

ANNO DUODECIMO

GEORGII VI REGIS.

A.D. 1948.

No. 50 of 1948.

An Act relating to licensed premises acquired by public authorities for the purpose of public works or undertakings.

[Assented to 22nd December, 1948.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title.

1. This Act may be cited as the "Liquor Licences (Acquired Properties) Act, 1948".

Interpretation.

- 2. (1) In this Act—
 - "public authority" means any Minister of the Crown, the South Australian Harbors Board, the South Australian Railways Commissioner and any other person or body of persons who or which is declared by proclamation to be a public authority within the meaning of this Act:
 - "the Licensing Act" means the Licensing Act, 1932-1945.
- (2) Other words used in this Act shall have the same meaning as in the Licensing Act.

Dormant licences.

3. Where—

- (a) a public authority has purchased or compulsorily acquired, whether before or after the passing of this Act, any licensed premises for the purposes of a public work or undertaking; and
- (b) those premises while owned by the public authority have ceased to be used as licensed premises; and

(c) the licence held in respect of those premises had not, prior to the time when the premises ceased to be used as licensed premises, been removed to other premises,

the public authority shall, as from the time when the premises cease to be used as licensed premises, be deemed to hold in respect of those premises a dormant licence of the same class as the licence held in respect of the premises at the time when the public authority became the owner thereof, that is to say, a dormant publican's licence, a dormant storekeeper's licence, a dormant wine licence, or a dormant licence of such other class as the case may require.

4. (1) A public authority may—

Sale and removal of dormant

- (a) sell a dormant licence to the person from whom the public authority purchased or acquired the premises in respect of which that licence exists, at such price, and on such other terms and conditions (if any) as are agreed between the parties and approved by a Judge of the Supreme Court; or
- (b) after calling for tenders by public advertisement sell a dormant licence to the highest bidder, being a person approved by the Licensing Court as a fit and proper person to hold a licence.

A Judge of the Supreme Court, sitting in Chambers, upon the application of a public authority, and upon being satisfied that the price and other terms and conditions (if any) at which a public authority proposes to sell a dormant licence are fair and reasonable, shall have jurisdiction to make an order approving of that price and those other terms and conditions (if any).

- (2) A dormant licence shall remain in force until removed to other land or premises pursuant to this section.
- (3) No fee shall be payable in respect of a dormant licence, and no business shall be carried on pursuant thereto, until it is removed to other land or premises.
- (4) A person (other than a public authority) holding a dormant licence may apply at any annual or quarterly meeting of the Licensing Court to remove the dormant licence to any suitable and convenient premises in the same local option district as the premises in respect of which the dormant licence was held.
- (5) When such an application is made it may be dealt with by the court as if the dormant licence were a current licence and as if the holder thereof were carrying on business thereunder

- (6) Upon removal to other premises the dormant licence shall become a current licence in respect of those premises and shall, subject to the Licensing Act and payment of the annual fee, continue in force for twelve months after the certificate of removal is granted.
- (7) A dormant licence may be transferred by the holder thereof or on his death by his personal representatives to any person approved by the Licensing Court as a fit and proper person to hold a licence.
- (8) A person who becomes the owner of a dormant licence shall within fourteen days after he becomes such owner notify the clerk of that fact.

Penalty—Twenty pounds.

Part IV of that Act.

(9) For the purposes of Part VIII of the Licensing Act, a dormant licence shall be deemed to be a current licence of the same class.

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

C. W. M. NORRIE, Governor.

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