

LICENSING.

8° Elizabeth II., No. LX.

No. 60 of 1959.

AN ACT to amend the Licensing Act, 1911-1958.

[Assented to 3rd December, 1959.]

BE it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Licensing Act Amendment Act, 1959*.

Short title
and citation.

(2) In this Act the Licensing Act, 1911-1958, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Licensing Act, 1911-1959.

Vol. 7 of the
Reprinted
Acts
approved
for reprint
9/4/54,
amended by
Acts Nos. 73
of 1954,
55 of 1955,
58 of 1955,
7 of 1956,
24 of 1956,
42 of 1956,
39 of 1958
and 40 of
1958.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

S. 25
amended.

3. Section twenty-five of the principal Act is amended—

(a) by adding before the word, “June” in line four, the words, “May or”;

(b) by adding after the word, “day” in line five, the words, “in those or any other months”.

S. 28
amended.

4. Section twenty-eight of the principal Act is amended by adding after paragraph (q) of subsection (1) the following paragraph—

(r) Restaurant licenses. ;

S. 41
amended.

5. Subsection (3) of section forty-one of the principal Act is amended by adding after the word, “sold” in line five, the words, “under the provisions of section one hundred and twenty-one of this Act”.

S. 43
amended.

6. Subsection (3) of section forty-three of the principal Act is amended—

(a) by adding after the subsection designation, “(3)” the paragraph designation, “(a)”;

(b) by adding the following paragraph—

(b) In this subsection the expression, “agricultural shows” includes pastoral or industrial shows and organised stud ram and sheep sales.

7. The principal Act is amended by adding after section forty-four F the following sections—

Ss 44G-44I
added.
Restaurant
licenses.

44G. (1) A restaurant license may be granted in respect of—

(a) any portion of premises which are the subject of a publican’s general license; and

- (b) any restaurant which the Court considers is suitable to be the subject of a restaurant license.

(2) In this section, "restaurant" means premises in which meals are regularly supplied on sale to the public for consumption on the premises.

(3) Nothing in this section shall make lawful anything which apart from this section would be a contravention of any of the provisions of this Act or where the restaurant license is granted in respect of portion of premises which are the subject of a publican's general license, make anything unlawful the doing of which is authorised by the publican's general license.

(4) A restaurant license may be granted by the Court on the application of a person who—

- (a) is the holder of the publican's general license in respect of the premises to which the application relates; or
- (b) has the immediate supervision of the conduct of the business of the restaurant in respect of which the application is made.

(5) On the hearing of an application for a restaurant license the Court shall have regard to the suitability of the premises for the purpose of conducting a restaurant license thereon, the facilities for serving meals therein and whether the reasonable requirements of the neighbourhood justify the granting of the license.

(6) (a) A restaurant license shall, subject to the provisions of this Act, authorise the licensee to sell and dispose of any liquor in any quantity on the licensed premises therein specified, for *bona fide* consumption by persons partaking of a meal on the premises and not otherwise, if

- (i) the liquor is drunk or consumed with the meal; and

(ii) the liquor is served

- (I) where the premises are the subject of a publican's general license, between the hours of ten o'clock in the evening and the next succeeding twelve o'clock midnight upon any day in the week except Sunday, Anzac Day (the twenty-fifth day of April), Good Friday or Christmas Day;
- (II) where the premises are other than premises the subject of a publican's general license, between the hours of six o'clock in the evening and the next succeeding twelve o'clock midnight upon any day of the week except Sunday, Anzac Day (the twenty-fifth day of April), Good Friday or Christmas Day;

but shall not authorise the licensee to sell or dispose of liquor to any other person or in any other manner.

(b) For the purposes of this section, "meal" means a meal of at least two courses at which the persons partaking of the meal are seated at a table and one course of the meal consists of fish or meats other than in sandwich form.

