

1972/165



THE LOCAL LICENSING TRUSTS REGULATIONS 1966,
AMENDMENT NO. 2

ARTHUR PORRITT, Governor-General
By his Deputy
ALEXANDER TURNER
ORDER IN COUNCIL

At the Government House at Wellington this 7th day of August 1972

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. Title and commencement—(1) These regulations may be cited as the Local Licensing Trusts Regulations 1966, Amendment No. 2, and shall be read together with and deemed part of the Local Licensing Trusts Regulations 1966* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Division of Trust area into wards—(1) The principal regulations are hereby amended by inserting, after regulation 6, the following regulation:

“6A. (1) In the notice constituting a local Trust, or in any subsequent notice published in the *Gazette*, the Minister may declare the area prescribed by him under paragraph (a) of regulation 6 (4) hereof to be divided into wards for the purposes of the election of members of the Trust, and may prescribe the names and boundaries of the wards and the number of elective members for each ward.

“(2) The Minister may from time to time, by notice published in the *Gazette*, declare any undivided Trust area to be divided into wards for the purposes of the election of members of the Trust, and prescribe the names and boundaries of the wards and the number of elective members for each ward.

*S.R. 1966/139
Amendment No. 1: S.R. 1967/239

“(3) The Minister may from time to time, by notice published in the *Gazette*,—

“(a) Alter the boundaries of any ward of a divided Trust area, or wholly redivide the area into wards:

“(b) Name or rename any ward:

“(c) Alter the number of elective members for any ward:

“(d) Abolish all wards of the area.

“(4) In any case to which this regulation applies the Minister, by the same or any subsequent notice published in the *Gazette*, may prescribe—

“(a) The number of elective members of the Trust:

“(b) The number of elective members of the Trust, being members elected at the first election after the giving of the notice, whose terms of office shall expire, under paragraph (a) of subclause (5) of this regulation, before the second election after the giving of the notice:

“(c) The number of members of the Trust to form a quorum at any meeting of the Trust.

“(5) Where by any notice given under this regulation an undivided Trust area is divided into wards, or a divided Trust area is wholly redivided, or the wards of a divided Trust area are abolished, the following provisions shall apply with respect to the members of the Trust elected at the first general election after the giving of the notice:

“(a) The terms of office of such number of those members as may, under paragraph (b) of subclause (4) of this regulation, be specified in the notice under that subclause shall expire on the day appointed for the second election of members of the Trust after the giving of the notice:

“(b) The terms of office of the remaining members shall expire on the day appointed for the third election after the giving of the notice:

“(c) The members whose terms of office are to expire on the day appointed for the said second election shall be determined by agreement between the elective members of the Trust within 3 months after the date of the said first election, or, failing such agreement, shall be determined by lot within the said 3 months. If there is no such determination within the said 3 months, the members whose terms of office are so to expire shall be determined by the Minister.

“(6) In their application to a local Trust,—

“(a) The reference in subsection (2) of section 5 of the Licensing Trusts Act 1949 to paragraph (a) of subsection (3A) of that section shall be read as a reference to paragraph (a) of subclause (5) of this regulation; and

“(b) Subsection (2) of section 11A of that Act shall be read as if for the words ‘The Governor-General may at any time, by Order in Council’ there were substituted the words ‘The Minister may at any time, by notice published in the *Gazette*.’”

(2) Regulation 6 of the principal regulations is hereby amended by inserting at the beginning of subclause (3) the words “Subject to regulation 6A hereof”.

- (3) The Schedule to the principal regulations is hereby amended—
- (a) By inserting, after the figures “4 (1), (2)”, the figures “(2A), (2B), (2C), (2D)”:
 - (b) By inserting, after the figures “5 (3) (a)”, the words “and (3A)”.

P. J. BROOKS,
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 1966. Under the principal regulations, when the Licensing Control Commission notifies the Minister of Justice of the granting of a licence to a local Trust, the Minister may then constitute the Trust by notice published in the *Gazette*. By virtue of section 9c (k) of the Licensing Amendment Act 1910, the principal regulations apply in the same way to suburban Trusts.

These regulations insert in the principal regulations a new regulation 6A, the effect of which is that a local or suburban Trust area may be divided into wards for the purposes of the election of members. In such a case the Minister may prescribe the number of members of the Trust, provide for rotation of office, and prescribe the number of members to form a quorum.

The new provisions are the same as those provided in the Licensing Trusts Act 1949 for district Trusts.

The regulations also make necessary consequential amendment.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 August 1972.

These regulations are administered in the Department of Justice.