

Licensing Amendment Act 1949

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Contents

	Page
Title	2
1 Short Title.	2
<i>General Licensing Poll</i>	
2 General licensing poll to be taken in Maori electoral districts as well as in licensing districts.	2
3 Consequential amendments.	3
<i>Local Restoration Polls</i>	
4 Poll to determine whether licences be restored.	3
5 When proposal deemed to be carried.	3
6 Further poll, where restoration carried, to determine whether Trust control be established in district.	4
7 Consequential amendments.	5
<i>Miscellaneous</i>	
8 Amending provisions as to appointment of scrutineers for licensing polls.	5
9 Amending provisions as to mode of applying for wholesale licence.	5
10 Making provision for removal of wholesale licences.	6
11 Exempting returned servicemen's clubs from certain conditions as to issue of club charters.	6
12 Amending section 52 of Licensing Amendment Act, 1948 (as to advertisement inviting applications for licence).	7
13 Repeal.	7

Schedule

8

An Act to Amend the Licensing Act, 1908.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1 Short Title.

This Act may be cited as the Licensing Amendment Act, 1949, and shall be read together with and deemed part of the Licensing Act, 1908 (hereinafter referred to as the principal Act).

*General Licensing Poll***2 General licensing poll to be taken in Maori electoral districts as well as in licensing districts.**

- (1) Section twelve of the principal Act is hereby amended as follows:
 - (a) By inserting, after the words “electors of each electoral district”, the words “and of the poll of the electors of each Maori electoral district constituted under Part IV of the Electoral Act, 1927,”:
 - (b) By omitting the words “upon the proposals to be submitted to them under this Act”, and substituting the words “upon the questions to be submitted to them in accordance with section fifty-six of the Licensing Amendment Act, 1918”:
 - (c) By inserting in paragraph (a) of the proviso to that section, after the words “licensing district”, the words “and in every such Maori electoral district as aforesaid”.
- (2) The said section twelve is hereby further amended by adding the following as subsection two thereof:

“(2) Subject to the provisions of this Act, the following provisions shall apply to the general licensing poll under this section:

 - “(a) The provisions of the Electoral Act, 1927, shall, as far as they are applicable and with the necessary modifications, apply as if the poll were the electoral poll, and the poll shall be taken in the manner prescribed by that Act for the taking of the electoral poll:
 - “(b) The electoral rolls for the time being in force under that Act shall be deemed to be the rolls of electors for the purposes of the poll:
 - “(c) The voting-paper given to any elector of a Maori electoral district shall be printed both in the English language and in the Maori language.”

3 Consequential amendments.

- (1) Section five of the principal Act is hereby amended by omitting from subsection one the words “and the rolls of electors of members of Parliament for the time being in existence for the said electoral districts shall be the rolls of electors for the purposes of this Act”.
- (2) Section fourteen of the principal Act is hereby amended by omitting from paragraph (b) of subsection one the words “by the Legislature Act, 1908,”.
- (3) Section seventy-four of the Licensing Amendment Act, 1918, is hereby amended by adding the following as subsection two thereof:

“(2) In the application, for the purposes of this section, of the said sections fifty-six to fifty-nine, the references in sections fifty-six and fifty-eight to licensing districts shall be deemed to include references to Maori electoral districts constituted under Part IV of the Electoral Act, 1927.”

Local Restoration Polls

4 Poll to determine whether licences be restored.

Ibid., p. 351 1948, No. 74

The Licensing Amendment Act, 1910, is hereby amended by repealing section eight, as enacted by sub-section one of section eighty-two of the Licensing Amendment Act, 1948, and substituting the following section:

“8

- “(1) At every licensing poll there shall be submitted for the determination of the electors of every no-licence district the question whether licences shall be restored in that district (hereinafter referred to as the restoration question).
- “(2) The restoration question shall be submitted in the voting-paper in the form numbered 1 in the Second Schedule to this Act, and in the manner prescribed by the principal Act, as amended by this Act.
- “(3) The restoration question shall be submitted concurrently with the questions submitted at the licensing poll in accordance with section fifty-six of the Licensing Amendment Act, 1918.”

5 When proposal deemed to be carried.

The Licensing Amendment Act, 1910, is hereby further amended by repealing section nine, and substituting the following section:

“9

- “(1) When on the taking of the poll in any such district the number of votes recorded in favour of the proposal that licences be restored in the district is not less than three-fifths of all the votes recorded in respect of the restoration question, the proposal shall be deemed to be carried, and the determination of

the electors of that district shall be deemed to be in favour of the restoration of licences.