(7) (a) The Court may on granting a restaurant license impose such conditions as to the manner in which and under which the licensee shall supply or cause to be supplied liquor that is required for consumption with a meal, as the Court thinks fit.

(b) The Court may from time to time alter any condition so imposed.

(c) Conditions so imposed including alterations if any made under this subsection, shall until revoked by the Court be complied with

by the licensee and for the purposes of this Act shall be deemed to be incorporated in, and to form part of, his license.

(8) No person shall drink or consume any liquor on premises that are the subject of a restaurant license except liquor that has been sold and disposed of under the authority of that license or the publican's general license, if any, which is granted in respect of the premises.

Penalty: Fifty pounds.

44H. (1) Subject to the provisions of subsection (2) of this section, a person is disqualified from holding a restaurant license in respect of premises that are not also the subject of a publican's general license if—

Disqualification from holding restaurant license.

- (a) he is interested beneficially in any premises licensed or proposed to be licensed under this Act other than premises that are the subject of a restaurant license and not also the subject of a publican's general license; or
- (b) he is the holder of a publican's general license.

(2) No person is disqualified under the provisions of this section by reason of being a shareholder or member of any incorporated company consisting of more than twenty persons that is interested beneficially in any such premises.

(3) The holder of a restaurant license shall not operate or hold out the premises that are the subject of the license, as a club or as being a club.

(4) A person who—

- (a) when so disqualified continues to exercise his license; or
- (b) contravenes subsection (3) of this section,

commits an offence against this Act.

Penalty: One hundred pounds.

Charges to
be exhibited
at each
table.

44I. (1) The holder of a license shall cause to be exhibited at each table provided for the use of customers in the licensed premises to which the license relates, a printed list showing the charges made for meals and the various types of liquor supplied therein.

(2) A holder of a license who fails to comply with any of the provisions of this section is guilty of an offence.

Penalty: Twenty pounds.

§. 45
amended.

8. Subsection (1) of section forty-five of the principal Act is amended—

- (a) by substituting for the passage, “: Provided that any publican’s general license, hotel license, Australian wine and beer license, or wayside house license” in lines four, five, six and seven, the words, “but any license other than a temporary or occasional license”;
- (b) by adding after the word, “license” being the last word in the subsection, the passage, “and shall, subject to the provisions of this Act, remain in force until the day so specified”.

§ 47
amended.

9. Section forty-seven of the principal Act is amended—

- (a) by substituting for the passage, “Subject to the provisions of Part VI. of this Act, every” in lines one and two of subsection (1), the word, “Every”;

- (b) by adding before the word, "license" being the last word in subsection (8), the words, "or restaurant".

10. The principal Act is amended by adding after section forty-seven the following section— S. 47A added.

47A. (1) Notwithstanding the provisions of section forty-seven of this Act, where the Court is of opinion that there are insufficient premises the subject of a publican's general license within any particular area to meet public requirements, the Court may, subject to the provisions of this section, issue a provisional certificate for a new publican's general license. Power of Court to issue new license.

(2) (a) Before issuing the certificate the Court shall hear and consider evidence as to—

- (i) whether additional hotel accommodation and requirements are necessary to be provided in the particular area;
- (ii) whether the accommodation and requirements could be provided at existing premises the subject of publicans' general licenses;
- (iii) whether the owners or licensees of the existing premises the subject of publicans' general licenses shall first be required to provide such additional accommodation and services having regard to the previous conduct and management of those licensed premises; and
- (iv) any objections made in accordance with the regulations.

(b) Objections may be made to the granting of the provisional certificate in accordance with the regulations.

(3) (a) Where the Court authorises the issue of a provisional certificate under the provisions of this section, the certificate shall be offered for sale by public tender.

(b) Before calling for public tenders the Court shall determine the accommodation and requirements or the additional accommodation and requirements which it deems necessary at the locality in which it proposes to issue a new license.

(c) The Court shall prepare particulars of the accommodation and requirements or the additional accommodation and requirements upon which the tenders shall be determined.

