

**LOCAL GOVERNMENT, LIQUOR AND IMPOUND-
ING (AMENDMENT) ACT.**

Act No. 3, 1964.

An Act to make further provisions with respect to the powers, authorities, duties and functions of councils; for this and other purposes to amend the Local Government Act, 1919, the Liquor Act, 1912, the Impounding Act, 1898, and certain other Acts; and for purposes connected therewith. [Assented to, 19th March, 1964.]

Elizabeth II,
No. 3, 1964

BE

Local Government, Liquor and Impounding (Amendment) Act.

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BE it enacted by the Queen'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
and con-
struction.

1. (1) This Act may be cited as the "Local Government, Liquor and Impounding (Amendment) Act, 1964".

(2) The Local Government Act, 1919, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

Amendment
of Act No.
41, 1919.
Part III—
(Alteration
of Cities,
Municipali-
ties, and
Shires.)

2. Part III of the Principal Act is amended—

Sec. 21.
(What may
be provided
in Gover-
nor's pro-
clamation.)

(a) by inserting next after paragraph (k) of subsection one of section twenty-one the following new paragraph :—

(ki) where part of an area is, after the commencement of the Local Government, Liquor and Impounding (Amendment) Act, 1964, or has been, before that commencement but after the first day of January, one thousand nine hundred and sixty-three, added to another area, and the Governor is of opinion that the circumstances so warrant, appoint to the council of the area to which the part is, or has been, added a person who has the requisite qualification for enrolment in respect of the added part and has been nominated for such appointment by the Boundaries Commission (which nomination the Boundaries Commission is hereby authorised to make), such person to act as an alderman or councillor, as the case may be, until the date of the next triennial ordinary election for such council;

(b)

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- (b) by inserting next after subsection (1A) of the same section the following new subsection :—

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(1B) (a) Any person appointed to the council pursuant to paragraph (ki) of subsection one of this section shall for the purposes of this Act be deemed to be an alderman or councillor, as the case may be, of the council to which he is appointed.

(b) If an extraordinary vacancy occurs in the office of any person so appointed, the Governor may by proclamation appoint another person to fill the vacant office.

3. (1) Part IV of the Principal Act is amended—

Amendment
of Act No.
41, 1919.

Part IV—
(The Coun-
cils of
Cities,
Municipali-
ties, and
Shires.)

- (a) (i) by omitting from subsection five of section twenty-three the word "Any" and by inserting in lieu thereof the words "Subject to paragraph (ki) of subsection one of section twenty-one of this Act, any";

Sec. 23.
(Composi-
tion of
city and
municipal
councils.)

- (ii) by inserting at the end of the same section the following new subsection :—

(8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

- (b) (i) by omitting from subsection five of section twenty-four the word "Any" and by inserting in lieu thereof the words "Subject to paragraph (ki) of subsection one of section twenty-one of this Act, any";

Sec. 24.
(Composi-
tion of
shire
councils.)

(ii)

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- (ii) by inserting at the end of the same section the following new subsection :—

(8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

Sec. 28.
(Travelling
expenses.)

- (c) by inserting in paragraph (d) of subsection one of section twenty-eight after the word "Australia" the words "or of the Local Government Electricity Association of New South Wales";

Sec. 29.
(Allowance
for the
Lord Mayor
of Sydney.)

- (d) (i) by omitting subsection five of section twenty-nine ;
(ii) by omitting from subsection six of the same section the words "other than the City of Sydney".

(2) The amendments made by paragraph (d) of subsection one of this section shall not affect the allowance payable by the Council of the City of Sydney to the Lord Mayor in respect of the year one thousand nine hundred and sixty-four.

Amendment
of Act No.
41, 1919.
Part VI—
(Adminis-
tration.)

4. Part VI of the Principal Act is amended—

Sec. 89.
(Deputy
clerks.)

