

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]

House of Representatives, 4 October 1967.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Hanan

SALE OF LIQUOR AMENDMENT (NO. 2)

ANALYSIS

Title	3. Variation of usual hours for sale of liquor in hotel and tavern premises
1. Short Title	
2. Usual hours for sale of liquor	4. Consequential amendment

A BILL INTITULED

An Act to amend the Sale of Liquor Act 1962

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

1. Short Title and commencement—(1) This Act may be cited as the Sale of Liquor Amendment Act (No. 2) 1967, and shall be read together with and deemed part of the Sale of Liquor Act 1962* (hereinafter referred to as the principal
10 Act).

New

(2) This Act shall come into force on the ninth day of October, nineteen hundred and sixty-seven.

2. Usual hours for sale of liquor—The principal Act is
15 hereby amended in the manner indicated in the Schedule to this Act.

3. Variation of usual hours for sale of liquor in hotel and tavern premises—The principal Act is hereby further amended by inserting, after section 221, the following heading
20 and section:

*1962, No. 139

Amendments: 1964, No. 55; 1965, No. 70; 1967, No. 6

No. 86—2

“Variation of Usual Hours for Sale of Liquor

“221A. (1) In this section, unless the context otherwise requires,—

“ ‘Hotel or tavern premises’, or ‘premises’, means premises in respect of which a hotel or tavern premises licence is in force; and includes premises in respect of which a provisional hotel premises licence is in force: 5

“ ‘Usual hour’ means—

“(a) In relation to the opening of hotel or tavern premises, eleven o’clock in the morning: 10

“(b) In relation to the closing of hotel or tavern premises, ten o’clock in the evening:

“References to the opening or closing of premises are references to the opening or closing of those premises for the sale of liquor to the public on any day other than a day on which licensed premises are required to be closed for the sale of liquor. 15

“(2) Notwithstanding anything in this Act, but subject to the provisions of this section, the Licensing Committee may from time to time, either of its own motion or on an application made under this section, if it is satisfied that it is in the public interest to do so, make an order fixing hours other than the usual hours for the opening or closing of any hotel or tavern premises for the sale of liquor to the public. 20

“(3) Any such order may make provision for any one or more of the following, namely: 25

“(a) The closing of the premises before the usual hour of closing:

“(b) The opening of the premises before the usual hour of opening: 30

“(c) The opening of the premises after the usual hour of opening:

“(d) The closing of the premises for any period or periods during the day.

“(4) No such order shall provide for the keeping open of the premises for the sale of liquor to the public for more than eleven hours on any day. 35

“(5) Any such order may—

“(a) Make different provision for different periods of the year or for different weekdays in every week of the year or of any such period; or 40

“(b) Make provision to take effect for particular periods only, or for particular weekdays in every week of the year or of any such period.

Struck Out

“(6) No such order shall take effect, in respect of the same premises, within six months of another.”

5 “(7) In any such order the Committee shall specify the times of day at which the licensed premises are to be closed and opened, and any period or periods for which the licensed premises are to be closed during the day.

“(8) Any such order may be made in respect of—

10 “(a) All hotel or tavern premises in the licensing district or in any specified part of, or area or locality or place in, the district; or

“(b) Any one or more hotel or tavern premises.

“(9) An application for an order under this section may be made in writing by—

15 “(a) The holder of a hotelkeeper’s or tavernkeeper’s licence; or

“(b) Any local authority whose district is wholly or partly within the licensing district.

20 “(10) If a licensee applies for an order under this section he shall forthwith send a copy of the application to the local authority in whose district the premises are situated and (if the licensee is not the holder of the hotel or tavern premises licence) to the holder of the premises licence.

25 “(11) If a local authority applies for an order under this section it shall forthwith cause a copy of the application to be sent to the holder of the hotelkeeper’s or tavernkeeper’s licence for the premises and (if the holder of that licence is not the holder of the premises licence) to the holder of the premises licence.

