

## LICENSING TRUSTS AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill has the following effect:—

1. It re-enacts (in *clause 2*) as part of the Licensing Trusts Act, 1949, and in an extended form, the provisions of section 121 (2) of the Licensing Amendment Act, 1948, under which regulations may be made enabling local authorities in licensing districts to apply for licences on behalf of local Trusts intended to be formed to manage particular premises. It also re-enacts section 46 of the Licensing Trusts Act, 1949, under which the regulations may apply any of the provisions of Part I of that Act.

2. It extends the power to make regulations so as to enable the Licensing Control Commission to authorize or direct the taking of a preliminary poll in any locality where the local authority applies or intends to apply for a licence for a local Trust; and to provide for the approval of managers by the Licensing Committee and the defining of the duties and liabilities of managers. There are also machinery provisions which are not expressly included in the existing sections.

3. It validates the Local Licensing Trusts Regulations 1949, which already include provisions for the taking of polls and the approval of managers.

4. It authorizes any local authority applying or intending to apply for a licence under the regulations to acquire an option over a site for the proposed licensed premises, and to meet the costs and expenses of the application, of any poll under the regulations, of any plans and specifications required, and of the acquisition of the option; and it makes those costs and expenses repayable by the local Trust when it is formed.

5. It validates (by *clause 3*) acts already done and payments already made by any local authority for any of the foregoing purposes.

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,*

*28th November, 1950*

*Hon. Mr. Webb*

## LICENSING TRUSTS AMENDMENT

### ANALYSIS

Title.	
1. Short Title.	3. Validation of acts done and payments made by local authorities for purposes of promoting local Trusts.
2. Provision for granting licences to local Trusts in respect of particular premises. Repeal.	

### A BILL INTITULED

AN ACT to Amend the Licensing Trusts Act, 1949.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Licensing Trusts Amendment Act, 1950, and shall be read together with and deemed part of the Licensing Trusts Act, 1949 (hereinafter referred to as the principal Act).

Short Title.

1949, No. 43

2. (1) The principal Act is hereby amended by repealing section forty-six, and substituting the following section:—

Provision for granting licences to local Trusts in respect of particular premises.

“ 46. (1) In addition to the power to make regulations conferred by section forty-five of this Act, the Governor-General may from time to time, by Order in Council, make all such regulations as may be deemed necessary or expedient for all or any of the following purposes, namely:—

“(a) Enabling any local authority to make application, on behalf of a local Trust intended to be formed, for a licence within the meaning

See Reprint  
of Statutes,  
Vol. IV, p. 234

- of the Licensing Act, 1908, in respect of any premises, being premises within any licensing district under the jurisdiction of a Licensing Committee, to be conducted by the local Trust when it is formed for the purpose; and empowering two or more local authorities to combine in promoting any such application: 5
- “(b) Prescribing the procedure to be followed in making and dealing with any such application; regulating the conduct of proceedings before the Licensing Committee; and providing for the issue of the licence to the local Trust if the application is granted: 10
- “(c) Empowering the Licensing Control Commission to authorize or direct any local authority which makes or intends to make any such application to take a poll of the electors of the local authority’s district or any specified part thereof on the question whether those electors desire that the licence should be granted to a local Trust; and empowering the Commission to define the area within which the poll is to be taken, and to give such directions as may be necessary or expedient with respect to the taking of the poll and the payment of the costs and expenses thereof: 20 25
- “(d) Providing for the constitution of any such local Trust, the election or appointment of its members, the defining of its functions, powers, and obligations, and the regulation of its proceedings: 30
- “(e) Providing for the approval, from time to time, by Licensing Committees of persons appointed as managers or acting managers of premises in respect of which licences are granted to local Trusts as aforesaid, and prescribing the duties and liabilities of persons so appointed: 35
- “(f) Applying, with such modifications as may be prescribed in the regulations, any of the provisions of this Part of this Act. 40

“ (2) Subject to the provisions of any regulations under this section and to all necessary modifications, the provisions of the Licensing Act, 1908, and such of the provisions of this Part of this Act as are applied by the regulations shall, as far as they are applicable, apply to every application for a licence under the regulations and to every local Trust constituted under or by virtue thereof.

See Reprint  
of Statutes.  
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“ (3) The Local Licensing Trusts Regulations 1949 shall, as from the commencement of this section, be deemed to have been made under this section, and shall, as from the making of those regulations, be deemed for all purposes to have been made with full power and authority and to be, and to have been, valid and of full effect.

Serial No.  
1949/189

“ (4) For the purposes of this section any local authority applying or intending to apply for a licence on behalf of a local Trust intended to be formed may acquire an option over any property as a site for the proposed licensed premises. In any such case the option shall be expressed to be entered into by the local authority on behalf of a local Trust intended to be formed to conduct premises thereon as licensed premises. If, pursuant to an application under the regulations, any such local Trust is so formed while the option continues in force, the Trust shall be deemed to be substituted for the local authority as the holder of the option, and may, notwithstanding any rule of law to the contrary, exercise the option according to the terms thereof.

“ (5) Where, pursuant to the Local Licensing Trusts Regulations 1949 or to any regulations hereafter made under this section, any application for a licence has been or is hereafter made or proposed to be made by any local authority on behalf of a local Trust intended to be formed as aforesaid, the local authority may pay out of its general fund or account all moneys payable and costs and expenses incurred by it in respect of the application and of all matters and proceedings preliminary or incidental to the making, hearing, granting, or refusal of the application, including any moneys, costs, or expenses payable or incurred in respect of—

“ (a) Any poll of electors authorized or directed by the Licensing Control Commission to be taken pursuant to the regulations:

“(b) The preparation of any plans and specifications required to be submitted to the Licensing Committee for the purposes of the application: .

“(c) The acquisition of any option over any property as a site for the proposed licensed premises. 5

“(6) Where, pursuant to any application made as aforesaid, any local Trust becomes the holder of any such licence, the amount of all moneys paid and costs and expenses incurred by the local authority under subsection *five* of this section shall be deemed to be a debt due to the local authority by the Trust, and shall be recoverable by the local authority accordingly.” 10

Repeal.  
1948, No. 74

(2) Subsection two of section one hundred and twenty-one of the Licensing Amendment Act, 1948, is hereby repealed. 15

Validation of  
acts done and  
payments made  
by local  
authorities  
for purposes  
of promoting  
local Trusts.

3. All acts and things done, and all costs and expenses incurred and payments made by any local authority before the passing of this Act that would have been valid and lawful if done, incurred, or made after the passing of this Act shall be deemed to have been validly and lawfully done, incurred, or made, as the case may require. 20