- (a) by inserting at the end of section eighty-nine the following new subsection :—

(2) Where, after the commencement of the Local Government, Liquor and Impounding (Amendment) Act, 1964, a vacancy occurs in the position of deputy clerk the council shall employ in that position a deputy clerk who holds the certificate of council clerk as prescribed :

Provided that the Minister on the occurrence of a vacancy as aforesaid may grant the council an exemption from this provision.

(b)

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- (b) by inserting in section ninety-three after the word "clerk" wherever occurring the words "or deputy clerk".

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Sec. 93.
(Failure to appoint.)

5. Part VII of the Principal Act is amended—

Amendment
of Act No.
41, 1919.
Part VII—
(Finance.)

- (a) (i) by inserting in subsection two of section one hundred and eighteen after the word "Cumberland" the words "and in any municipality or shire to which the provisions of this subsection have been extended pursuant to subsection three of this section";
- (ii) by inserting in the same subsection after the word "municipality" where secondly and thirdly occurring the words "or shire, as the case may be";
- (iii) by omitting from paragraph (b) of the same subsection the words "adjoining such municipality (if any)" and by inserting in lieu thereof the words "(if any) adjoining such municipality or shire, as the case may be";
- (iv) by inserting in paragraph (a) of subsection three of the same section after the word "Cumberland" the words "or in any shire the area of which is wholly within the County of Cumberland or Northumberland";
- (v) by omitting from the same subsection the word "municipality" wherever, except where firstly, occurring and by inserting in lieu thereof the word "area";
- (vi) by omitting from subsection four of the same section the words "in a municipality";
- (b) by omitting from subsection two of section one hundred and fifty-eight the words "as there are in the period in respect of which such calculation is made";

Sec. 118.
(General rates in municipalities and shires.)

Sec. 158.
(Overdue rates—extra charge.)

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—

made” and by inserting in lieu thereof the words “as have elapsed between the due date and the date of payment”;

Sec. 174.
(Limited
overdrafts.)

- (c) by omitting from subsection (2A) of section one hundred and seventy-four the words “three years” and by inserting in lieu thereof the words “five years”.

Amendment
of Act No.
41, 1919.
Part IX—
(Public
Roads.)

6. Part IX of the Principal Act is amended—

New sec.
249E.

- (a) by inserting next after section 249D the following new section :—

Charge for
hoards,
fences,
lights and
other ap-
pliances
placed
around
dangerous
place.

249E. (1) If any building, excavation or place near any public road is dangerous to persons or property in the neighbourhood of or in such public road the council may order the occupier of the land on which such building, excavation or place is situated or, if there is no occupier, the owner of such land to erect or instal, to the satisfaction of the council and within such time, not being less than seven days, as may be specified in the order, such hoards, fences, lights and other appliances as are necessary to protect those persons or that property.

(2) If within the period specified in the order the occupier or owner to whom the order was given does not carry out to the satisfaction of the council the work required by the order, the council may carry out the work and recover as a debt its expenses in doing so from the occupier or owner, as the case may be, in any court of competent jurisdiction.

Sec. 251A.
(By-passes
for motor
vehicles.)

- (b) (i) by inserting in subsection five of section 251A after the words “‘motor by-pass’” the words “or, where any other words or symbols are prescribed, such other words or symbols”;
- (ii)

(ii) by inserting at the end of subsection six of the same section the words "and alter the wording on the notice as may be necessary so that it bears the words and symbols from time to time prescribed under subsection five of this section";

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(c) by inserting at the end of section two hundred and sixty-seven the following new subsection :—

Sec. 267.
(Removal of obstructions.)

(10) Any proceedings for the enforcement of an order made under this section in respect of any obstruction or encroachment that forms part of any licensed premises within the meaning of section 40c of the Liquor Act, 1912, as amended by subsequent Acts, shall be commenced or taken under and in accordance with the provisions of the said section 40c.

(d) by inserting next after section 267A the following new section :—

New sec. 267B.