- “(2) Every such determination shall come into force on the expiration of three months after the day of the general election at which the poll was taken, and on the coming into force of the determination the district shall cease to be a no-licence district.”

6 Further poll, where restoration carried, to determine whether Trust control be established in district.

The Licensing Amendment Act, 1910, is hereby further amended by inserting, after section nine (as enacted by the last preceding section), the following new section:

“9a

- “(1) If in accordance with section nine of this Act the determination of the electors of the district is deemed to be in favour of the restoration of licences, there shall be submitted for the determination of the electors of the district the further question whether a local Trust shall be established to conduct hotels and sell intoxicating liquor in the district (hereinafter referred to as the Trust question).
- “(2) The poll on the Trust question shall be taken on a day to be appointed by the Governor-General by Order in Council, being a day not later than the ninetieth day following the date of the giving by the Returning Officer of public notice of the result of the poll on the restoration question, or, as the case may require, following the date of any amended public notice or order of the Court superseding that notice under the principal Act.
- “(3) The Trust question shall be submitted in the form numbered 2 in the Second Schedule to this Act, and in the manner prescribed by the principal Act, as amended by this Act.
- “(4) The poll on the Trust question shall be deemed for the purposes of the principal Act to be a licensing poll, and the provisions of that Act shall, as far as they are applicable and with the necessary modifications, apply accordingly.
- “(5) If the number of votes recorded in favour of the proposal that a local Trust be established to conduct hotels and sell intoxicating liquor in the district amounts to more than one-half of all the votes recorded in respect of the Trust question, that proposal shall be deemed to be carried, and the determination of the electors of the district shall be deemed to be in favour of that proposal.
- “(6) Pending the final declaration of the result of the poll on the Trust question, nothing in section ten or section eleven of this Act shall apply with respect to the district. If on such declaration as aforesaid the determination of the electors is deemed, in accordance with this section, to be in favour of the proposal that a local Trust be established as aforesaid, the said sections ten and eleven shall

not apply with respect to the district; and a licensing Trust shall be constituted in respect of the district.”

7 Consequential amendments.

- (1) The Licensing Amendment Act, 1910, as amended by subsection one of section eighty-three of the Licensing Amendment Act, 1948, is hereby further amended as follows:
 - (a) By inserting at the commencement of section ten the words “Subject to the foregoing provisions of this Act,”:
 - (b) By omitting from subsection one of section fourteen the words “under section eight hereof and of the number of votes recorded in favour of, and against, each of the said proposals”, and substituting the words “under section eight or section nine A of this Act and of the number of votes recorded in favour of each of the proposals submitted at the poll”:
 - (c) By repealing the Second and Third Schedules, and substituting the new Second and Third Schedules set out in the Schedule to this Act.

1946, No. 40 1948, No. 74

- (2) Section fifty-one of the Statutes Amendment Act, 1946, as amended by subsection two of section eighty-three of the Licensing Amendment Act, 1948, is hereby further amended as follows:
 - (a) By inserting, after the words “section eight”, the words “or section nine a”:
 - (b) By omitting from paragraph (b) of subsection three the words “and against”.

Repeals.

- (3) Sections eighty-two and eighty-three of the Licensing Amendment Act, 1948, and the First Schedule to that Act, are hereby repealed.

Miscellaneous

8 Amending provisions as to appointment of scrutineers for licensing polls.

- (1) Section eighteen of the principal Act is hereby amended by omitting the words “the seventh day”, and substituting the words “the twelfth day”.
- (2) Section nineteen of the principal Act is hereby amended by omitting the words “not earlier than the fifth nor later than the third day”, and substituting the words “not earlier than the tenth nor later than the fifth day”.

9 Amending provisions as to mode of applying for wholesale licence.

- (1) Section one hundred of the principal Act is hereby amended as follows:
 - (a) By omitting from the proviso to subsection one the words “seven days’ notice”, and substituting the words “fourteen days’ notice”:

- (b) By adding to the said proviso the words “and shall, at least once in each of the two weeks immediately following the giving of the notice, publish in a newspaper circulating in the district in which are situated the premises in respect of which the licence is to be applied for a notice in writing, signed by the applicant, stating his intention to apply for the licence at the expiration of the said period of fourteen days, and specifying the name and description of the applicant and the address of the said premises”.
- (2) The form of notice of application for a wholesale licence set out in the Eighth Schedule to the principal Act is hereby consequentially amended by omitting the words “seven days”, and substituting the words “fourteen days”.

