



ANNO VICESIMO NONO

VICTORIÆ REGINÆ.

A.D. 1865-6.

No. 22.

An Act further to amend "The Licensed Victuallers Act, 1863."

[Assented to, 16th March, 1866.]

WHEREAS it is expedient further to amend "The Licensed Victuallers Act, 1863"—Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited for all purposes as "The Licensed Victuallers Amendment Act, 1865-6." Short title.

2. An Act No. 14 of 1864, intituled "An Act to amend the Licensed Victuallers Act, 1863," and Sections numbered 7, 9, and 11 of "The Licensed Victuallers Act, 1863," are hereby repealed, except as to any matter or thing done or commenced to be done under the said Act, or sections, or any of them; and all offences committed before the passing of this Act shall be punished in the same manner as if this Act had not been passed, and licences issued under the authority of "The Licensed Victuallers Act, 1863," and not expired at the time of the passing of this Act, shall confer the same rights and privileges as if granted after the passing hereof; Provided that nothing herein contained shall be construed to revive any Act or portions of Act or Acts by the said Act, or portions of Act or Acts repealed. Repeal.

3. "The Licensed Victuallers Act, 1863," shall (save in so far as the same is repealed) be deemed to be incorporated with this Act, and shall be construed herewith as forming one Act. Incorporation.

Licensed Victuallers Act Amendment Act.—1865-6.

Annual fee for
publican's licence.

4. The annual fee to be paid for a publican's licence shall be as follows:—If the house or premises described in the licence be situate in the City of Adelaide, or in any town, or within five miles of the City of Adelaide, or two miles of any town, the fee shall be Fifteen Pounds, and if the house be situate elsewhere, the fee shall be Seven Pounds and Ten Shillings.

Annual fee for
storekeeper's licence.

5. The annual fee to be paid for a storekeeper's licence shall be Five Pounds.

Annual fee for wine
licence.

6. The annual fee for a wine licence shall be Two Pounds.

Alterations in
Schedules E and F
of the Licensed Vic-
tuallers Act, 1863.

7. In reading the Schedule E to the said "Licensed Victuallers Act, 1863," wherever the words "Ten Pounds" occur, the same shall be taken to mean Five Pounds; and in the Schedule F to the same Act, wherever the words "Four Pounds" occur, the same shall be taken to mean Two Pounds.

Wine licence to
authorize wine to be
consumed on the
premises.

8. Every wine licence granted under the authority of the said Licensed Victuallers Act, 1863, shall authorize the person therein licensed, to sell in the house, or shop, or on the premises therein specified, mead, wine, cider, and perry, the produce of the said Province, in any quantity, and the same may be consumed on the premises or otherwise.

Licensee need not be
a storekeeper.

9. It shall not be necessary that the person named in the certificate of two Justices shall be a storekeeper or shopkeeper on the premises named in such certificate, but a wine licence shall be granted to any person if a Special Magistrate or two Justices of the Peace sitting in open Court shall certify that the person named in such certificate is a fit and proper person to receive a wine licence, and is the occupier of fit and proper premises for the sale of wine.

Exceptions, provisions
of Licensed Victuallers
Act, 1863.

10. Nothing in the said Licensed Victuallers Act, 1863, contained, shall be construed to apply to the sale of ginger beer or spruce beer; nor to the sale, in quantities of not less than one imperial gallon, to be delivered at one and the same time, by any person the occupier of a vineyard or orchard, or the delivery after sale by himself or his servants, of mead, wine, cider, or perry of his own manufacture from honey or fruit produced or grown in the said Province; nor to any person selling spirituous or distilled perfume *bonâ fide* as perfumery; nor to any known and practising apothecaries, physicians, surgeons, chemists, or druggists, prescribing or administering any liquor simply as medicine or for medicinal purposes.

Definition of wine.

11. No wine licence shall authorize any person to sell any liquid containing more than thirty per cent. of alcohol of a specific gravity of .825, at the temperature of sixty degrees of Fahrenheit's thermometer, and the word "wine" shall be deemed to mean the pure fermented juice of the grape, free from any noxious drug or chemical;
and

Licensed Victuallers Act Amendment Act.—1865-6.

and any person who shall offend against this clause shall be liable to forfeit his licence and to a penalty of not exceeding Fifty Pounds or to not exceeding six months' imprisonment with or without hard labor.