(d) The tenderer shall tender in terms of the Court's particulars and submit a plan showing the proposed building or alterations to a building already erected, with a full description of the accommodation, services and other features proposed, together with an estimate of the cost involved.

(e) The tender shall state the names of all persons directly or indirectly interested in the tender for the provisional certificate or in the subsequent license for which the certificate is issued.

(f) When the tender is accepted and the price specified in the tender paid, the tenderer shall be entitled to the provisional certificate.

(g) Upon the completion of the buildings or alterations, as the case may be, in accordance with the plan as submitted and approved by the Court and on proof of the performance of such conditions, if any, as are imposed by the certificate, the tenderer or his nominee shall subject to the provisions of this Act be entitled to the license for which the provisional certificate was granted.

(4) In the exercise of its powers under this section, the Court is subject to such regulations as the Governor may deem necessary or expedient to make under section two hundred and forty-nine of this Act for and with respect to provisional certificates and licenses to be issued under this section.

11. Section forty-nine of the principal Act is amended— ^{S. 49} amended.

(a) by adding after subsection (3) the following subsection—

(3a) Without prejudice to the operation of section fifty-seven of this Act, where the application relates to a publican's general license or wayside-house license, or for the transfer of such a license, or to a hotel license, before the application is granted the applicant shall satisfy the Court that he has such knowledge of the provisions of this Act as in the opinion of the Court will make him a suitable licensee for the premises in respect of which the license or transfer of license is sought. ;

(b) by adding after the subsection designation "(4)" in line one of subsection (4), the paragraph designation, "(a)";

(c) by adding to subsection (4) the following paragraph—

(b) Where an application is refused, the Chairman shall pronounce the decision in open court but the Court is not required to state the reasons for the decision.

12. Section fifty of the principal Act is amended— ^{S. 50} amended.

(a) by substituting for the passage, "and with stabling sufficient for six horses at least, and a sufficient supply of wholesome and

usual provender for the same" in lines fourteen to seventeen both inclusive of subsection (1), the words, "and with such number of garages and parking space to accommodate motor vehicles as the Court deems expedient in the circumstances";

- (b) by deleting the proviso to subsection (1);
- (c) by adding after subsection (2) the following subsections—

(2a) On and after the coming into operation of the Licensing Act Amendment Act, 1959, in respect of every house for which a publican's general license is granted or renewed, the Court may

notwithstanding the provisions of subsection (1) of this section, having regard to the relevant conditions and circumstances of the district and the public convenience of the locality where the premises are situated,

grant or renew a license as the case may be,

notwithstanding that the premises in respect of which the license or renewal is sought does not comply with the provisions of the subsection,

if in the opinion of the Court the accommodation then provided by the premises or which will be provided when any conditions as to further accommodation inserted by the Court under the provisions of subsection (2) of this section are complied with, is in the circumstances adequate.

(2b) For the purposes of this section and section fifty-one of this Act, "further accommodation" includes the provision of sitting rooms, bed rooms and facilities

for the consumption of liquor at tables or lounges, gardens, under awnings or in the open air, the provision of a bottle department, the provision of bath facilities whether attached to bed rooms or not, the erection of garages for the accommodation of motor vehicles, the installation of a hot and cold water storage system and bedside lights, the provision of additional closets, privies and other sanitary necessities and the provision, repair or restoration of fences or verandahs.

