



ANNO DECIMO OCTAVO

# GEORGII V REGIS.

A.D. 1927.

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## No. 1844.

An Act to amend the Licensing Act, 1917, and for other purposes.

*[Assented to, January 5th, 1928.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Licensing Act (No. 2), Short titles, 1927".

(2) The Licensing Acts, 1917 to 1926, and any other Act incorporated therewith and this Act may be cited as the "Licensing Acts, 1917 to 1927".

(3) The Licensing Act, 1917, is hereinafter called "the principal Act".

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and this Act and those Acts shall be read as one Act. Incorporation.

3. Section 26 of the principal Act is repealed.

4. (1) Section 16 of the principal Act is amended by striking out the word "Ten" in the last line thereof and inserting in lieu thereof "Twenty".

(2) Section 17 of the principal Act is amended by striking out the word "Ten" in the last line thereof and inserting in lieu thereof "Twenty".

(3) Section 18 of the principal Act is amended by striking out the word "Five" in the last line thereof and inserting in lieu thereof "Ten".

Abolition of differential scales of fees for licences.

Amendments of principal Act, sections 16-18, 20, 22, 23—

Increased fees for licences.

*Licensing Act (No. 2).—1927.*

(4) Section 20 of the principal Act is amended by striking out the word "Ten" in the last line thereof and inserting in lieu thereof "Twenty".

(5) Section 22 of the principal Act is amended by striking out the word "Ten" in subsection (2) thereof and inserting in lieu thereof "Twenty".

(6) Section 23 of the principal Act is amended by striking out the word "Ten" in the last line thereof and inserting in lieu thereof "Twenty".

Amendment of  
principal Act,  
s. 31—

Method of determin-  
ing annual fee for  
publican's licence.

5. Section 31 of the principal Act is amended so as to read as follows:—

31. Where the house or premises described in any publican's licence are situate within the limits of a Municipal Corporation or District Council District and the annual value thereof is assessed for rating purposes by such Corporation or District Council, the fee for such publican's licence shall be computed as follows:—

Where the said annual value does not exceed £100 the fee shall be £25.

Where the said annual value exceeds £100 but does not exceed £200, the fee shall be £35.

Where the said annual value exceeds £200 but does not exceed £300, the fee shall be £50.

Where the said annual value exceeds £300 but does not exceed £400 the fee shall be £60.

Where the said annual value exceeds £400 but does not exceed £500, the fee shall be £70.

Where the said annual value exceeds £500 but does not exceed £600 the fee shall be £80.

Where the said annual value exceeds £600 but does not exceed £700, the fee shall be £90.

Where the said annual value exceeds £700 but does not exceed £800 the fee shall be £100.

Where the said annual value exceeds £800 the annual fee shall increase by £10 for every £150 of the annual value in excess of £800 and for every fractional part of £150 in excess of an even multiple of £150.

The maximum fee payable shall be £150.

If the house or premises are not situated within the limits of any such Corporation or Council the annual fee for such licence shall be Twenty-Five Pounds.

Amendment of  
principal Act, s. 32—

Mode of determining  
licence fee where  
rating on land values  
is in operation.

6. Section 32 of the principal Act is amended so as to read as follows:—

32. When the house or premises described in a publican's licence are situated within a Municipality in which Part II. of the Land Value Assessment Act, 1893, or Division III. of

Part

*Licensing Act (No. 2).—1927.*

Part XXIII. of the Municipal Corporations Act, 1923, is in operation, or in a District in which Division III. of Part X. of the District Councils Act, 1914, is in operation, the annual fee to be paid for the licence shall be determined as follows:—

- (a) In case the house or premises were, before the coming into operation of the said Part or Division (as the case may be) assessed by the Corporation or District Council for rating purposes, such house or premises shall be deemed to be assessed at the annual value shown by the last assessment thereof made before the coming into operation of the said Part or Division :
- (b) In any other case the Treasurer shall cause an assessment of the house or premises to be made in such manner as he deems convenient, and such house or premises shall, for the purpose of determining such annual fee, be deemed to be assessed at the annual value shown by such assessment,

and in either case the fee to be paid shall be the same as if the house or premises were assessed by the Corporation or District Council for rating purposes at the annual value shown as aforesaid.

7. Part VI. of the principal Act is amended by inserting therein after section 139 the following sections:—

New sections  
139A and 139B—

139A. (1) If any member of the Police Force has reasonable grounds for suspecting that any person whom he finds on any licensed premises has at any time on the day on which he so finds such person been guilty of betting or offering to bet by way of wagering or gaming on such licensed premises, or that such person is on such licensed premises for the purpose of so betting, that member of the Police Force may without warrant arrest such person and remove him from the licensed premises, or cause him to be so arrested and removed.

Power for police to  
remove persons  
betting from licensed  
premises.

(2) If any person who has been so removed from any licensed premises re-enters or is again upon those premises during the day on which he was so removed, he shall be guilty of an offence and shall be liable to a penalty not exceeding Fifty Pounds.

(3) No member of the Police Force who has acted *bona fide* in the intended exercise of the powers conferred on him by subsection (1) of this section, and no person acting under the instructions of, or for the purpose of assisting any such member shall be liable to any proceedings civil or criminal in consequence of his having so acted.

139B. (1) If any licensee is found guilty of an offence under paragraph (b) of subsection (1) of section 139, and the offence is a first offence, the Court may, in addition to or in lieu of imposing a fine as mentioned in that section by the conviction order that the licensed premises of that licensee be closed at twelve o'clock noon on one, two, or three Saturdays next after the

Power for Court to  
close hotels on  
Saturday after-  
noons.

*Licensing Act (No. 2).—1927.*

the conviction; and if the offence is a second or subsequent offence the Court shall in addition to or in lieu of imposing a fine as aforesaid order that the said licensed premises be closed at twelve o'clock noon on the three Saturdays next after the conviction: Provided that if any proceedings by way of appeal or otherwise are instituted in respect of such conviction and after such proceedings have been finally disposed of the conviction is affirmed or otherwise remains of full force and effect, the order shall be deemed to refer to the Saturday or Saturdays next after the date when the order finally disposing of the said proceedings is made.

(2) No licensed person with respect to whose licensed premises an order has been made under this section shall on any day mentioned in such order after the hour of twelve o'clock noon, keep his licensed premises open for the sale of liquor, or sell or supply any liquor or permit any liquor to be consumed on his licensed premises.

Provided that nothing in this section shall relate to the sale or supply to or consumption of liquor by the licensee, any member of his family living or staying on the premises, any servant of the licensee living or staying on the premises, or any *bona fide* lodger (which persons are in this Act called "excepted persons"), if the liquor is not drunk in any bar-room on the licensee's premises.

Every licensee who offends against any provision of this subsection shall be liable to a penalty for the first offence of not less than Five Pounds, and for the second and every subsequent offence of not less than Ten Pounds. The offence created by this section shall be included in the offences mentioned in section 269, for which a licence is liable to be forfeited as provided in section 80.

(3) Section 186 of this Act shall apply in any proceedings for an offence against this section in the same way as it applies in proceedings for an offence against section 185.

(4) For the purposes of sections 186, 187, and 188 of this Act the hour of twelve o'clock noon shall be deemed the closing time for the licensed premises mentioned in any order under this section on any day to which the order relates, and the remainder of the day after that hour shall be deemed hours during which the sale of liquor is prohibited by law, in addition to any other time during which the sale of liquor is so prohibited.

Repeal of Schedule  
"C." of principal  
Act

## 8. Schedule "C." of the principal Act is repealed.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

G. J. R. MURRAY, Lieutenant-Governor.