10 Making provision for removal of wholesale licences.

- (1) Section one hundred and twenty-seven of the principal Act is hereby amended by omitting from subsection one the words “a wholesale licence”.
- (2) The said section one hundred and twenty-seven is hereby further amended by adding the following subsection:

“(6) No wholesale licence shall be removed from the premises in respect of which it was granted to any other premises beyond the boundary of the borough or, as the case may be, of the town district or of the county within which the first-mentioned premises are situated, nor, in the case of a licence granted in respect of premises situated within a county, shall it be removed to any premises situated more than one mile from the first-mentioned premises.”

11 Exempting returned servicemen’s clubs from certain conditions as to issue of club charters.

Section two hundred and sixty-one of the principal Act is hereby amended by adding the following as subsection two thereof:

“(2) Nothing in paragraph (c) or paragraph (d) of subsection one of this section shall apply to any club maintained by any branch of the New Zealand Returned Services’ Association (Incorporated) or the Ex Royal Navalmen’s Association of New Zealand, Incorporated, or by any independent society or association of returned servicemen which is affiliated to or is a member of either of the said Associations or is a member of any branch of either of the said Associations. Where any club to which this subsection applies is under the management of a committee appointed pursuant to the rules of the club or of the branch, society, or association by which the club is maintained, the committee shall, for the purposes of paragraph (e) of the said subsection one, be deemed to have been elected for the purpose by the members of the club.”

12 Amending section 52 of Licensing Amendment Act, 1948 (as to advertisement inviting applications for licence).

- (1) Section fifty-two of the Licensing Amendment Act, 1948, is hereby amended by omitting from sub-section two the words “and any requirements determined as aforesaid as to the provision of accommodation and services”.

1948, No. 74

- (2) The said section fifty-two is hereby further amended by adding the following subsections:

- “(3) The notice shall also specify any requirements determined as aforesaid as to the provision of and services:

“Provided that if in the opinion of the Chairman of the Licensing Committee it is impracticable or inexpedient to specify those requirements in the notice, it shall not be necessary to do so; and in any such case the notice shall specify the places where and the times at which particulars of those requirements may be inspected.

- “(4) In any case where any such requirements as aforesaid are not specified in the notice under this section, full particulars thereof shall be deposited for public inspection in the office of the Clerk to the Licensing Committee and in the office of every Magistrate’s Court in the district, and shall be kept there until the expiration of the period of sixty days after the last publication of the notice. Any person may, at any time while any such office is open to the public, inspect those particulars at that office and make any copy thereof or of any part thereof.”

13 Repeal.

The Licensing Amendment Act, 1920, is hereby repealed.

Schedule

“SECOND SCHEDULE
“Voting-papers at Local Restoration Poll in No-licence District

Section 7

“Form No. 1

“Licensing District of

“I vote for Local Restoration

“I vote for Local No-licence

“Directions

“The voter must strike out one line, leaving untouched the line which shows the way he wishes to vote.

“If the voter strikes out both lines or fails to strike out one of the lines, the voting-paper will be void, and his vote will not be recorded.

“The voting-paper so marked is to be folded up so that the contents cannot be seen, and placed by the voter in the ballot-box or (in the case of an absentee vote) handed back to the Deputy Returning Officer.

“The voter is not allowed to take this voting-paper out of the polling-booth.

“Form No. 2

“Licensing District of

“(Proposal to determine whether a local Trust should be established to conduct hotels and sell intoxicating liquor in the district, or whether licences should be issued under the Licensing Act.)

“I vote for Trust Control

“I vote for Licences under the Licensing Act

“Directions

“The voter must strike out one line, leaving untouched the line which shows the way he wishes to vote.

“If the voter strikes out both lines or fails to strike out one of the lines, the voting-paper will be void, and his vote will not be recorded.

“The voting-paper so marked is to be folded up so that the contents cannot be seen, and placed by the voter in the ballot-box or (in the case of an absentee vote) handed back to the Deputy Returning Officer.

“The voter is not allowed to take this voting-paper out of the polling-booth.