13. Section fifty-one of the principal Act is ^{S. 51} amended—

- (a) by deleting the passage, “, and also where necessary in the opinion of the Licensing Court with stabling sufficient for the accommodation of not less than three horses” in the last five lines of paragraph (d) of subsection (1) and by adding at the end of the paragraph the word “nor”;
- (aa) by adding after paragraph (d) of subsection (1) the following paragraph—
 - (e) unless such house provides hot and cold running water in every bedroom;
- (b) by deleting the passage, “, and also where necessary in the opinion of the Licensing Court is provided with stabling sufficient for the accommodation of not less than three horses” in the last five lines of paragraph (b) of subsection (2) and by adding at the end of the paragraph the word “nor”;
- (bb) by adding after paragraph (b) of subsection (2) the following paragraph—
 - (c) unless hot and cold running water is supplied in bathrooms and, where the Court deems it practicable, in bedrooms;

(c) by repealing subsection (3);

(d) by adding after subsection (3) the following subsection—

(3a) On and after the coming into operation of the Licensing Act Amendment Act, 1959, notwithstanding the provisions of subsections (1) and (2) of this section, a new publican's general license may be granted for any premises within or without the City of Perth or City of Fremantle, whether or not the premises provide the accommodation required by those provisions, where the Court,

having regard to the relevant conditions and circumstances of the district and the public convenience of the locality where the premises in respect of which the license is sought are situated,

is of opinion that the accommodation provided or proposed to be provided in or by the premises is in the circumstances adequate.

14. The principal Act is amended by adding after section fifty-one the following sections—

Ss. 51A
and 51B
added.

Renovations
and
additions
to premises
subject of
publican's
general
license.

51A. (1) (a) Upon proof that public convenience requires additional accommodation in, or the renovation, structural alteration or rebuilding of the whole or any part of, the premises in respect of which a publican's general license is held, the Licensing Court may order the owner of the premises to carry out, within a reasonable time to be set out in the order, the work specified therein.

(b) Not less than thirty days' notice of intention to make application for an order under this subsection shall be given to the

owner and to the occupier of the premises, and to the Clerk of the Licensing Court for the district wherein the premises are situated.

(c) The notice shall set out reasonable particulars of the work which it is proposed to ask the Court to order to be done.

(2) Where an order has been made under subsection (1) of this section—

(a) if an owner has carried out the work and he is not the occupier of the premises, the occupier shall, during the remainder of his tenancy, pay to the owner, by way of increase in the rent, an amount at the rate of eight pounds per centum per annum on the total amount expended by the owner in carrying out the work;

(b) if the work is not completed by the owner within the time specified in the order, the Court may if it thinks fit, upon application made by the owner for the purpose, extend the period.

(3) If the owner fails to carry out the work within the time allowed by the Court, the occupier may at any time thereafter make application to the Court for an authority to carry out the work, and the provisions of subsection (6) of this section apply accordingly.

(4) Upon proof to the satisfaction of the Court that—

(a) an owner has failed to comply with an order within the time allowed by the Court, and that no authority has been granted to the occupier under the provisions of subsection (3) of this section to carry out the work; or

- (b) an occupier has failed to carry out the work within the period specified in such an authority;

the Court may suspend the license for such period as it thinks fit or may cancel the license or in addition to or substitution for such suspension or cancellation may impose on the owner or occupier, as the case may be, a daily penalty not exceeding ten pounds for every day during which the order or authority has not been complied with.

(5) (a) Where the Court so suspends a license or imposes a fine, it may further extend the time specified in an order made under subsection (1) of this section within which the work specified therein is to be carried out and thereupon the owner shall carry out the work within the extended time.

(b) Upon proof to the satisfaction of the Court that the owner has failed to carry out the work within the extended time, the Court may further suspend the license for such period as it thinks fit, or may cancel the license, or in addition to or substitution for the suspension or cancellation may impose on the owner a daily penalty not exceeding twenty pounds for every day during which the work has not been carried out.

(c) The Court may on application being made by the owner or occupier or inspector of licensed premises appointed for the licensing district wherein the premises are situated, subject to such conditions as it considers fit, at any time and from time to time revoke or vary any order made under subsection (1) of this section.