12. Every holder of a wine licence who shall knowingly supply, or permit to be supplied any liquor to any boy or girl under the age of fourteen years, to be consumed on the premises, shall be liable to a penalty of not less than Twenty Shillings nor more than Five Pounds.

Supplying liquor to children under twelve years of age.

13. Any person holding a licence under this Act or the Licensed Victuallers Act, 1863, or any person responsible to him, who knowingly and wilfully shall supply, or permit to be supplied any liquor to any person already in a state of intoxication, shall be guilty of a misdemeanor, and shall, on conviction thereof, for the first offence, be liable to a penalty of Ten Pounds; and, for the second offence, to a penalty of Twenty Pounds; and for the third conviction to a penalty of Fifty Pounds, and, in addition to such fine, shall forfeit his licence and thereafter be incapable of holding a licence.

Supplying liquor to persons in a state of intoxication.

14. Every holder of a wine licence shall cause clauses 10 and 11 of this Act, and clause 55 of Act No. 9 of 1863, to be printed in large, legible, permanent, and conspicuous characters, and affixed in one of the most public parts of his house, and keep the same so affixed fair and legible, under the penalty of Forty Shillings, and a further penalty of Ten Shillings for every day during which the said clauses shall not be kept affixed and fair and legible as aforesaid.

Printed copies of clauses 10 and 11 of this Act, and clause 55 of Act 9, 1863, to be exhibited.

15. No holder of a wine licence shall sell in his store, shop, or premises, or have the same open for the sale of liquor, except between the hours of six in the morning and eleven at night on the six business days of the week, and not at any hour on Sunday; and if any person holding such a licence shall sell any such liquor at any other time than as aforesaid he shall be liable to a penalty not exceeding Two Pounds for every offence; and every separate sale or offering for sale shall be deemed a separate offence.

Hours of opening and closing.

16. Any police constable may at any time enter the licensed premises of any person holding a wine licence, and may search such premises for the purpose of ascertaining whether such licensed person has on his premises for sale any liquor not authorized to be sold by his licence; and any such constable may seize and take away any liquor which he may have reasonable grounds for believing not authorized to be sold as aforesaid which he may discover on such licensed premises; and may, either on such premises or elsewhere, submit any liquor so seized to any test which he may consider necessary for determining whether such liquor is authorized to be sold by such licence as aforesaid; and any licensed person as aforesaid refusing or wilfully delaying to admit any constable, or obstructing or hindering any such search, shall be liable to a penalty of not less than One Pound nor more than Ten Pounds.

Police may search premises of persons holding wine licence or a retailing licence.

Licensed Victuallers Act Amendment Act.—1865-6.

Penalty on licensed persons selling liquor otherwise than authorized by licence.

17. If any person holding a storekeeper's licence, or a wine licence shall sell or retail any liquor, except according to the tenor of and as authorized by his licence, he shall be liable to a penalty of not less than Ten Pounds nor more than Fifty Pounds for each offence.

Person holding storekeeper's licence, not to hold wine licence or retailing licence.

18. No person holding a storekeeper's licence shall, whilst continuing to hold the same, be capable of holding a wine licence; and if any such licence shall at any time be granted and issued to any person holding a storekeeper's licence, the same shall be void and of no effect, anything in this Act, or the said "Licensed Victuallers Act, 1863," to the contrary, notwithstanding.

Clauses 53 of Licensed Victuallers' Act.

19. The provisions of clause 53 of the Licensed Victuallers Act, No. 9 of 1863, shall extend to wine licences; the words "malt liquors" in the last line but one of that clause being deemed in respect of wine licences to mean "wine."

Personal attendance of licensed persons applying for renewal of licence not necessary.

20. Nothing in this Act, or in the said "Licensed Victuallers Act, 1863" contained shall be held or construed to require the personal attendance of any licensed person at any licensing meeting of Justices for the purpose of procuring a renewal of his licence, unless notice of opposition to the renewal of such licence shall have been duly given as prescribed by the said "Licensed Victuallers Act, 1863." Provided that the Justices may, if they think fit, require the attendance of any such person at any such meeting, or at any adjourned meeting.

In the name and on behalf of the Queen I hereby assent to this Act.

D. DALY, Governor.