

Serial Number **1954/70**



**THE WINE MAKERS LICENSING REGULATIONS 1954**

C. W. M. NORRIE, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 5th day of May 1954

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Licensing Act 1908, 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 Wine Makers Licensing Regulations 1954.

2. (1) Every application for a grape wine licence shall be made in the form numbered 1 in the First Schedule hereto.

(2) Every grape wine licence shall be in the form numbered 2 in the First Schedule hereto.

3. (1) Every application for a fruit wine licence shall be made in the form numbered 3 in the First Schedule hereto.

(2) Every fruit wine licence shall be in the form numbered 4 in the First Schedule hereto.

4. (1) Every application for a wine maker's licence shall be filed in the nearest Magistrate's Court having civil jurisdiction, and shall be accompanied by three copies.

(2) Except where the applicant is the holder of a current wine maker's licence of the same kind as that applied for,—

(a) The application shall also be accompanied by two testimonials as to the fitness of the applicant to be the holder of a wine maker's licence of the kind for which he applies; and

(b) Not less than seven days before the application is filed, a notice, in the form numbered 5 in the First Schedule hereto, of his intention to apply for a licence shall be published by the applicant at least once in a daily newspaper circulating in the district in which the proposed premises are situated.

5. (1) The Registrar of the Magistrate's Court receiving the application shall send a copy of it, together with any testimonials filed pursuant to regulation 4 hereof, to the chief officer of police in the district.

(2) The Registrar shall also send a copy of the application to the Medical Officer of Health, and a copy to the Viticulturist of the Department of Agriculture at Auckland.

6. (1) The chief officer of police and the Medical Officer of Health shall report to the Magistrate in respect of the application:

Provided that it shall not be necessary for any such officer to report in respect of an applicant who is the holder of a wine maker's licence of the same kind as that applied for, unless the Magistrate asks for a report, or unless there are circumstances known to the officer which should be made known to the Magistrate.

(2) The Viticulturist of the Department of Agriculture at Auckland may report to the Magistrate in respect of the application.

7. In respect of any application under these regulations, the Magistrate may call for such further reports or additional information as he thinks fit.

8. (1) Every application to a Magistrate for consent to the use of any part of the premises or equipment of a wine maker for the manufacture of wine of a kind not specified in his licence shall be in the form numbered 6 in the First Schedule hereto, and shall be filed in the Magistrate's Court where the wine maker's licence was granted.

(2) The application shall set forth the grounds on which it is made, and shall be supported by an affidavit made by the wine maker who desires to use the premises.

(3) The application shall be accompanied by three copies of the application and of the affidavit in support. The Registrar of the Court shall send a copy of each to—

(a) The chief officer of police in the district:

(b) The Medical Officer of Health:

(c) The Viticulturist of the Department of Agriculture at Auckland.

(4) Not less than seven days before the application is filed, a notice of the application, in the form numbered 7 in the First Schedule hereto, shall be published by the applicant at least once in a daily newspaper circulating in the district where the premises are situated.

(5) The Registrar shall inform the officers referred to in subclause (3) of this regulation and any person who has filed a notice of intention to object under regulation 9 hereof of the time and place appointed for the hearing of the application.

(6) Any person who has filed a notice of intention to object under regulation 9 hereof may appear at the hearing of the application and tender evidence in support of his objection.

(7) Any such consent as aforesaid may be granted for such period as the Magistrate thinks necessary, and may be extended from time to time in the Magistrate's discretion.

(8) The consent shall be in the form numbered 8 in the First Schedule hereto, and any extension of the period shall be noted on the consent together with the date and the signature of the Magistrate granting the extension.

9. (1) At any time within fourteen days after the date on which notice of an application for consent under regulation 8 hereof is published, or within seven days after the date of the filing of any such application, whichever period last expires, any holder of a wine maker's licence may give notice, in the form numbered 9 in the First Schedule hereto, of his intention to object to the grant of the application, on the ground that the use of the premises for the purpose stated in the application is not necessary or is not justified.

(2) The notice of objection shall be filed in the Magistrate's Court where the application is made or is to be made, and shall set forth the grounds of the objection.