(6) (a) Where the occupier of the premises is not the owner thereof, and is not under covenant or agreement with the owner or his lessor, where his lessor is not the owner, to do

any work which the Court may order under this section, the owner shall, except as provided in this subsection, pay to the occupier any money expended by him pursuant to subsection (3) of this section in carrying out the work, and in default the occupier is, in addition to any other remedy available to him, entitled to retain possession of the premises at the same rental he was paying at the time the expenditure was incurred until the rental accruing is sufficient to repay him the money so expended and to retain the rent.

(b) The authority of this Act is an answer to any action by the owner or lessor, as the case may be, for the recovery of the rent so retained.

(c) The occupier shall pay to the owner or to his lessor, as the case may be, during the remainder of his tenancy by way of increase in the rent an amount at the rate of six pounds per centum per annum on the total amount so expended by the occupier, and the lessor shall in like manner pay an equivalent amount to his lessor and so on until the lessor to whom the rent is payable is not himself a lessee of another person.

(d) Where the occupier is not the immediate lessee from the owner, the lessor of the occupier is entitled to recover from his lessor in any court of competent jurisdiction, or to deduct from any rental payable by him to his lessor any sum deducted from rental payable to him by the occupier or paid to the occupier or recovered from him by the occupier in respect of money so expended, and the lastmentioned lessor may in like manner deduct from any rent payable by him or may so recover a sum equal to the amount so deducted, paid or recovered, and so on until the lessor to whom the rent is payable is not himself a lessee of another person.

(e) In the absence of any covenant or agreement to the contrary, the provisions of this subsection do not apply where the lease of the premises given by the owner is for a period exceeding ten years.

(7) Where an order is made under subsection (1) of this section, the owner of the premises to which the order relates may authorise his architect and contractor, together with such of their employees as may be necessary, to enter upon the licensed premises for purposes of or connected with the carrying out of the order, and the architect, contractor and employees may enter accordingly and do and perform all such acts, matters and things as may be necessary or convenient for the purpose.

(8) (a) Where notice of intention to make application under paragraph (b) of subsection (1) of this section is given by a person other than an inspector of licensed premises for the licensing district wherein the premises are situate, the notice shall be accompanied by a statement by the person giving the notice verified by statutory declaration setting out the names of all persons directly or indirectly interested in the application.

(b) Where a body corporate is so interested and the body corporate is a proprietary company, the statement shall set out the names of the directors and principal shareholders thereof.

(9) (a) The amount of any fine imposed by the Court under this section may be recovered in any court of competent jurisdiction as a debt due to the Crown by the owner or occupier on whom the fine is imposed.

(b) An application may be made under paragraph (b) of subsection (1) of this section by an inspector of licensed premises for, or by

any resident in, the licensing district wherein the premises the subject of the application are situated.

(c) On the hearing of the application the Court may award such costs against any party thereto as the Court thinks fit, which costs may be recovered in any court of competent jurisdiction by the party in whose favour they are awarded as a debt due to him by the party against whom the costs are so awarded.

51B. (1) Where under the provisions of section fifty or fifty-one of this Act the Court inserts conditions as to further accommodation in a certificate issued by it in respect of premises the subject of a publican's general license, or where the Court makes an order under the provisions of section fifty-one A of this Act, if the owner or occupier of the premises satisfies the Court that he is unable to provide or borrow sufficient money to pay for the estimated cost of the work required to be done under the conditions or the order, the Court may give a certificate in writing to that effect to the Treasurer.

Power of
Treasurer
to guarantee
cost of
adaptions
and
renovations.

(2) On receipt of the certificate, the Treasurer may, and is hereby authorised so to do, render financial assistance to the owner or occupier as the case may be, by guaranteeing under and in accordance with the provisions of the Industry (Advances) Act, 1947, any advance to be made by any person to the owner or occupier for the purpose.

(3) The total amount of the contingent liability of the Treasurer for any advances guaranteed by him under this section shall not at any one time exceed the sum of two hundred and fifty thousand pounds.