267B. (1) Where any vehicle, or the remains of any vehicle, standing on a public road in any area is or are a danger or obstruction to traffic, or has been abandoned, and the council of that area has received a notice in writing signed by a member of the police force of or above the rank of sergeant certifying that in his opinion such vehicle or remains is or are not a motor vehicle within the meaning of Regulation 58 of the Regulations for Motor Traffic made under the Motor Traffic Act, 1909, as amended by subsequent Acts, the council may seize and take charge of and remove or tow away or cause to be removed or towed away such vehicle or remains.

Removal of derelict vehicles and the remains of vehicles from public roads.

(2) Any such vehicle or remains may, at the council's discretion, be either kept at any place set apart by the council for the purpose or, if the council is of the opinion that the vehicle or remains is or are of no value, destroyed or otherwise disposed of.

(3)

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(3) Where a vehicle or the remains of any vehicle is or are kept at any place referred to in subsection two of this section then—

- (a) application for its or their release may be made by the owner of the vehicle or remains or by a person acting for or on behalf of such owner to the person in charge of the place at which the vehicle or the remains is or are kept;
- (b) the applicant shall furnish evidence as to the ownership of the vehicle or remains to the satisfaction of such person in charge;
- (c) the vehicle or the remains shall not be released from custody unless—
 - (i) such person in charge is satisfied that the applicant is the owner of the vehicle or remains or that he possesses authority to act for or on behalf of such owner;
 - (ii) the appropriate amount fixed by the council as the amount payable in respect of the seizure, taking charge, removal, towing away, keeping or releasing of the vehicle or remains has been paid to such person in charge;
 - (iii) the applicant has signed a receipt for the delivery of the vehicle or remains on a form supplied to him by such person in charge.

(4) If within a period of three months after the date upon which the vehicle or remains has or have been seized the owner or person acting for or on behalf of the owner is not entitled under subsection three of this section to have the vehicle or remains released from custody, the vehicle or remains may, after the expiration of such period, be destroyed or otherwise disposed of in accordance with the directions of the council.

(e)

(e) by inserting at the end of subsection one of section two hundred and seventy-seven the following new paragraph :—

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Sec. 277.
(Ordinances.)

(ff) prescribing the position and the materials, height, size, design and appearance of notices erected near by-passes for motor vehicles and the words and symbols to be borne by such notices, and without limiting the generality of the foregoing, for this purpose to adopt wholly or partially or by reference any of the standard rules recommended or adopted by the Standards Association of Australia relating to the matter with which the ordinance deals.

7. (1) Part XI of the Principal Act is amended—

Amendment
of Act No.
41, 1919.
Part XI—
(Building
Regulation.)

(a) (i) by inserting at the end of subsection one of section three hundred and nine the following new paragraph :—

Sec. 309.
(Proclama-
tion of
residential
districts.)

Notwithstanding that an application has not been made by the council the Governor, on the recommendation of the Minister, may, by proclamation—

- (i) alter any residential district by taking land out of the residential district; and
- (ii) in respect of any land so taken out, exercise any of the powers under this section.

(ii) by omitting from paragraph (a) of subsection (1c) of the same section the word "Where" and by inserting in lieu thereof the words "Before the Minister recommends the alteration of a residential district or where";

(iii)

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(iii) by inserting at the end of paragraph (b) of the same subsection the words “and where the proposal is for the alteration of a residential district without an application for the alteration having been made by the council of the area concerned, such council may also object in the manner prescribed”;

(iv) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following new paragraph :—

(c) (i) Where application is made by the council to the Governor under this section the Minister may, if in his opinion the circumstances warrant, refer the proposal to a person appointed by him for inquiry and report.

(ii) Where the Minister proposes to recommend to the Governor the alteration of a residential district under this section and the council has objected the Minister shall refer the proposal to the State Planning Authority constituted under the State Planning Authority Act, 1963, for inquiry, report and recommendation.

(v) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following new paragraph :—

(d) (i) Where the application is made by the council to the Governor under this section the Minister after considering any objections received to the proposal or the report of the officer appointed to hold the inquiry pursuant to subparagraph (i) of paragraph (c) of this subsection, if any, may submit the proposal to the Governor for decision.