(3) Either before or immediately after filing the notice of objection in the Court, the objector shall give a copy of the notice to the applicant, or send a copy to him at the address stated in the application.

10. (1) Every application for an increase of the quantity of wine specified in any licence shall be made in the form numbered 10 in the First Schedule hereto.

(2) Where a Magistrate increases the quantity of wine specified in a licence, and the additional licence fee, if any, is paid, the licence shall be endorsed to show the increased quantity and the date of the amendment and shall be signed by the Magistrate.

(3) The Registrar shall send particulars of the increase to the chief officer of police in the district and to the Viticulturist of the Department of Agriculture at Auckland.

11. (1) Any officer to whom a copy of any application is sent pursuant to these regulations, or any other officer authorized by him in that behalf, may at all reasonable times enter on and inspect the premises and equipment of the applicant and examine any books, papers, or documents relating to the application and to the obligations of the applicant under the Licensing Act 1908 and these regulations.

(2) Any such officer as aforesaid may appear and be heard on any application.

12. (1) The chief officer of police in a district, or any constable authorized by him, may at any time apply to a Magistrate to review any application granted under these regulations, on the ground that a false statement was made, or that false or misleading information or evidence was given, or that any provision of the Licensing Act 1908 or of these regulations is not being complied with.

(2) A copy of any application under this regulation shall be served on the wine maker to whom it relates, and on any other person who is or may be affected thereby.

(3) After hearing any of the parties who appear, the Magistrate may confirm, modify, or reverse the previous decision, and may cancel or amend any licence granted or consent given, either forthwith or from such date as he thinks fit, and upon and subject to such terms and conditions as he thinks fit.

13. Where any wine maker's licence is forfeited or cancelled under the Licensing Act 1908 or under these regulations, the Registrar of the Magistrate's Court where the licence is forfeited or cancelled shall notify the chief officer of police of that district and the Medical Officer of Health, and the Viticulturist of the Department of Agriculture at Auckland, and, if the licence was issued by another Court, the Registrar of that other Court.

14. The Court fees to be paid to Registrars in respect of matters under these regulations shall be those specified in the Second Schedule hereto, and shall be prepaid in accordance with the Magistrates' Courts Rules 1948.\*

15. The regulations prescribing forms in respect of wine makers' licences published in the *Gazette* on the 11th day of February 1915, Volume I, at page 553, are hereby revoked.

\* Statutory Regulations 1948, Serial number 1948/197, page 655.

## SCHEDULES

### FIRST SCHEDULE

FORM 1

[Reg. 2 (1)]

#### APPLICATION FOR GRAPE WINE LICENCE

I, [State full name, address, and occupation], hereby apply for a grape wine licence to manufacture wine on the premises at [State full address of premises], and to sell wine of my manufacture, or wine of my manufacture blended with wine manufactured by any other holder of a grape wine licence, such wine to be delivered from the premises at [State full address of premises from which delivery is to be made]. And I hereby declare:

1. That during the currency of the licence I intend to manufacture, whether for sale or otherwise, a total quantity of ..... gallons of grape wine, including blended wine:
2. That I expect the total quantity of wine referred to above to be produced as follows:
  - (a) ..... gallons from an estimated yield of ..... tons of grapes from ..... acres of grape vines grown by me on my property at .....
  - (b) ..... gallons from ..... tons of grapes to be purchased by me from [State name and address]:
  - (c) ..... gallons to be manufactured by [State name and address] and blended with wine manufactured by me:
  - (d) [State any other sources]:
- \*3. That I am the holder of a grape wine licence expiring on the 30th day of June 19.....:
- \*3. That I am not at present the holder of a grape wine licence, and I enclose two testimonials as to my fitness to hold such a licence, and attach a clipping from the ..... newspaper published on the ..... day of ..... 19..... notifying my intention to apply for a licence.

\* Strike out whichever statement does not apply.

I enclose the prescribed licence fee of £.....

Dated at ....., this ..... day of ..... 19.....

..... Applicant.

To: The Registrar of the Magistrate's Court at .....  
 The Officer in Charge of the Police Station at .....  
 The Medical Officer of Health at .....  
 The Viticulturist, Department of Agriculture, Auckland.