- (a) if the premises have already been erected or completed, grant or refuse the application, or grant the application subject to any conditions it considers necessary to impose to ensure that the premises will in its opinion be suitable to be licensed; or
- (b) if the premises have not then been erected or completed, decide whether a license will be granted for the premises when erected or completed in accordance with the deposited plans to the satisfaction of and within a reasonable time to be then fixed by the Court and if so it may grant a provisional certificate subject to any conditions it considers necessary to impose to ensure that the premises will in its opinion be suitable to be licensed, or it may refuse the application.

(5) If any application is refused on the ground—

- (a) that the plans so deposited do not meet with the approval of the Court; or
- (b) that the premises erected or proposed to be erected are not, or would not, in its opinion, be suitable to the locality or be suitable to be the subject of the license applied for,

the Court shall upon the request of the applicant or his counsel or agent state in which particular—

- (i) the plans do not meet with its approval; or
- (ii) the buildings or proposed buildings are unsuitable.

(6) The Licensing Court may, before granting a provisional certificate, require the applicant to enter into a bond with one or more sureties

approved by the Court in favour of Her Majesty, her heirs and successors, in a sum to be fixed by the Court, conditioned to be void in case the premises are duly completed within the time specified to the satisfaction of the Court, otherwise to be in full force and virtue.

(7) (a) The Court may grant a provisional certificate for any period not exceeding twelve months and a certificate shall be in the form of the Eleventh Schedule, the necessary modifications being made.

(b) The period of duration of a provisional certificate may be extended by the Court for such period or periods not exceeding six months at any one time as the Court may allow upon such terms as the Court may deem fit, and the Court may hear and determine an application by the applicant to amend the plan previously approved by the Court in respect of the premises or to approve an alternative site within the immediate vicinity of the site previously approved on the granting of the certificate.

(8) The refusal of an application for a provisional certificate for any informality only does not prevent the application being renewed at any subsequent sitting of the Court.

19. Subsection (2) of section sixty-nine of the principal Act is amended by adding after the word, "shall" being the first word in line seven, the passage, " , subject to the provisions of subsection (3a) of section forty-nine of this Act,".

S. 69
amended.

20. Section seventy-two of the principal Act is amended—

S. 72
amended.

(a) by adding after the words, "Fifteen pounds" in the last line of the second proviso to subsection (2) the following—

For a restaurant license—Twenty-five pounds. ;

- (b) by substituting for the passage, "If a publican's general license, hotel license, Australian wine and beer license, canteen license, or wayside-house license is granted" in the first three lines of subsection (4), the words, "If a license is granted or renewed".

Part V
repealed.

21. Part V of the principal Act headed, "Licenses Reduction.", comprising sections eighty-one to ninety-seven both inclusive, is repealed.

S. 118
amended.

22. Section one hundred and eighteen of the principal Act is amended—

- (a) by deleting the passage commencing with the word, "or" where secondly appearing in line six of subsection (1) and ending with the passage, "not," in line eleven of the subsection, both words inclusive;
- (b) by adding after the word, "obtainable" being the last word in subsection (2), the passage, "and the hours may be prescribed to be of general application or to apply in particular cases, circumstances or localities and where the Court so prescribes the licensee shall provide meals during the prescribed hours".

S. 121
amended.

23. Section one hundred and twenty-one of the principal Act is amended—

- (a) by deleting the word "nine" in line eight and substituting the word "ten" in lieu, and deleting the word "nine" in line nine, and substituting the word "ten" in lieu;
- (b) by adding after the word, "license" where it last appears in line eleven of subsection (1) and in line ten of subsection (2), the words, "or of a restaurant license", in each case.

24. Section one hundred and twenty-four of the principal Act is amended by adding before the word, "or" in line two the passage, ", restaurant".

S. 124
amended.

25. Subsection (1) of section one hundred and forty-one of the principal Act is amended—

S. 141
amended.

(a) by adding after the subsection designation, "(1)" in line one, the paragraph designation, "(a)";

(b) by substituting for the word, "Twenty" in line eight, the word, "Fifty"; and

(c) by adding the following paragraph—

(b) Notwithstanding the provisions of section six of this Act or the provisions of any other Act, the minimum penalty that may be imposed for a breach of this section is twenty pounds.

