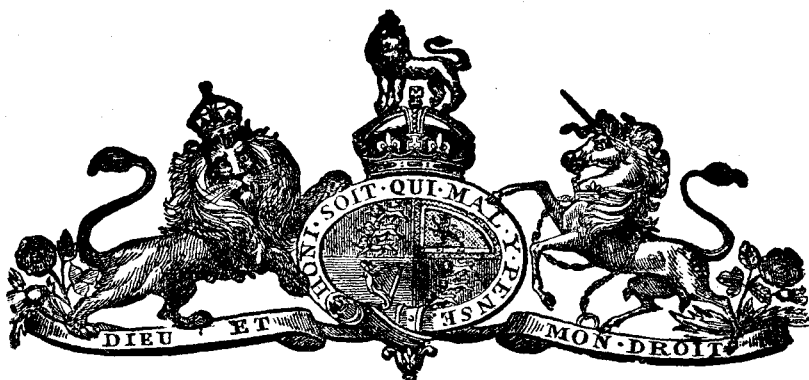


1265

TASMANIA



1933.

ANNO VICESIMO QUARTO
GEORGI V. REGIS.
No. 25.

ANALYSIS.

1. Short title.
2. Amendment of 23 Geo. V. No. 55.
 - Section 47.
 - New Section 64a.
 - Meal permits.
 - Section 66.
 - Section 88.
 - Section 91.
 - Section 92.
 - Section 94.
 - Section 97.
 - Section 98.
 - Section 111.
 - Section 114.
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 - Section 89.
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3. Limitation of operation of Act.

AN ACT to amend the Licensing Act, 1932.
[22 December, 1933.]

A.D.
1933.

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, 1933."

Short title.

6d.]

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A.D. 1933. Section 47.

Amendment
of 23 Geo.
V. No. 55.

2 The Principal Act is hereby amended—

I. By expunging Subsection (2) of Section Forty-seven thereof and substituting therefor the following new Subsection (2):—

“(2) A person to whom any licence, transfer, or permission has been granted by the Court in respect of any premises shall be deemed, subject to the provisions of this Act, to be the holder of a licence in respect of such premises as from the date on which such grant is expressed to take effect, whether or not a licence has been issued or endorsed as prescribed by Subsection (1) hereof.”

New Section
64a.Meal
permits.II. By inserting after Section Sixty-four thereof the following new Section **64a**:—

“**64a**—(1) Upon being satisfied that meals of a *bona fide* character are, or will be, habitually provided in—

- I. Any licensed house, for the public: or
- II. Any registered club, for members thereof—

any Licensing Court may grant a permit to the licensee of such house or the secretary of such club, as the case may be, under this section.

(2) Every such permit shall—

- I. Be in the prescribed form:
- II. Be issued upon payment of a fee of One Pound: and
- III. Continue in force until the thirty-first day of December next after the date from which it takes effect.

(3) Every such permit while in force shall authorise the sale and supply of liquor in the room used in good faith as a dining-room upon the premises therein specified, and not in any room used as a bar, between the hours of twelve noon and two of the clock in the afternoon and between the hours of six of the clock and eight of the clock in the afternoon, but only—

- I. To a person who is on such premises, in good faith, for the purpose of obtaining, and does obtain therein, such meal: and
- II. For consumption by such person on such premises at the time he obtains such meal—

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and during such hours as aforesaid any person who complies with the foregoing provisions hereof shall be deemed to be a lodger.

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(4) Where any such permit is granted at the annual sitting of the Licensing Court, the same may be expressed to take effect from the first day of January thereafter and shall take effect accordingly, and in all other cases such permit shall take effect from the date of its issue.

(5) Any such permit may be revoked by the Licensing Court at any time, in a summary proceeding, upon complaint by an officer of police of any contravention by the holder thereof of any of the provisions of this Act, in respect of, or in relation to, such permit, or under colour of the authority thereby granted.”:

III. As to Section Sixty-six thereof—

Section 66.

(a) By deleting the word “twelve” in the second line of Subsection (4) and substituting therefor the word “twenty”; and

(b) By inserting therein after Subsection (1) the following new Subsection (1a)—

“(1a) Where a member of the Court is satisfied that any responsible person proposes to hold, in any licensed premises, any social function for any special occasion, which, in the opinion of such member, is such as to warrant a permit being granted under this section, such member may grant a permit to the licensee of such premises accordingly.”:

IV. By inserting after the numeral “I.” in the last line of Subsection (2) of Section Eighty-eight thereof the word and numeral “Paragraph VI.”:

Section 88.

