

# LICENSING ORDINANCE 1975

575

No. 11 of 1975

An Ordinance to amend the  
*Licensing Ordinance* 1939 as amended

[Assented to 25 March 1975]

**B**E it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Licensing Ordinance* 1975. Short title

2. The *Licensing Ordinance* 1939 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3.(1) Section 46(1) of the Principal Ordinance is amended by omitting all the words from and including "to carry on his business" and substituting "to suspend the carrying on of his business or to carry on his business in a part only of his premises or in some neighbouring premises (although not having the accommodation or equipment required by this Ordinance) for such period not exceeding, at any one time, 12 months and not exceeding, in total, 2 years as, having regard to the nature and extent of the repairs or rebuilding work required, the licensing magistrate thinks reasonable". Application for temporary licence or permission to make alteration or addition

(2) Section 46 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-sections:

"(1A) Where a licensing magistrate makes an order under sub-section (1) authorizing a person temporarily to suspend the carrying on of his business—

- (a) the licence does not expire, and does not need to be renewed, during the period of the suspension;
- (b) the licensee is entitled, if he has paid an annual fee in respect of all or part of the period of the suspension, to a refund of so much of that fee as is proportionate to the part of the year during which the carrying on of the business is suspended;

*Licensing Ordinance*

- (c) no annual fee is payable in respect of the period of the suspension; and
- (d) the annual fee payable when the licensee resumes the carrying on of his business, if he resumes the carrying on of his business in a different year from the year in which he suspended the carrying on of his business, is the amount of the annual fee last payable before he ceased to carry on business less so much of that fee as is proportionate to the part, if any, of the year in which he resumes the carrying on of his business during which the carrying on of the business was suspended.

“(1B) Where a licensee suspends the carrying on of his business in pursuance of an order under sub-section (1), he shall not resume the carrying on of his business until—

- (a) a licensing magistrate has approved the premises as fit for the carrying on of his business as a licensee; and
- (b) if an annual fee is payable when he resumes the carrying on of his business, he has paid that annual fee.

“(1C) A licensing magistrate shall not approve premises under sub-section (1B) until he has received a report from an inspector on the condition of the premises.

“(1D) Where a licensee pays an annual fee when he resumes the carrying on of his business after a period of suspension by virtue of the operation of this section, the clerk shall issue the licensee with a licence.”.

Refund of part  
of fees in  
certain cases

4. Section 87A(1) of the Principal Ordinance is amended by omitting “for the renewal of its certificate of registration” and substituting “under this Ordinance”.

Removal  
without  
certificate

5.(1) Section 94(1) of the Principal Ordinance is amended by omitting all the words from and including “the club may” and substituting “a licensing magistrate, upon application by or on behalf of the club, may, if he sees fit to do so, by order authorize the club temporarily to suspend the sale and supply of liquor or to sell and supply liquor in a part only of the club premises or in some other premises (although not having the accommodation or equipment required by the Ordinance) for such period not exceeding, at any one time, 12 months and not exceeding, in total, 2 years as, having regard to the nature and extent of the repairs or re-building work required, the licensing magistrate thinks reasonable”.

(2) Section 94 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-sections:

“(2) Where a licensing magistrate makes an order under sub-section (1) authorizing a club temporarily to suspend the sale and supply of liquor—

- (a) the certificate of registration does not expire, and does not need to be renewed, during the period of the suspension;
- (b) the club is entitled, if it has paid an annual fee in respect of all or part of the period of the suspension, to a refund of so much of that fee as is proportionate to the part of the year during which the sale and supply of liquor is suspended;
- (c) no annual fee is payable in respect of the period of the suspension; and
- (d) the annual fee payable when the club resumes the sale and supply of liquor, if it resumes the sale and supply of liquor in a different year from the year in which it suspended the sale and supply of liquor, is the amount of the annual fee last payable before it ceased to sell and supply liquor less so much of that fee as is proportionate to the part, if any, of the year in which it resumes the sale and supply of liquor during which the sale and supply of liquor was suspended.

“(3) Where a club suspends the sale and supply of liquor in pursuance of an order under sub-section (1), it shall not resume the sale and supply of liquor until—

- (a) a licensing magistrate has approved the premises as fit for the sale and supply of liquor; and
- (b) if an annual fee is payable when the club resumes the sale and supply of liquor, it has paid that annual fee.

“(4) A licensing magistrate shall not approve premises under sub-section (3) until he has received a report from an inspector on the condition of the premises.

“(5) Where a club pays an annual fee when it resumes the sale and supply of liquor after a period of suspension by virtue of the operation of this section, the clerk shall issue the club with a certificate of registration.”.

---