30 *New*

35 “(11A) If of its own motion the Committee proposes to consider making an order under this section the Clerk shall forthwith send notice in writing of the Committee’s intention to the holder of the hotelkeeper’s or tavernkeeper’s licence for the premises and (if the holder of that licence is not the holder of the premises licence) to the holder of the premises licence and to the local authority in whose district the premises are situated.

40 “(12) On any application under this section or for the purpose of considering whether to make an order of its own motion, the Committee shall hold a public sitting, of which public notice shall be given and at which all interested persons shall be entitled to be heard.

“(13) In determining whether it is in the public interest to make an order under this section the Committee shall have regard to the requirements of the public and to such other matters as it considers relevant.

Struck Out

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“(14) If any applicant under this section, or any holder of a hotelkeeper’s or tavernkeeper’s licence to whose premises the application related and who appeared at the hearing of the application, or any local authority that appeared at the hearing, is dissatisfied with the Committee’s decision on the application, that applicant or licensee or local authority may appeal to the Commission against the Committee’s decision; and the provisions of section 228 of this Act shall apply, so far as they are applicable and with all necessary modifications, with respect to the appeal.

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New

“(14) If any applicant under this section, or any holder of a hotelkeeper’s or tavernkeeper’s licence to whose premises any decision of the Committee under this section relates and who appeared at the hearing, or any local authority that appeared at the hearing, is dissatisfied with the Committee’s decision, that applicant or licensee or local authority may appeal to the Commission against the Committee’s decision. Every such appeal shall be by way of rehearing of the original proceedings.

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“(14A) Subject to subsection (14) of this section, the provisions of section 228 of this Act shall apply, so far as they are applicable and with the necessary modifications, with respect to the appeal, except that subsection (5) of section 230 of this Act (as applied by the said section 228) shall not apply.

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“(15) Forthwith after the making of any decision under this section the Clerk of the Licensing Committee or, as the case may require, the Secretary of the Commission shall give notice in writing of the decision to the Secretary for Justice, who shall cause notice of the terms of any final order made to be published in the *Gazette* as soon as practicable after—

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“(a) The expiry of the time prescribed for giving notice of appeal, if there is no appeal; or

“(b) The giving of the decision of the Commission, if there is an appeal and the order is not reversed or the matter is not referred back to the Committee.

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“(16) An order under this section shall take effect on the day after the date of publication of the said notice in the *Gazette*.

5 “(17) On the taking effect of the order, and while it continues in force, the provisions of this Act, and of any licence for the time being in force to which the order applies, shall be read subject to the provisions of the order and to such modifications as are necessary to give effect to it.

10 “(18) While any order is in force under this section in respect of any premises, the times fixed by the order shall be set out on a notice fixed in a conspicuous place on the premises. If this subsection is not complied with, the licensee commits an offence against this Act.”

4. Consequential (amendment) amendments—(1) Section 15 187 of the principal Act is hereby amended by omitting from subsection (3) the words “Except to the extent that, in respect of any particular premises, the Licensing Committee grants an exemption in writing from the provisions of this subsection, and subject in any case to the provisions of this Act”, and 20 substituting the words “Subject to the provisions of this Act”.

New

25 (2) Every hotelkeeper’s licence, special hotelkeeper’s licence, extended hotelkeeper’s licence, or tavernkeeper’s licence in force at the commencement of this Act shall be read subject to such modifications as are necessary to give effect to the amendments made to the principal Act by section 2 of this Act.

5. Fee on conversion of provisional hotel premises licence to tavern premises licence—(1) The principal Act is hereby 30 amended by inserting, after section 286A (as inserted by section 3 (1) of the Sale of Liquor Amendment Act 1967), the following section:

35 “286B. For the purposes of sections 286 and 286A of this Act, where under section 312 of this Act the Commission decides to authorise the issue of a tavern premises licence in respect of any premises, the following provisions shall apply on and after the fourteenth day following the date of the Commission’s decision and until the licence is issued:

40 “(a) The holder of the hotelkeeper’s licence in respect of the premises shall be deemed to be the holder of a new tavernkeeper’s licence issued on that day, and to have lawfully entered into possession as licensee of the tavern premises on that day:

New

“(b) The premises shall be deemed to be licensed as
tavern premises—

and the said sections 286 and 286A shall apply accordingly,
so far as they are applicable and with the necessary modifi-
cations.”