NOTE.—This application and three copies are to be filed in the nearest Magistrate's Court having civil jurisdiction.

## FIRST SCHEDULE—continued

FORM 2

[Reg. 2 (2)]

## GRAPE WINE LICENCE

In the Magistrate's Court at .....

I HEREBY authorize A. B., of ....., subject to the provisions of the Licensing Act 1908, to manufacture on his premises at ....., during the currency of this licence, a total quantity not exceeding ..... gallons of grape wine, including wine manufactured by any other holder of a grape wine licence and blended with wine manufactured by the said A. B. And the said A. B. is hereby authorized to sell wine manufactured or blended by him pursuant to the Licensing Act 1908, being wine of a strength not exceeding 40 per cent of proof spirit, in quantities of not less than 2 gallons to any one person at any one time; such wine to be delivered from the premises at ..... only.

This licence shall commence on the ..... day of ..... 19....., and unless sooner cancelled or forfeited shall continue in force until the 30th day of June 19.....

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

.....  
Stipendiary Magistrate.

FORM 3

[Reg. 3 (1)]

## APPLICATION FOR FRUIT WINE LICENCE

I, [State full name, address, and occupation], hereby apply for a fruit wine licence to manufacture wine on the premises at [State full address of premises], and to sell wine of my manufacture, such wine to be delivered from the premises at [State full address of premises from which delivery is to be made]. And I hereby declare:

1. That during the currency of the licence I intend to manufacture, whether for sale or otherwise, a total quantity of ..... gallons of fruit (and vegetable) wine made up as follows: [State separately the kinds of fruit wine (including cider and perry), and the kinds of vegetable wine, intended to be manufactured, and the quantity of each kind in gallons]:
- \*2. That I am the holder of a fruit wine licence expiring on the 30th day of June 19.....:
- \*2. That I am not at present the holder of a fruit wine licence, and I enclose two testimonials as to my fitness to hold such a licence, and attach a clipping from the ..... newspaper published on the ..... day of ..... 19..... notifying my intention to apply for a licence.

\* Strike out whichever statement does not apply.

I enclose the prescribed licence fee of £.....

Dated at ....., this ..... day of ..... 19.....

..... Applicant.

To: The Registrar of the Magistrate's Court at .....  
The Officer in Charge of the Police Station at .....  
The Medical Officer of Health at .....  
The Viticulturist, Department of Agriculture, Auckland.

NOTE.—This application and three copies are to be filed in the nearest Magistrate's Court having civil jurisdiction.

## FIRST SCHEDULE—continued

FORM 4

[Reg. 3 (2)]

## FRUIT WINE LICENCE

In the Magistrate's Court at .....

I HEREBY authorize A. B., of ....., subject to the provisions of the Licensing Act 1908, to manufacture on his premises at ....., during the currency of this licence, a total quantity not exceeding ..... gallons of fruit (and vegetable) wine of the following kinds, that is to say: [*State the kinds of fruit wine (including cider and perry) and the kinds of vegetable wine intended to be manufactured.*]. And the said A. B. is hereby authorized to sell wine manufactured by him pursuant to the Licensing Act 1908, being wine of a strength not exceeding 40 per cent of proof spirit, in quantities of not less than 2 gallons to any one person at any one time; such wine to be delivered from the premises at ..... only.

This licence shall commence on the ..... day of ..... 19....., and unless sooner cancelled or forfeited shall continue in force until the 30th day of June 19......

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

.....  
Stipendiary Magistrate.

FORM 5

[Reg. 4 (2) (b)]

## NOTICE OF INTENTION TO APPLY FOR WINE MAKER'S LICENCE

I, [*State full name, address, and occupation*], hereby give notice that I intend to apply at the Magistrate's Court at ..... for a licence to manufacture grape (or fruit) wine on the premises at [*State full address of premises*].

Dated at ....., this ..... day of ..... 19.....

Signature:.....

FORM 6

[Reg. 8 (1)]

## APPLICATION FOR CONSENT TO USE OF PREMISES

In the Magistrate's Court at .....

