

**Reprint
as at 3 June 2017**



Licensing Fund Act 1989

Public Act 1989 No 61
Date of assent 31 July 1989
Commencement 31 July 1989

Licensing Fund Act 1989: repealed, on 3 June 2017, by section 3(1) of the Statutes Repeal Act 2017 (2017 No 23).

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An Act to make provision relating to the Licensing Fund

1 Short Title

This Act may be cited as the Licensing Fund Act 1989.

2 Licensing Fund and Licensing Fund Account preserved

- (1) There shall continue to be a Licensing Fund, which shall be the same fund as that established under the same name by section 16 of the Licensing Amend-

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Justice.

- ment Act 1948 and continued in existence by section 17 of the Sale of Liquor Act 1962.
- (2) All money payable to the Fund shall continue to be paid to the credit of the Licensing Fund Account established at the Reserve Bank of New Zealand pursuant to section 18 of the Sale of Liquor Act 1962.
 - (3) The Licensing Fund Account shall hereafter be operated upon by cheque signed by the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.
 - (4) Any money belonging to the Fund and available for investment may from time to time be invested by the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act—
 - (a) in New Zealand Government securities; or
 - (b) on deposit in any bank or banks approved by the Minister of Finance; or
 - (c) in any other manner, or in any other securities, that may from time to time be authorised by the Minister of Finance.
 - (5) The chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act shall be entitled to recover, out of money for the time being standing to the credit of the Licensing Fund, the reasonable expenses incurred by the chief executive in administering the Fund.
 - (6) Subject to subsection (5), and to section 3, the Minister of Finance may from time to time direct the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act to pay into a Crown Bank Account the whole or any part of the money for the time being standing to the credit of the Licensing Fund.
 - (7) For the purposes of the audit of accounts, all money belonging to the Fund shall be deemed to be public money within the meaning of the Public Finance Act 1989; and the Auditor-General has the same duties and powers in respect of that money, and of every person dealing with it, as if the Fund were a public entity as defined by section 4 of the Public Audit Act 2001.

Section 2(3): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 2(4): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 2(5): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 2(6): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 2(6): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 2(7): amended, on 1 July 2001, by section 53 of the Public Audit Act 2001 (2001 No 10).

3 Refunds of fair price in certain cases

- (1) Any person who, at any time within the period of 5 years immediately preceding the commencement of this Act, paid any money by way of fair price on the issue of any new wholesale licence under the Sale of Liquor Act 1962 may, at any time within 1 year after the commencement of this Act, apply to the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act for a refund of a part of that money.
- (2) On an application under subsection (1), the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act shall refund to the applicant the amount by which the sum paid by the applicant exceeds the revised amount.
- (3) For the purposes of subsection (2), the revised amount shall be calculated in accordance with the following formula:

$$\frac{FP \times N}{5}$$

where

FP is the amount paid by way of fair price; and

N is the number of years that elapsed in whole or in part between the date of the issue of the licence and the date of the commencement of this Act.

Section 3(1): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 3(2): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

4 Hotel Investment Account continued

- (1) There shall continue to be a Hotel Investment Account established by section 20 of the Sale of Liquor Act 1962, but only for the purpose of advances made, and related agreements entered into, before the commencement of this Act; and in respect of any such advances or agreements the provisions of that section shall continue to apply as if this Act had not been passed.
- (2) No new advances shall be made out of the Hotel Investment Account, except to the extent required by any agreement entered into before the commencement of this Act.
- (3) All money for the time being standing to the credit of the Hotel Investment Account shall be paid into the Licensing Fund, except to the extent necessary for any advance required by any agreement entered into before the commencement of this Act.

Reprints notes

1 *General*

This is a reprint of the Licensing Fund Act 1989 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Statutes Repeal Act 2017 (2017 No 23): section 3(1)

Public Audit Act 2001 (2001 No 10): section 53

Department of Justice (Restructuring) Act 1995 (1995 No 39): section 10(3)

Public Finance Act 1989 (1989 No 44): section 83(7)