(ii)

(ii) Where the recommendation made by the State Planning Authority pursuant to subparagraph (ii) of paragraph (c) of this subsection is against the proposal referred to it by the Minister, or where a majority of the electors residing in or owning land in the residential district concerned objects in writing to the Minister, then the Minister shall not proceed further with that proposal. No. 3, 1964

(b) by omitting from the heading to Division 4B the words "*City of Sydney*" and by inserting in lieu thereof the words "*Cities of Sydney, Newcastle and Greater Wollongong*"; Division 4B.
(Heading.)

(c) (i) by omitting from subsection one of section 317c the words "the City of Sydney and the Council of such City" and by inserting in lieu thereof the words "the Cities of Sydney, Newcastle and Greater Wollongong and the Councils of those Cities and to and in respect of any area to which it is applied by the Governor by proclamation and to the council of that area"; Sec. 317c.
(Application.)

(ii) by omitting subsection two of the same section;

(d) (i) by omitting from subsection two of section 317M the word "four" and by inserting in lieu thereof the word "five"; Sec. 317M.
(Appointment.)

(ii) by inserting at the end of the same subsection the following new paragraphs:—

(e) one member, who shall be an officer of a council and shall be selected by the Governor from a panel of four such

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such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

The member appointed under paragraph (e) of this subsection shall not act on an appeal or reference to the board where the Council of the City of Sydney is the council concerned.

Sec. 317Q.
(Panel.)

- (e) (i) by omitting from subsection three of section 317Q the word "ten" and by inserting in lieu thereof the word "fourteen";
- (ii) by inserting at the end of the same subsection the following new paragraph:—

(e) four members, who shall be officers of councils and shall be selected by the Governor from a panel of eight such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

Sec. 319.
(Additional provisions re ordinances.)

- (f) by omitting from subsection three of section three hundred and nineteen the words "four hundred pounds" and by inserting in lieu thereof the words "one thousand pounds".

(2) (a) For the purposes only of the appointment of the member of the Cumberland, Newcastle and Wollongong Board of Appeal referred to in paragraph (e) of subsection two of section 317M of the Principal Act, as amended by this Act, and of the members of the Cumberland, Newcastle and Wollongong Board of Appeal Panel referred to in paragraph (e) of subsection three of section 317Q of the Principal Act, as amended by this Act, the amendments made by paragraphs (d) and (e) of subsection one of this section shall commence upon the day upon which Her Majesty's assent to this Act is signified.

(b)

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(b) Except as provided in paragraph (a) of this subsection, the amendments made by paragraphs (b), (c), (d) and (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. No. 3, 1964

(c) The members of the Cumberland, Newcastle and Wollongong Board of Appeal and the Cumberland, Newcastle and Wollongong Board of Appeal Panel first appointed after the commencement of this Act pursuant to paragraph (e) of subsection two of section 317M, or paragraph (e) of subsection three of section 317Q, of the Principal Act, as amended by this Act, shall—

- (i) take office as such members upon the day appointed pursuant to paragraph (b) of this subsection;
- (ii) subject to Division 4C of Part XI of the Principal Act hold office until the fourth day of August, one thousand nine hundred and sixty-six; and
- (iii) be eligible for reappointment.

8. Part XII of the Principal Act is amended—

Amendment
of Act No.
41, 1919.
Part XII—
(Town
Planning.)

(a) by omitting from section three hundred and twenty-eight the words “may either” and by inserting in lieu thereof the words “may, if the council so agrees, either”; Sec. 328.
(Certain
alternative
conditions.)

(b) by inserting at the end of subsection one of section three hundred and thirty-one the words “by the owner of the land or by some person authorised by him in writing”; Sec. 331.
(Decisions
on applica-
tions, and
notices to
applicants.)

(c) by omitting the proviso to subsection one of section three hundred and thirty-three. Sec. 333.
(Subjects
for con-
sideration
re sub-
divisions.)