V. As to Section Ninety-one thereof—

Section 91.

(a) By deleting all the words from the word “during,” in the first line of Paragraph I. thereof, down to and including the word “week-day” in the third line, and substituting therefor the words “between the hours of midnight and six of the clock in the following morning”;

(b) By deleting from Paragraph III. of that section the words “ten of the clock in the

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- afternoon," and substituting therefor the word "midnight"; and
- (c) By deleting all the words from the word "during," in the third line of Paragraph IV., down to and including the word "week-day" in the fifth line, and substituting therefor the words "between the hours of midnight and six of the clock in the following morning.":
- Section 92. VI. By inserting after Paragraph I. of Subsection (2) of Section Ninety-two the following new Paragraph *ia.*—
- " *ia.* No person, other than the holder of a licence under this Act, shall keep for sale any liquor:
- Penalty: Fifty Pounds."
- Section 94. VII. By inserting after Paragraph VI. of Section Ninety-four the following new Paragraph VII.—
- " VII. Refuse, without sufficient cause, to receive or provide for a traveller.":
- Section 97. VIII. By expunging Paragraph VII. of Subsection (11) of Section Ninety-seven thereof and substituting therefor the following new Paragraph VII.—
- " VII. Be on any licensed premises, or the precincts thereof, between the hours of ten of the clock in the afternoon and six of the clock in the following forenoon, or at any time on Sunday, except as otherwise provided or permitted by this Act.":
- Section 98. IX. As to Section Ninety-eight thereof—
- (a) By deleting from Subsection (3) the words "shall not apply to any prescribed entertainment or function at which the consumption of liquor may be permitted as prescribed and," in the first, second, and third, lines thereof, and by inserting after the word "dwelling-house" at the end of that subsection the words "or private office"; and
- (b) By deleting the word "section" in the first line of Subsection (4) and substituting therefor the word "Act":
- Section 111. X. By expunging Subsection (4) of Section One hundred and eleven thereof and substituting therefor the following new Subsection (4)—

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“(4) In any proceedings under this Act, an allegation in the complaint that, at any relevant time—

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I. Any person—

(a) Was; or

(b) Was not—

the holder of a licence under this Act, or the secretary of a registered club: or

II. Any premises were—

(a) Licensed premises; or

(b) The premises of a registered club—

as the case may be, shall be deemed to be proved in the absence of proof to the contrary; and the production of a copy of the Gazette containing particulars of any matter published as provided by Paragraph IV. of Subsection (1) of Section Forty-seven shall be evidence of the facts therein stated.”:

XI. By inserting after Paragraph VII. of Section One hundred and fourteen the following new Paragraph VIII.—

“VIII. Under Paragraph VII. of Subsection (11) of Section Ninety-seven—that the defendant was in the place alleged not for the purpose of contravening this Act but for some lawful purpose, and that he was not in such place between the hours of midnight and six of the clock in the forenoon.”:

XII. By inserting after the word “force” in the last line of Paragraph I. of Subsection (2) of Section One hundred and twenty-one thereof the words “unless such number is less than four; and, where such number does not exceed twelve, the reduction shall be by not more than two.”:

XIII. By deleting from Subsection (2) of Section Eighty-nine thereof all the words in the last two lines thereof and substituting therefor the words “if the liquor is sold for consumption—

“(a) In the cases mentioned in Paragraphs I., II., and III. hereof by the persons therein specified respectively and upon the respective premises therein mentioned; or

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“(b) In the case mentioned in Paragraph IV. hereof upon the licensed premises or premises of the registered club to which such permit relates.”:

Section 70.

XIV. By adding at the end of Paragraph v. of Section Seventy thereof the words “, and where a club has registered premises in more centres than one, it shall appoint an executive officer for each centre, and such officer, for the purposes of this Act, shall be called the secretary in respect of the centre for which he is so appointed.”

Limitation
of opera-
tion of
Act.

3 The amendments effected by Paragraphs II., III., V., VIII., and XI. of Section Two shall cease to operate on the thirty-first day of December, one thousand nine hundred and thirty-five.