in every year send to the Minister a copy of the yearly balance sheet, profit and loss account, and statements of accounts, when they have been duly audited pursuant to subsection (2) of section 43 of the Licensing Trusts Act 1949, together with a report as to the operations of the Trust for the year to which the balance sheet and accounts relate.

“(4) In the notice constituting a local Trust, or in any subsequent notice published in the *Gazette*, the Minister may—

“(a) Prescribe an area within which polls shall be taken for the election of members of the Trust, and define the boundaries of that area:

“(b) Prescribe an area within which the Trust may expend or distribute profits pursuant to subsection (1) of section 44 of the Licensing Trusts Act 1949:

“Provided that the area prescribed under this paragraph shall not be less than the area prescribed under paragraph (a) of this subclause.

“(5) The Minister may from time to time, in like manner, alter the boundaries of any area prescribed by him under subclause (4) of this regulation by including any area therein or excluding any area therefrom.

“(6) In the application to the Trust of such of the provisions of the Licensing Trusts Act 1949 as are applicable to it under these regulations,—

“(a) References to the Trust district shall, except in subsection (1) of section 44 of that Act, be construed as references to the area for the time being prescribed under paragraph (a) of subclause (4) of this regulation:

“(b) The reference in section 17 of that Act to any Magistrate's Court in the Trust district shall be construed as a reference to any Magistrate's Court in any licensing district within which the whole or any part of the aforesaid area is situated:

“(c) The reference in subsection (1) of section 44 of that Act to the Trust district shall be construed as a reference to the area for the time being prescribed under paragraph (b) of subclause (4) of this regulation.

“15A. The provisions of regulations 16 and 17 hereof shall apply whenever a Licensing Committee has determined that it will grant a licence to a local Trust to be formed, and the Minister has constituted a local Trust to conduct the premises in respect of which the licence is to be granted.”

4. (1) Regulation 17 of the principal regulations is hereby amended by omitting from paragraph (c) the words “the Schedule hereto”. and substituting the words “the Second Schedule hereto”.

(2) The said regulation 17 is hereby further amended by inserting, after paragraph (e), the following paragraph:—

“(ee) Any application for the approval of the appointment of any person to manage, superintend, and conduct the business as aforesaid may be dealt with by the Licensing Committee either at a quarterly licensing meeting or at any special meeting which may be held by it for the purpose:”.

(3) The said regulation 17 is hereby further amended by adding the following paragraph:—

“(g) Whenever under this regulation the Licensing Committee approves the appointment of any person to manage, superintend, and conduct the business as aforesaid, whether temporarily or otherwise, there shall be entered in Part I of the Register of Licences kept under section 149 of the said Act, in addition to the particulars required by that section, the name of the person so approved and the date of the certificate of approval.”

(4) The said regulation 17 is hereby further amended by adding the following as subclause (2) thereof:—

“(2) For the purposes of such of the provisions of the Licensing Act 1908, and its amendments, as are specified in the Third Schedule hereto, but without limiting in any way the rights, duties, and liabilities of the Trust thereunder, the person for the time being approved as the manager of the business pursuant to this regulation shall be deemed to be a licensed person in respect of the premises to which the Trust's licence relates, and those provisions shall, with the necessary modifications, apply to him as if he were the holder of a licence in respect of the premises, and as if the said certificate were a licence and the entry in Part I of the Register of Licences relating to the certificate were an entry relating to a licence; and those provisions may accordingly be enforced against him and given effect to pursuant to the said Act.”

5. The principal regulations are hereby further amended by adding the following regulation:—

“18. (1) The functions of the local Trust shall be to establish and maintain licensed premises in accordance with the provisions of the Licensing Act 1908 and of any licence for the time being held by the Trust under that Act.

“(2) Subject to subclause (1) of this regulation, and without limiting the generality of the provisions of section 27 of the Licensing Trusts Act 1949, it is hereby declared that the Trust may, for the purpose of carrying out its functions as aforesaid—

“(a) Establish and maintain such hotels or other premises as are contemplated by any licence held by it;

“(b) Sell and dispose of intoxicating liquor pursuant to any licence held by it;

“(c) Where it is the holder of a publican's licence or a tourist-house licence, provide accommodation and other facilities for the travelling public, and sell or supply meals and other refreshments to the general public;

“(d) Purchase such stocks of liquor, foodstuffs, and goods of any other kind whatsoever as are required for the purpose of carrying out its functions.”