9.

No. 3, 1964 **9.** Part XIV of the Principal Act is amended—

Amendment
of Act No.
41, 1919.

Part XIV—
(Water,
Sewerage,
Drainage, or
Electricity
Works.)

Sec. 392B.
(Connec-
tions to
water
mains.)

(a) by omitting from paragraph (a) of subsection one of section 392B the words “by a council”;

Sec. 396A.
(Connec-
tions to
sewer
mains.)

(b) by omitting from subparagraph (i) of paragraph (a) of subsection one of section 396A the words “by a council”.

Amendment
of Act No.
41, 1919.

Part XVII—
(Trading.)
Sec. 418.
(What is a
trading
under-
taking.)

10. Part XVII of the Principal Act is amended by inserting at the end of paragraph (a) of subsection four of section four hundred and eighteen the words “but it shall not be necessary to submit any such proposal to the Governor or obtain the Governor’s approval to any such agreement where the council proposes to extend its electricity trading undertaking into the area of another council for the purpose only of supplying electricity to land having a frontage to a public road in which the boundary between the areas of those councils lies or of lighting any such public road”.

Amendment
of Act No.
41, 1919.

Part XVIII—
(Impound-
ing.)

Sec. 438.
(When goats
or swine
may be
destroyed.)

11. Part XVIII of the Principal Act is amended by omitting the proviso to section four hundred and thirty-eight and by inserting in lieu thereof the following proviso :—

Provided that this section shall not authorise the destruction of any goat which is clearly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

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12. Part XXIII of the Principal Act is amended by inserting at the end of subsection two of section five hundred and six the words “, where such approval is necessary under that subsection”.

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Amendment
of Act No.
41, 1919.

Part XXIII—
(Miscel-
laneous
Powers.)

Sec. 506.
(Extension
of water,
gas,
electricity,
sewerage,
and other
works out-
side area.)

13. Part XXIV of the Principal Act is amended—

Amendment
of Act No.
41, 1919.

Part XXIV—
(Ancillary
Powers.)

(a) (i) by inserting at the end of subsection one of section five hundred and twenty-four the following new paragraph :—

Sec. 524.
(Entry and
other
powers.)

(g) in and upon any land to which this paragraph extends open any ground, dig trenches and sink test holes or bores for the purpose of ascertaining whether the land contains any deposits of materials necessary for improving or maintaining any public place under the control of the council or for the carrying out, alteration, repair, improvement or renewal of any works or undertakings authorised by or under this Act, and the extent of such deposits, and dig, raise, gather, take and carry away samples of any such materials for analysis and testing.

(ii) by omitting from subsection two of the same section the word, symbols and letter “Paragraph (f)” and by inserting in lieu thereof the words, symbols and letters “Paragraphs (f) and (g)”;

(iii)

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(iii) by omitting from paragraph (a) of the same subsection the words "the paragraph" and by inserting in lieu thereof the word, symbols and letter "paragraph (f)";

(iv) by inserting next after paragraph (a) of the same subsection the following new paragraph :—

(ai) paragraph (g) of subsection one of this section shall not be deemed to extend to the site or curtilage of a dwelling-house, or to any part of the land which is within fifty feet of any building of a permanent character, bridge, dam, jetty, or other like structure, or which is within two hundred yards of any dwelling-house;

(v) by omitting from paragraph (e) of the same subsection the words "the council" where firstly occurring and by inserting in lieu thereof the words "in the exercise of the powers conferred by paragraph (f) of subsection one of this section, the council";

(vi) by omitting from subsection four of the same section the words "or hole" and by inserting in lieu thereof the words "trench, hole or bore";

Sec. 530A.
(Power to
delegate.)

(b) (i) by omitting subsection one of section 530A;

(ii) by omitting from subsection six of the same section the words "or by reason of the revocation by the Governor of the proclamation applying this section to the area and the council concerned".

