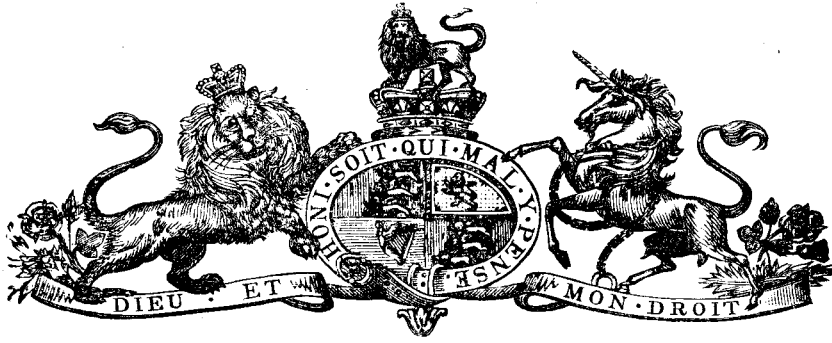


T A S M A N I A.



1890.

ANNO QUINQUAGESIMO-QUARTO

VICTORIÆ REGINÆ.

No. 10.

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AN ACT to amend "The Licensing Act, 1889." [31 October, 1890.] A.D. 1890.

WHEREAS it is expedient to amend "The Licensing Act, 1889," in the manner hereinafter appearing: PREAMBLE. 53 Vict. No. 37.

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Licensing Act, 1890." Short title.

2 In the construction of this Act, the expression "the said Act" shall mean "The Licensing Act, 1889." Interpretation.

3 It shall be lawful for the Licensing Bench of the District in which any house or room at or on any Railway Station is situate, upon application made to them in writing by any person desiring to sell Liquor within any such house or room, and on payment to the Clerk of Petty Sessions of the fee of Five Pounds, to grant permission to the person applying as aforesaid to sell Liquor within any such house or room as shall be specified in such permission, during the Thirty minutes immediately preceding and the Thirty minutes immediately succeeding the arrival or departure of any passenger train at the Railway Station at or on which such house or room is situate: Provided that any such permission so granted shall not apply to the sale of intoxicating Liquors on Sunday. Permission to sell Liquor at Railway Stations.

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Transfer of permission may be granted.

**4** It shall be lawful for the Licensing Bench of the District in which any house or room at or on any Railway Station is situate, upon application made to them in writing by any person desirous of obtaining approval of a transfer of a permission previously granted by such Licensing Bench, and upon payment of a fee of Five Shillings, to approve of the transfer of such permission to the person applying for the same, and such approval shall be endorsed upon the back of such permission as aforesaid.

Permission not to be granted unless notice given and consent of Manager obtained.

**5** No permission to sell Liquor in any house or room situate at or on any Railway Station, and no approval of the transfer of such permission, shall be granted by any Licensing Bench unless the applicant shall deliver his or her written application for such permission to the Clerk of Petty Sessions of the District Seven days before the meeting of the Licensing Bench at which the same shall be entertained, and shall produce at such meeting of the Licensing Bench the consent and approval in writing of the General Manager or other person having for the time being the control and regulation of the Railway Station in respect of which such permission or any transfer or renewal thereof may be sought.

Interim permission may be granted.

**6** Any person desiring to sell Liquor in any house or room at or on any Railway Station, and who has obtained the consent and approval in writing of the General Manager or Board of Directors, or other person for the time being having the control and regulation of such Railway Station, and who has deposited with the Clerk of Petty Sessions the fee payable under Section Three, may at any time previous to the next meeting of the Licensing Bench for the District in which such house or room is situate at which the application of such person for permission to sell Liquor at such Railway Station can be entertained, apply to any Two Justices of the Peace in Petty Sessions assembled for an interim permission to sell Liquor at such Railway Station, and such Justice may, upon payment of a fee of Ten Shillings, grant such interim permission to the person applying for the same; and the person obtaining such interim permission may sell Liquor at such Railway Station until such next meeting of such Licensing Bench as aforesaid, but no longer.

Permission to expire on 31st December.

**7** Every permission to sell Liquor at any Railway Station shall, if not previously forfeited, continue in force until and during the Thirty-first day of the month of *December* then next following the day on which such permission was granted, and no longer.

Sections 56 and 57 of the said Act to apply.

**8** The provisions of Sections Fifty-six and Fifty-seven of the said Act shall be applicable to every permission to sell Liquor at any Railway Station.

