

LICENSING ORDINANCE 1962.

No. 17 of 1962.

An Ordinance to amend the *Licensing Ordinance* 1939-1961.

[Assented to 8th June, 1962.]

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1961, as follows:—

1.—(1.) This Ordinance may be cited as the *Licensing Ordinance* 1962.

(2.) The *Licensing Ordinance* 1939-1961 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Licensing Ordinance* 1939-1962.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.*

3. Section one hundred and seventeen of the Principal Ordinance is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(3.) Every member of the Police Force shall, on the demand of the holder of the licence, or his agent or servant, expel or assist in expelling from the premises—

(a) any person to whom paragraph (a), (b) or (c) of sub-section (1.) of this section is applicable; or

(b) any person who has been requested by the licensee, his agent or servant, in accordance with the last preceding sub-section, to quit the premises,

and may use such force as is required for that purpose.”

4. Section twenty-four of the Principal Ordinance is repealed and the following section inserted in its stead:—

“24. A licence shall not be granted under this Ordinance to any person who is not a British subject, or to a person who is declared to be a ward under the *Welfare Ordinance* 1953-1961.”

* The date fixed was 5th September, 1962 (see *Government Gazette* No. 41 of 5th September, 1962, p. 158).

Short title
and citation.

Commence-
ment.

Power to
exclude or
expel certain
persons from
licensed
premises.

Licences not
to be granted
to certain
persons.

5. Section one hundred and thirty-nine of the Principal Ordinance is repealed. Repeal of section 139.

6 Section one hundred and thirty-nine A of the Principal Ordinance is repealed. Repeal of section 139A.

7 Section one hundred and fifty-three of the Principal Ordinance is amended by omitting from paragraph (e) the words "a Good Friday or". Times when premises may not be open and liquor may not be sold.

8. Section one hundred and seventy-five of the Principal Ordinance is repealed and the following section inserted in its stead:—

" 175. Any licensee on whose licensed premises any person is found, or out of whose licensed premises any person is seen coming, during any day or time during which the sale of liquor in or from those licensed premises to that person is prohibited by law, shall be guilty of an offence, unless he proves to the satisfaction of the Special Magistrate or Justices hearing the case that the person—

Liability of licensee when person on premises during certain times.

(a) was not on the premises for any purpose (whether the sole purpose or not) contrary to the provisions of this Ordinance;

(b) was on the premises contrary to the will of the licensee, or, if the licensee was not at the time on the premises, contrary to the will of the person at that time in charge thereof, and that the licensee or the person in charge (as the case may be) took all reasonable steps to prevent the person from entering the premises and to remove him therefrom; or

(c) was on the premises without the knowledge of the licensee, or, if the licensee was not at the time on such premises, without the knowledge of the person at that time in charge thereof, and that the licensee or the person in charge (as the case may be) exercised all practicable diligence to prevent the person from entering or being on the premises.

Penalty: Not less than Two pounds nor more than Ten pounds."

9 The Second Schedule is amended by omitting Form 6. Second Schedule.

10. The Third Schedule is amended by omitting the Form entitled "NOTICE OF APPLICATION FOR A BILLIARD-TABLE LICENCE." Third Schedule.

Amendment of
section 71 of
*Licensing
Ordinance
(No. 2) 1961.*

11.—(1.) Section seventy-one of the *Licensing Ordinance (No. 2) 1961* is amended by omitting paragraph (b).

(2.) The amendment effected by the last preceding subsection shall be deemed to have come into operation on the date of commencement of the *Licensing Ordinance (No. 2) 1961*.