14. Part XXIX of the Principal Act is amended by omitting from subsection nine of section five hundred and sixty-three the words “, and to the Minister,”.

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—
Amendment
of Act No.
41, 1919.

Part XXIX
— (County
Councils.)
Sec. 563.
(Corporate
body.)

15. Part XXX of the Principal Act is amended by inserting next after section 625A the following new section : —

Amendment
of Act No.
41, 1919.

Part XXX—
(Supple-
mentary.)
New sec.
625B.

625B. (1) In any proclamation, notification, ordinance, order, direction or notice made or given or purporting to be made or given under this Act with respect to the boundaries of any city, municipality, shire, county district, ward, riding, urban area or residential district or with respect to any proposal relating to any such boundaries, the boundaries of the land affected may be defined by metes and bounds or may be defined or indicated by reference to maps or plans signed by the Principal Surveyor, Department of Public Works, and deposited and catalogued in the Department of Public Works at Sydney.

Delineation
of local
government
boundaries
by reference
to maps.

(2) Where the Minister certifies in writing to the Governor that it is desirable that the existing boundaries of any city, municipality, shire, county district, ward, riding, urban area, or residential district be described by reference to different surveys, definitions of land boundaries, or by reference to boundaries shown on plans or maps deposited and catalogued in the Department of Public Works, the Governor may by proclamation redescribe such boundaries accordingly.

On and from the publication in the Gazette of the proclamation the boundaries of the city, municipality, shire, county district, ward, riding, urban area or residential district, as the case may be, shall be as so redefined.

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(3) Maps or plans referred to in this section which are signed by the Principal Surveyor, Department of Public Works and deposited and catalogued in the Department of Public Works at Sydney shall be public documents to which the provisions of sections fifteen and sixteen of the Evidence Act, 1898, as amended by subsequent Acts, shall apply.

Further amendment of Act No. 41, 1919.

16. The Principal Act is further amended—

Schedule Three.
Sec. 6.
(Compulsory and optional valuations.)

- (a) by omitting from subsection two of section six of Schedule Three the words “and assessed annual value”;
- (b) by omitting subsections three and four of the same section and by inserting in lieu thereof the following subsection :—

(3) There shall be a valuation of the assessed annual value of all ratable land in the whole or part of a municipality or shire in any case where such a valuation is required in relation to the whole or part of the municipality or shire, as the case may be, for the purposes of this or any other Act, and in any other case there may be a valuation of the assessed annual value of any land within a municipality or a shire.

Amendment of Act No. 42, 1912.
New sec. 40c.

17. The Liquor Act, 1912, as amended by subsequent Acts, is amended by inserting next after section 40B the following new section :—

Licensed premises causing obstruction or encroachment on public road.

40c. (1) In this section—

“licensed premises” means premises in respect of which a publican’s license or an Australian wine license or a spirit merchant’s license is held.

“removal

“removal order” means an order made under section two hundred and sixty-seven of the Local Government Act, 1919, as amended by subsequent Acts, in respect of any obstruction or encroachment that forms part of any licensed premises. **No. 3, 1964**

(2) Any person who is served with a removal order shall, within a period of twenty-one days after the service on him of the removal order or within the period allowed by the removal order for the removal of the obstruction or encroachment, whichever period is the shorter, furnish a copy of such order to the licensing court and apply to the licensing court for authority to remove the obstruction or encroachment specified in the order.

(3) If the person on whom a removal order has been served fails to comply with the provisions of subsection two of this section, the council which made the removal order may apply to the licensing court for an order under this section confirming the removal order.

(4) An application under subsection two or three of this section shall be accompanied by a properly drawn plan showing the position and character of the obstruction or encroachment ordered to be removed in relation to the licensed premises.

(5) The licensing court shall decide whether to confirm or refuse to confirm the removal order.

(6) In determining the matter, the licensing court shall take into consideration whether the removal order is reasonable, having regard to—

(a) the policy of the council with respect to the removal of any obstructions, or encroachments, in the nature of buildings or structures from public roads generally in its area and in particular from public roads in its area in the vicinity of the licensed premises;

(b)

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- (b) the circumstances of the case; and
- (c) the public interest.