Penalty for selling contrary to Act.

**9** Any person holding a permission to sell Liquor at any Railway Station who sells Liquor during any time, or in any place or manner, other than is authorised by this Act shall, on conviction, forfeit a penalty not exceeding Five Pounds.

Offences by holder of permission.

**10** The holder of a permission to sell Liquor at any Railway Station shall hold such permission subject to all the provisions of the said Act relating to offences committed by holders of Licences granted there-

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under so far as such provisions are not inconsistent with the provisions of this Act: Provided always, that nothing contained in Section Ninety of the said Act shall apply to the holder of any such permission as aforesaid.

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**11** Any person desirous of obtaining a Packet Licence, and who has deposited with the Clerk of Petty Sessions the fee payable for such Packet Licence, may, at any time previous to the next meeting of the Licensing Bench at which the application for such Packet Licence can be entertained, apply to any Two Justices for an interim permission to sell Liquor on board the vessel in respect of which the Packet Licence is sought, and the Justices to whom application for such interim permission is made may, upon payment of a fee of Ten Shillings, grant such interim permission to the person applying for the same; and the person obtaining such interim permission may sell Liquor on board such vessel until the next meeting of the Licensing Bench at which the application for such Packet Licence can be entertained, but no longer.

Interim Packet Licence may be granted.

**12** When the holder of any Packet Licence is desirous of transferring such Packet Licence to any other person, such other person may, upon production of the consent in writing of the holder of such Packet Licence, apply to any Two Justices for permission to continue to sell Liquor under the provisions of such Packet Licence as aforesaid until the next meeting of the Licensing Bench at which the application of such person for a certificate approving of the transfer to such person of such Packet Licence can be entertained; and the Justices to whom application is made may, if they see fit, grant to such person such permission as aforesaid, and the person obtaining such permission shall be deemed to be duly licensed until such meeting as aforesaid of such Licensing Bench as aforesaid, but no longer.

Permission to sell under Packet Licence.

**13** Notwithstanding anything to the contrary contained in the said Act, a certificate of approval of her receiving a Public-house Licence, or any transfer thereof, may be granted to any married woman whose husband is of unsound mind.

Certain married women may hold Licence.

**14** Section Fifty-nine of the said Act is hereby repealed, and in lieu thereof the following Section shall be and be deemed to be and may be cited as Section Fifty-nine of the said Act:—

Provision substituted for Section 59 of 53 Vict. No. 37.

“When the holder of any Public-house Licence is about to remove from his licensed house, any Two Justices of the Peace resident in the District within which such licensed house is situate may, if they see fit, grant to the incoming tenant permission to continue to sell Liquor under the provisions of the said Licence until the next meeting of the Licensing Bench of the District in which such licensed house is situate at which application for a certificate approving of the transfer of such Licence can be entertained, and the person obtaining such permission shall be deemed to be duly licensed in such licensed house until such next meeting of such Licensing Bench, but no longer.”

**15** In Section Forty-six of the said Act, the words “or for a Certificate approving of the Transfer of any Public-house or Packet Licence” are hereby inserted after the words “Packet Licence” in the third line of the said Section, and the said Section shall always

Amendment of Section 46 of 53 Vict. No. 37.

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- A.D. 1890. be read and construed as if such words had always been inserted therein.
- Repeal of Sections 80 & 81 of 53 Vict. No. 37. **16** Sections Eighty and Eighty-one of the said Act, and so much of the Schedule (4.) as relates to Fees payable in respect of Licences to sell Liquor in any house or room at any Railway Station, are hereby repealed, but such repeal shall not affect anything duly done under such Sections; and every permission duly issued thereunder shall continue in force and be deemed to have been issued under this Act.
- Provision substituted for Section 141 of 53 Vict. No. 37. Proof of former conviction. **17** Section One hundred and forty-one of the said Act is hereby repealed, and in lieu thereof the following Section shall be and be deemed to be and may be cited as Section One hundred and forty-one of the said Act :—  
 “A copy of any conviction under this Act, the said Act, or any Acts thereby repealed, purporting to be signed by the Clerk of the Peace in whose custody the same then is, shall be sufficient evidence of such conviction without proof of the signature or official character of the person appearing to have signed the same.”
- Acts to be read together. **18** This Act and the said Act shall be read and construed together as one Act.