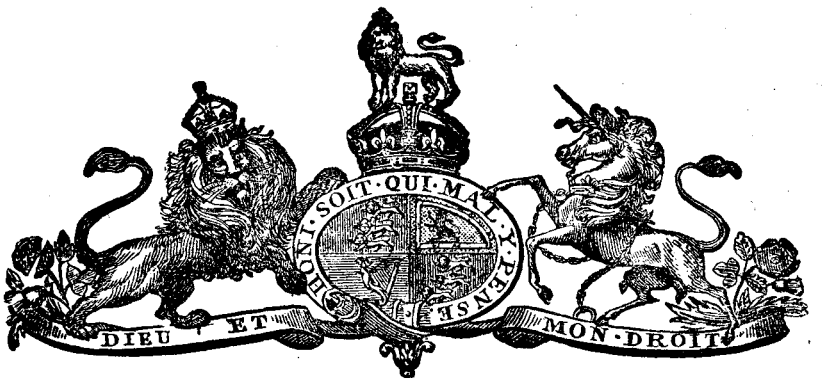
TASMANIA.



1916.

ANNO SEXTO

GEORGII V. REGIS.

No. 61.

ANALYSIS.

A.D. **1916.**

AN ACT to further amend "The Licensing Act, 1902." [29 *January*, 1916.]

BE it 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, 1916," and shall be construed as one with "The Licensing Act, 1902" (hereinafter referred to as "the Principal Act"), and every amendment thereof, and shall come into operation on the First day of April, One thousand nine hundred and sixteen.

Short title and incorporation with 2 Ed. VII. No. 32.

Commencement of Act.

A.D. 1916.

Repeal and re-enactment of Section 63 of Principal Act.

Theatre Refreshment-room Licence.

5 Ed. VII. No. 30.

2 Section Sixty-three of the Principal Act is hereby repealed, and the following substituted therefor:—

"**63**—(1) A 'Theatre Refreshment-room Licence' shall authorise the licensee, being the holder of an Hotel or Public-house Licence, to sell liquor within a theatre duly licensed under the provisions of 'The Police Act, 1905,' during the hours of public performance and for the Thirty minutes immediately thereafter:

Provided that in no case shall a Theatre Refreshment-room Licence—whether issued before or after the First day of January, One thousand nine hundred and sixteen—authorise or empower, or be deemed to authorise or empower, the licensee to sell liquor after the hour of Ten at night.

This proviso shall be deemed to be inserted in every existing Theatre Refreshment-room Licence, and shall be inserted in every such licence hereafter issued.

(2) Only One Theatre Refreshment-room Licence shall be granted or be in force at any one time in respect of the same theatre.' "

Amendment of Section 25 of Principal Act.

3—(1) Subsection (3) of Section Twenty-five of the Principal Act is hereby amended by inserting at the end thereof the following words:—" to the following and no other person, namely:—any person arriving by or about to depart by any such passenger train, in this Act referred to as 'railway passenger.' "

(2) All existing Railway Refreshment-room Licences shall be deemed to have been issued under the Principal Act as it is amended by this Act, and shall confer on the licensees thereof no further authority than Railway Refreshment-room Licences issued after the commencement of this Act would confer.

Person selling liquor in railway refreshment-room to person other than railway passenger liable to penalty of Ten Pounds.

4 After Section One hundred and twenty-five of the Principal Act the following section is hereby inserted:—

"**125a** If any person in any house or room in respect of which a Railway Refreshment-room Licence has been granted, sells or supplies liquor to any person other than a railway passenger, he shall, on conviction, forfeit a penalty not exceeding Ten Pounds.

Amendment of Section 127 of Principal Act.

5 Section One hundred and twenty-seven of the Principal Act is hereby amended by inserting immediately after the word "traveller" the words "or a railway passenger."

Persons other than railway passengers purchasing, &c., liquor at railway refreshment-room liable to a penalty of Five Pounds.

6 After Section One hundred and twenty-seven of the Principal Act, the following section is hereby inserted—

"**127a** If any person not being a railway passenger within the meaning of Subsection (3) of Section Twenty-five of this Act, purchases, obtains, or consumes liquor in any house or room in respect of which a Railway Refreshment-room Licence has been granted he shall, on conviction, forfeit a penalty not exceeding Five Pounds."

7 After Section One hundred and thirty-four of the Principal Act the following section is inserted :— A.D. 1916.

Proof that he is a railway passenger to lie on defendant.

"**134a** In any proceedings under Section 127 or Section 127A of this Act for any offence thereunder, the burden of proof that he is a railway passenger within the meaning of Subsection (3) of Section Twenty-five of this Act shall lie on the defendant."

JOHN VAIL,
GOVERNMENT PRINTER, TASMANIA.