

LIQUOR (AMENDMENT) ACT.

Act No. 36, 1927.

An Act to provide for the discontinuance of payments to the Compensation Fund in respect of licensed premises ; to enable permits to be granted for the sale of liquor with meals after six o'clock at night ; for these and consequential purposes to amend the Liquor Act, 1912, and the Liquor (Amendment) Act, 1919. [Assented to, 29th March, 1927.]

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BE

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BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Liquor (Amendment) Act, 1927," and shall be read and construed with the Liquor Act, 1912, and the Liquor (Amendment) Act, 1919, as amended by subsequent Acts.

Payments to
Compensation
Fund.

2. (1) From and after the commencement of this Act no compensation fee shall be payable by the holder of a publican's license or of an Australian wine license or by any other person under the provisions of Part II of the Liquor (Amendment) Act, 1919.

Amendments
of Act No. 42,
1919.
(Consequen-
tial.)

(2) (a) Subsection (2A) of section thirty of the Liquor (Amendment) Act, 1919, is amended—

- (i) by inserting therein the word "and" after the words "Principal Act" where such words first occur, and by omitting the words "and a compensation fee shall be payable as provided by this Act";
- (ii) by omitting from the proviso to the said subsection the words "and compensation fee" and the words "or for which a compensation fee has been paid."

(b) Subsections two, three, and four of section thirty-two, and sections thirty-three, thirty-five, and thirty-six of the Liquor (Amendment) Act, 1919, shall be deemed to have been repealed as from the thirty-first day of December, one thousand nine hundred and twenty-six.

(c) Section 36A of the said Act is amended—

- (i) (a) by omitting from subsection three the words "sections thirty-three" and by inserting in lieu thereof the word "section";
- (b) by omitting from the same subsection the words "the proviso to subsection three of section thirty-five and subsection four of section thirty-five";
- (ii) by omitting paragraph (f) of the same subsection;
- (iii) by omitting the proviso to the same subsection.

3.

3. Where any person has prior to the commencement of this Act paid or deposited any sum as or towards the compensation fee payable in respect of the year commencing on the first day of January, one thousand nine hundred and twenty-seven, such person shall be entitled on application to a refund of the amount so paid or deposited.

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Refunds in
certain cases.

4. Nothing in section two of this Act shall be construed as affecting the right or title of any lessee under a building lease or the assignee of such lease to receive payment pursuant to the provisions of section thirty-four of the Liquor (Amendment) Act, 1919, of the compensation payable to the owner of such premises in any case where the lessor under such building lease shall not have exercised prior to the commencement of this Act the option given to him by the said section.

Savings.

5. The Liquor Act, 1912, is amended—

Amendment
of Act No. 42
1912.

(a) by inserting next after section fifty-seven—

New s. 57A.

57A. (1) Where in any premises for which a publican's license has been granted bona fide meals are regularly supplied to the public or in the premises of any registered club supplied to members of the club, the Licensing Court for the district may on the application of the licensee or (as the case may be) the secretary of the club and on payment of the prescribed fee, grant with respect to such licensed premises or club premises a permit to such licensee or secretary for the sale, disposal, or supply of liquor for consumption upon such premises with bona fide meals in accordance with the provisions of this section and may at any time revoke any such permit if satisfied upon complaint made by the Licensing Inspector that the purposes for which such permit was granted are not being properly observed.

Supply of
liquor with
bona fide
meals in
licensed or
club premises.
Vict. Act
(1916)
No. 2,855,
s. 31; (1922)
No. 3,259,
s. 35 (b).

The decision of the Licensing Court as to the grant or refusal of any such permit shall be final and conclusive and shall not be questioned in or amended by any Court whatsoever.

(2)

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(2) Nothing in the Liquor Acts shall be held to prevent the sale or disposal or supply of liquor on any such licensed premises or club premises with respect to which a permit under this section has been granted and is in force to any person other than a person referred to in section forty-nine of this Act, or member of a club, as the case may be, for consumption upon such premises with a bona fide meal actually supplied at the same time between the hours of six o'clock and nine o'clock in the evening :

Provided that the meal is not being served and the liquor is not sold, disposed of, supplied, or consumed in any bar or any part of the licensed or club premises other than in the dining-room thereof in which meals are usually served :

Provided further that on application to the Licensing Court for any special occasion on a stated date the Licensing Court may extend the permit to an hour and room to be specified, and that at all times specified in any permit or extension thereof all doors (including the outer door) by which access is then had to such dining room or specified room shall be kept unlocked. For every extension of a permit under this section a fee of one pound shall be paid.

(3) Nothing in this section shall be construed to permit the sale or supply of liquor in any licensed premises or registered club on any Sunday, Good Friday, or Christmas Day, or upon any other day mentioned in paragraphs (b) and (c) of subsection one of section fifty-seven.

(4) For the purposes of this section "a meal" shall mean a meal of at least two courses at which the persons partaking thereof are seated at a table, and the meal shall include fish or meats, other than in sandwich form, and cooked vegetables.

(5)

(5) Any person (other than a person then lawfully entitled to be supplied with liquor under the provisions of the Liquor Acts) who, upon any licensed premises in respect of which a permit under this section has been granted, obtains or attempts to obtain liquor between the hours of six o'clock and nine o'clock in the evening, by falsely representing that he intends at the same time to partake of a meal upon the said premises shall be liable to a penalty of not exceeding twenty pounds.

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(6) The term "Liquor Acts" whenever used in this section shall be taken to mean the Liquor Act of 1912 as amended by subsequent Acts, including the "Liquor (Amendment) Act, 1927."

(b) by inserting at the end of clause two (b) of section fifty-seven after the word "premises" the word "or" and the following additional subclause:—

(c) the sale, supply, or disposal of liquor upon premises in respect of which a permit or extension thereof granted under the provisions of section 57A of this Act is then in force, if it be proved that such liquor was so sold, supplied, or disposed of in accordance with the terms of and as allowed by such permit or extension thereof.

(c) by inserting at the end of subsection one of section one hundred and fifty-three the following new paragraph:—

Sec. 153 (1)

(o) For prescribing the fee to be paid for a permit granted under the provisions of section 57A.