(7) If the licensing court confirms the removal order, it shall order the person to whom the removal order was directed to remove, within the period specified in the order served by the council, or within such further period or periods as the licensing court may by its order allow, the obstruction or encroachment from the public road.

(8) In any order made under subsection seven of this section, the licensing court may in addition to ordering the obstruction or encroachment to be removed, order that such renovation, structural alteration or rebuilding of any part of the licensed premises as in the opinion of the licensing court is rendered necessary by the removal of the obstruction or encroachment be carried out by the person against whom the order made under subsection seven of this section was made.

(9) Separate periods may be specified for the removal of the obstruction or encroachment and for the carrying out of any renovation, structural alteration or rebuilding.

(10) In specifying the period or periods within which the obstruction or encroachment shall be removed, the licensing court shall take into consideration the period allowed by the council for such removal and specified in the removal order, and the extent of any renovation, structural alteration or rebuilding which the licensing court proposes to order to be carried out pursuant to subsection eight of this section.

(11) Where the removal of the obstruction or encroachment and any renovation, structural alteration or rebuilding ordered by the licensing court pursuant to subsection eight of this section have not been completed within the period allowed by the order, or in any authority under paragraph (b) of subsection twelve of this section, made or granted by the licensing court, the licensing court may, if the work has been substantially commenced

commenced within that period, or good cause is shown why it has not been commenced, allow such further period or periods upon application made for that purpose, as it thinks fit, having regard to the provisions of subsection ten of this section.

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(12) Where an order has been made by the licensing court under this section, the licensing court may—

- (a) authorise an increase or decrease in the area licensed, and thereafter renew the license for the premises with the area so increased or decreased;
- (b) if the removal of the obstruction or encroachment and any renovation, structural alteration or rebuilding ordered by the licensing court pursuant to this section have not been completed within the period specified in the order made by the licensing court, or within any further period allowed by the licensing court under subsection ten of this section, and—
 - (i) the order made by the licensing court was made against a person (not being the occupier) of the premises—on the application of the occupier, authorise the occupier to carry out the work specified in the order; or
 - (ii) where the order made by the licensing court was made against a person (not being the owner) of the premises—on the application of the owner, authorise the owner to carry out the work specified in the order;
- (c) having regard to any obligation (other than that arising under the removal order) imposed by any lease, or otherwise, upon the occupier or owner, as the case may be, of the premises, or on any other person having an interest in the premises, to carry out any work ordered or authorised to be carried out under this section—make such further order as the licensing court thinks fit with

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with respect to the payment to the person carrying out any such work by the owner, or occupier, or any such other person, of the whole or any part of the cost of carrying out such work.

Any amount ordered by the licensing court to be paid pursuant to paragraph (c) of this subsection may be recovered as a debt in any court of competent jurisdiction by the person to whom the amount is ordered to be paid.

(13) Where the licensing court is satisfied that any person against whom an order has been made under this section or who has been authorised under paragraph (b) of subsection twelve of this section to carry out any work specified in such an order has failed to carry out the work so specified, within the time specified in the order or within any further time allowed by the licensing court under subsection eleven of this section, such person shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred pounds and to a further penalty not exceeding ten pounds for every day during which the order or authority has not been complied with.

(14) The provisions of subsections three, four, five and (6A) of section 40A of this Act shall apply, mutatis mutandis, to and in respect of any order made by the licensing court under this section.

Amendment
of Act No.
6, 1898.
Sec. 44.
(Goats or
swine
trespassing
may be
destroyed.)

18. (1) The Impounding Act, 1898, as amended by subsequent Acts, is amended by omitting the proviso to section forty-four and by inserting in lieu thereof the following proviso :—

Provided that this section shall not authorise the destruction of any goat which is clearly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

(2) The Impounding Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Impounding Act, 1898-1964.

MENINDEE