I, [*State full name, address, and occupation*], being the holder of a licence to manufacture grape (or fruit) wine on my premises at ....., hereby apply for consent to the use of those premises (and equipment) (or of [*Describe part of premises and of equipment, if any, to which application relates*]) by C. D., of ....., during the period commencing on the ..... day of ..... 19..... and ending with the ..... day of ..... 19....., for the manufacture by him of fruit (or grape) wine in accordance with the terms of the licence granted to him at the Magistrate's Court at ..... on the ..... day of ..... 19....., upon the following grounds: [*State grounds; for example, that C. D.'s premises or equipment have been destroyed or damaged by fire, earthquake, accident, or other cause*], as more particularly set out in the affidavit of C. D. filed herewith. I attach a clipping from the ..... newspaper published on the ..... day of ..... 19..... notifying my intention to make this application.

.....  
Applicant.

FORM 7

[Reg. 8 (4)]

## NOTICE OF APPLICATION FOR CONSENT TO USE OF WINE MAKER'S PREMISES

I, [*State full name, address, and occupation*], being the holder of a licence to manufacture grape (or fruit) wine, hereby give notice that I intend to apply to a Magistrate at ..... for consent to the use of my premises (and equipment) by C. D., of ....., for the manufacture of fruit (or grape) wine.

Dated at ....., this ..... day of ..... 19.....

Signature:.....

FIRST SCHEDULE—*continued*

FORM 8

[Reg. 8 (8)]

## CONSENT TO USE OF WINE MAKER'S PREMISES

In the Magistrate's Court at .....

I HEREBY consent to the use of the premises (*or of* [*Describe part of premises*]) (and equipment) of A. B., of ....., being the holder of a licence to manufacture grape (*or fruit*) wine, by C. D., of ....., during the period commencing on the ..... day of ..... 19..... and ending with the ..... day of ..... 19....., for the manufacture of fruit (*or grape*) wine in accordance with the terms of the licence held by him. This consent is subject to the provisions of the Licensing Act 1908 and to the following conditions and restrictions: [*State conditions and restrictions*].

Dated at ....., this ..... day of ..... 19.....

.....  
Stipendiary Magistrate.

FORM 9

[Reg. 9 (1)]

## NOTICE OF OBJECTION TO USE OF PREMISES

In the Magistrate's Court at .....

I, [*State full name, address, and occupation*], being the holder of a wine maker's licence, hereby give notice that I object to the use of the premises and equipment of A. B., the holder of a grape (*or fruit*) wine licence, by C. D. for the manufacture of fruit (*or grape*) wine. Notice of the said A. B.'s intention to apply for consent to such use was advertised in the ..... newspaper on the ..... day of ..... 19.....

My objection is made on the ground that the use of the premises for that purpose is not necessary (*or is not justified*), for the following reasons: [*State reasons*].

Dated at ....., this ..... day of ..... 19.....

Signature: .....

FORM 10

[Reg. 10 (1)]

## APPLICATION FOR INCREASE IN QUANTITY UNDER WINE MAKER'S LICENCE

I, [*State full name, address, and occupation*], being the holder of a grape (*or fruit*) wine licence, hereby apply to increase the quantity of wine specified in my licence from ..... gallons to ..... gallons, for the following reasons:

[*State reasons; for example—*

1. That I have purchased ..... additional tons of grapes from [*State names of growers and quantities from each*].
2. That I have produced ..... tons of grapes from grapevines grown by me, in addition to the quantity originally estimated.]

Dated at ....., this ..... day of ..... 19.....

.....  
Applicant.

## SECOND SCHEDULE

[Reg. 14

## COURT FEES

					£	s.	d.
1. Wine maker's licence—							
Filing application	.....	.....	.....	.....	1	0	0
Issue of licence	.....	.....	.....	.....	1	0	0
2. Consent to use of premises—							
Filing application	.....	.....	.....	.....	0	10	0
Filing any objection	.....	.....	.....	.....	0	3	0
Issue of consent	.....	.....	.....	.....	0	10	0
3. Increase of quantity specified in licence—							
Filing application	.....	.....	.....	.....	0	5	0
Endorsing increase on licence	.....	.....	.....	.....	0	5	0
4. Filing any affidavit	.....	.....	.....	.....	0	3	0

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

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Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 6 May 1954.  
These regulations are administered in the Department of Justice.