26. The principal Act is amended by adding after section one hundred and sixty-eight the following section—

S. 168A
added.

168A. The holder of a publican's general license or wayside-house license shall not have, maintain or keep, or have under his control, any area of land within, near or adjoining his licensed premises which is used as a playground for children, but this section does not apply to any area of land which is used exclusively by children who are resident guests or children of the licensee or his employees, as a playground.

Playgrounds
on or
adjoining
licensed
premises
prohibited.

Penalty: Twenty pounds.

27. Subsection (2) of section one hundred and seventy-seven of the principal Act is amended by adding after the word, "license" where secondly appearing in line three, the passage, ", a restaurant license".

S. 177
amended.

S. 183
amended.

28. Section one hundred and eighty-three of the principal Act is amended—

- (a) by substituting for the words, “and must have been operating as such a club for a period of not less than twelve months” in lines five, six and seven of paragraph (b), the words, “which in the opinion of the Licensing Court is suitable to be registered as a club”;
- (b) by adding after the word, “guests” being the last word in paragraph (c) the passage, “but nothing in this paragraph is to be construed so as to prohibit a club from making a gift of money to any of the funds, authorities or institutions in the State referred to in paragraph (a) of subsection (1) of section seventy-eight of the Income Tax Assessment Act, 1937”.

S. 184
amended.

29. Section one hundred and eighty-four of the principal Act is amended—

- (a) by adding after the word, “by” in line four of paragraph (h), the words, “or on instructions from”;
- (b) by adding after the word, “club” in line four of paragraph (j), the passage, “, except a club that is primarily devoted to some athletic purpose.”

S. 185
amended.

30. Section one hundred and eighty-five of the principal Act is amended—

- (a) by substituting for the word, “No” being the first word in subsection (1), the passage, “Subject to the provisions of subsection (1a) of this section, no”;
- (b) by adding after subsection (1) the following subsection—

(1a) Where the club is devoted to some athletic purpose, a person who is visiting the club for the purpose of playing at or

in a sport conducted by the club, being a sport for the fostering or conducting of which the club was according to its rules constituted, shall be deemed to be an honorary or temporary member of the club for a period of six hours from the time of the posting of the notice referred to in paragraph (b) of this subsection notwithstanding that he does not possess certain qualifications defined by the rules, if

- (a) he is proposed in writing signed by a member in a form setting out that the person is visiting the club for the purpose of actively engaging in a sport conducted by the club on the day of his visit;
- (b) notice is posted on the club premises by the secretary thereof, the time of the posting being marked therein.

31. Section one hundred and eighty-six of the principal Act is amended—

S. 186
amended

- (a) by adding after the passage, "Court," in line one of subsection (1), the word, "or";
- (b) by deleting the passage, ", or the Clerk of the Court" in line two of subsection (1);
- (c) by adding after subsection (3) the following subsections—
 - (4) The secretary shall—
 - (a) lodge the application with the Clerk of the Court in whose district the club is situated at least seven days before the date on which it is intended, if the application is granted, to exercise the privilege;

- (b) serve a true copy of the application on the officer in charge of the police station nearest to the club within the district as soon as practicable after the application has been lodged with the Clerk of the Court;
- (c) pay a prescribed fee on the lodging of the application, in addition to the prescribed fee referred to in subsection (1) of this section.

(5) The officer in charge shall report in writing on the application to the Licensing Court or the stipendiary magistrate.

(6) The Court or the stipendiary magistrate may grant or refuse the application, and the decision of the Court or the stipendiary magistrate on the application is final.

S. 190
amended.

32. Subsection (3) of section one hundred and ninety of the principal Act is repealed.

S. 190A
added.

33. The principal Act is amended by adding after section one hundred and ninety the following section—

Conditional
registration
of club
may be
granted.