6. The principal regulations are hereby further amended by revoking the Schedule thereto, and substituting the Schedules set out in the Schedule to these regulations.

**SCHEDULE**  
**NEW SCHEDULES TO PRINCIPAL REGULATIONS \***

**"SCHEDULES**

"[Reg. 15 (2)]

**"FIRST SCHEDULE**

**"PROVISIONS OF PART I OF LICENSING TRUSTS ACT 1949 NOT APPLICABLE TO LOCAL TRUSTS**

**"SECTIONS 3, 4 (1), (2), and (3), 5 (3) (a), 23 (5), 26, 28, 29, 30, 31 (3) and (4), 32, 33, 34, 35, 36, 43 (3), 44 (2), and 45.**

**"SECOND SCHEDULE**

"[Reg. 17 (1) (c)]

**"CERTIFICATE APPROVING MANAGER**

"I, THE undersigned, ....., Stipendiary Magistrate, being the Chairman of the Licensing Committee for the District of ....., hereby certify that the Licensing Committee, on the ..... day of ..... 19....., approved the appointment of ....., of ....., to manage, superintend, and conduct, on behalf of the ..... Licensing Trust, the business on the premises known as ....., in respect of which a publican's (*or* tourist-house) licence has been granted to the said Licensing Trust.

Given under my hand at ....., this ..... day of ..... 19.....

Chairman of the ..... Licensing Committee.

Countersigned.

Clerk to the Licensing Committee.

**"THIRD SCHEDULE**

"[Reg. 17 (2)]

**"PROVISIONS APPLICABLE TO MANAGERS OF LOCAL TRUST PREMISES**

Title of Act.	Sections or Parts Applicable.	Subject-matter.
The Licensing Act 1908 (Reprint of Statutes, Vol. IV, p. 234)	Section 162 ..	Hours of employment of females.
	Section 165 ..	Refusing to provide accommodation.
	Section 170 ..	Payment for liquor.
	Sections 180 to 188 ..	Offences against public order.
	Sections 189 to 210 ..	Illicit sales.
	Part VI ..	Prohibition orders.
	Sections 233 to 236 ..	Adulteration of liquor.
The Licensing Amendment Act 1910 (Reprint of Statutes, Vol. IV, p. 350)	Sections 246 to 251 ..	Record of convictions.
	Sections 252 to 258 ..	Repeated convictions.
The Licensing Amendment Act 1914 (Reprint of Statutes, Vol. IV, p. 367)	Section 36 ..	Employment of barmaids.
The Licensing Amendment Act 1914 (Reprint of Statutes, Vol. IV, p. 367)	Section 10 ..	Employment of minors in bars.
The Licensing Amendment Act 1948 (1948, No. 74)	Section 109 ..	Register of lodgers."

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations amend the Local Licensing Trusts Regulations 1949, and deal with the constitution and powers of local licensing Trusts, in cases where Licensing Committees decide to grant licences to Trusts to be formed to conduct particular premises.

In each case the Trust is to be constituted by the Minister by notice in the *Gazette*, and is to consist of six elective members, who will retire in rotation in accordance with the Licensing Trusts Act 1949. The area within which elections of members are to be held, and the area within which the Trust may expend its profits, are to be prescribed by the *Gazette* notice (regulation 3). Certain provisions of the Licensing Act 1908, and its amendments, relating to offences by licensees (set out in the new Third Schedule) are to apply to the manager of the licensed premises, as well as to the Trust (regulation 4 (4)). The functions and powers of the Trust are set out in regulation 5. Except as provided in the regulations, Part I of the Licensing Trusts Act 1949 (with the exceptions specified in the new First Schedule), and the Licensing Act 1908, will apply to the Trust.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 June 1952.

These regulations are administered in the Department of Justice.