

Serial Number 1952/40



**THE LICENSING TRUSTS REGULATIONS 1952**

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 10th day of  
March 1952

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Licensing Trusts Act 1949, the Masterton Licensing Trust Act 1947, and the Invercargill Licensing Trust Act 1950, 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 Licensing Trusts Regulations 1952.

2. These regulations shall apply to every order made by a Magistrate under section 34 of the Licensing Trusts Act 1949, or section 34 of the Masterton Licensing Trust Act 1947, or section 35 of the Invercargill Licensing Trust Act 1950, for the taking of a poll of electors residing in any area in a licensing Trust district, and to every such poll as aforesaid, on a proposal that a hotel be established by the Licensing Trust on any land in the Trust district.

3. Where any order to which these regulations apply is made a Magistrate may, by the same or any subsequent order,—

- (a) Appoint a Returning Officer for the poll, being an officer of a local authority having jurisdiction in the licensing Trust district:
- (b) Fix a date for the closing of the roll of electors for the poll:
- (c) Give such directions as may be necessary in relation to the form of notices to be given by the Returning Officer in respect of the poll, and settle the wording of the proposal to be submitted to the electors:
- (d) Authorize or direct the doing of any other thing necessary or expedient for the taking of the poll.

4. (1) The poll shall be conducted by the Returning Officer so appointed by the Magistrate.

(2) The persons entitled to vote at the poll shall be those electors of the Trust district who, on the date fixed for the closing of the roll, are residing in the area in which the poll is to be taken.

(3) Every elector so entitled to vote shall have one vote only at the poll.

(4) Subject to the provisions of these regulations and of any such order as aforesaid, and subject to any necessary modifications, the provisions of the Local Elections and Polls Act 1925 shall, so far as they are applicable, apply to the poll.

5. (1) The rolls of electors for the time being in force in respect of elections of members of the Trust shall be the rolls of electors for the purposes of the poll.

(2) It shall be the duty of the Clerk of every local authority within whose district the whole or any part of the said area is situated to indicate on the roll of electors for that district, by appropriate words, abbreviations, or marks, the names of the electors in his district who are entitled to vote at the poll.

6. (1) The reasonable cost incurred by any local authority in respect of the poll shall be paid by the Licensing Trust.

(2) Any dispute arising as to the amount to be paid to any local authority under this regulation shall be determined by the Audit Office after such inquiry as it thinks fit, and the decision of the Audit Office in any such dispute shall be final.

7. Where any order for the taking of a poll has been made by a Magistrate under any of the aforesaid sections before the coming into force of these regulations, a Magistrate may make in respect of the poll any order that may be made under regulation 3 of these regulations, and the provisions of these regulations shall apply to the poll.

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 apply in every licensing Trust district under the Licensing Trusts Act 1949 (including the Ashburton and Geraldine Trust districts), and also in the Masterton and Invercargill Trust districts. They lay down the procedure for the taking of any poll of electors (on the order of a Magistrate) in any area as to the proposed site of a Trust hotel. The poll is to be conducted by an officer of a local authority, appointed by the Magistrate as Returning Officer, under the Local Elections and Polls Act 1925 (with necessary modifications), using the rolls of electors for the Trust district.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13th day of March 1952.

These regulations are administered in the Department of Justice.