(2) For the purposes of sections 286 and 286A of the princi-
pal Act, where before the commencement of this Act the
Commission has decided, under section 312 of the principal
Act, to authorise the issue of a tavern premises licence in
respect of any premises, but the licence has not been issued
before the commencement of this Act, the following pro-
visions shall apply on and after the first day of November,
nineteen hundred and sixty-seven, and until the licence is
issued:

(a) The holder of the hotelkeeper’s licence in respect of
the premises shall be deemed to be the holder
of a new tavernkeeper’s licence issued on that day,
and to lawfully enter into possession as licensee
of the tavern premises on that day:

(b) The premises shall be deemed to be licensed as tavern
premises—

and the said sections 286 and 286A shall apply accordingly,
so far as they are applicable and with the necessary modifi-
cations.

SCHEDULE

Section 2

AMENDMENTS OF PRINCIPAL ACT

Section Amended	Amendment
Sections 60 (a), 61 (b), 62 (b), 64	By omitting in each case the words "nine o'clock in the morning and six o'clock in the evening", and substituting in each case the words "eleven o'clock in the morning and ten o'clock in the evening". <i>New</i>
Section 67 (3) (a)	By omitting the words "nine o'clock in the morning and six o'clock in the evening", and substituting the words "eight o'clock in the morning and seven o'clock in the evening".
Section 69 (1)	By omitting the word "six", and substituting the word "ten"; and by adding the words "and not being more than eleven hours on any day".
Section 70 (1)	By omitting the word "six", and substituting the word "ten"; and by inserting, after the words "in the evening", the words "and not being more than eleven hours on any day". <i>New</i>
Section 152 (2) (a)	By omitting the words "seven o'clock in the morning and six o'clock in the evening", and substituting the words "eight o'clock in the morning and seven o'clock in the evening".
Section 156 (4)	By omitting the words "nine o'clock in the morning and six o'clock in the evening", and substituting the words "nine o'clock in the morning and eight o'clock in the evening".
Section 168 (1) (b)	By omitting the word "six", and substituting the word "ten"; and by adding the following proviso: "Provided that the club shall not be kept open for the sale of liquor for more than eleven hours on any day." <i>Struck Out</i>
Sections 216 (1) and 217 (1)	By omitting in each case the word "six", and substituting in each case the word "ten".

SCHEDULE—*continued**New*

Section 216 (1)	By omitting the words "six o'clock in the evening", and substituting the words "ten o'clock in the evening in the case of hotel premises or six o'clock in the evening in the case of club premises".
Section 217 (1)	By omitting the word "six", and substituting the word "ten".

Struck Out

Section 218 (1)	By adding the following proviso: "Provided that in the case of an unlicensed restaurant the reference in this subsection to six o'clock shall be read as a reference to ten o'clock".
Sections 249 (2) (a) and 254 (1)	By omitting in each case the word "six-fifteen", and substituting in each case the word "ten-fifteen"; and by omitting in each case the word "nine", and substituting in each case the word "eleven".
Sections 250 (1) and 252 (1) (, and 266 (1))	By omitting in each case the word "six", and substituting in each case the word "ten"; and by omitting in each case the word "nine", and substituting in each case the word "eleven".
Sections 250 (3) (c) and 252 (2) (d)	By omitting in each case the word "six", and substituting in each case the word "ten"; and by omitting in each case the word "six-fifteen", and substituting in each case the word "ten-fifteen".

New

Fourth Schedule	By omitting from clause 1 the words "nine o'clock in the morning and six o'clock in the evening", and substituting the words "nine o'clock in the morning and eight o'clock in the evening". By adding to clause 6 the words "and as if in that section the references to ten o'clock were references to eight o'clock, the reference to eleven o'clock were a reference to nine o'clock, and the reference to ten-fifteen o'clock were a reference to eight-fifteen o'clock".
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