190A. (1) Without prejudice to the operation of section one hundred and ninety of this Act, the secretary of any club desirous of obtaining the grant of a certificate of registration for club premises proposed to be erected or for club premises partly erected but requiring additions or alterations to make them suitable to be registered under this Part may, before the building of the proposed premises or the making of the additions or alterations is commenced, make a conditional application in accordance with this section to the Licensing Court of the district in which the premises are situated.

(2) (a) At least fourteen days before making the conditional application, the secretary shall deliver to the clerk of that Licensing Court an application in duplicate, signed by the secretary in the form to the same effect as the form in the Tenth Schedule, the necessary modifications being made, together with a properly drawn plan of the proposed premises showing clearly the accommodation which it is proposed to provide therein, together with such further details and particulars of the proposed premises as may be prescribed.

(b) The secretary shall also publish a copy of the notice in accordance with the requirements of paragraph (b) of subsection (1) of section one hundred and ninety of this Act in all respects as if the application were an application under that section.

(c) The provisions of subsection (2) of section one hundred and ninety extend to and in respect of an application under this section.

(3) Subject to the other provisions of this Act in respect of the conditions of registration of clubs, and applications for new certificates of registration and objections thereto, which provisions so far as they are applicable apply in respect of a conditional application, the Court may grant a provisional certificate subject to such conditions as it considers necessary to ensure the fulfilment of the requirements of this Act, or may refuse the application.

(4) The provisional certificate of registration shall be in a form to the same effect as the form in the Eleventh Schedule, the necessary modifications being made, and may be granted for any period not exceeding twelve months.

(5) The period of duration of a provisional certificate may be extended for such period or periods not exceeding six months at any one time, as the Court may from time to time allow upon such terms as the Court may deem fit, and

the Court may hear and determine an application by the secretary to amend the plan previously approved by the Court in respect of the premises or to approve an alternative site within the immediate vicinity of the site previously approved on the granting of the provisional certificate.

(6) Upon the completion of the premises and upon written notice being given by the secretary to the Court at any quarterly sitting of the Court within the time specified in the provisional certificate or within such extended time as the Court may have granted, and on proof of the performance of such conditions, if any, as are imposed by the certificate and that the premises have been completed substantially in accordance with the plan or amended plan furnished pursuant to this section, the Court shall issue a certificate of registration.

S. 194
amended.

34. Section one hundred and ninety-four of the principal Act is amended by adding after paragraph (h) the following paragraphs—

- (ha) That having regard to the existing facilities for social amenities, recreation and refreshments, or for cultural or political activities, and to the objects of the club, the club is not required to meet a genuine and substantial need.
- (hb) That the registration of the club will result in undue competition and economic waste, proof whereof lies upon the objector.

S. 195
amended.

35. Section one hundred and ninety-five of the principal Act is amended—

- (a) by adding after the word, “following” being the last word in subsection (1), the passage, “, unless the Court, as it is hereby authorised to do, grants the certificate for a term expiring before that date”;

- (b) by adding after the word "expires" being the last word in subsection (2), the passage, " , unless the Court, as it is hereby authorised to do, renews the certificate for a period of less than twelve months";
- (c) by adding after subsection (2) the following subsection—

(3) If a certificate of registration or renewal thereof is granted to have effect only during a specified portion of the year, such part only of the minimum fee payable on the issue thereof for the certificate or renewal, as the case may be, is payable as is proportionate to the period for which the certificate or renewal is to have effect.

36. Section two hundred and one of the principal Act is amended by adding after subsection (4) the following subsection—

S. 201
amended.

(5) The fee for a provisional certificate of registration of a club is two pounds ten shillings.

37. The principal Act is amended by adding after section two hundred and forty-seven the following section—

S. 247A
added.

247A. (1) The Minister may by agreement with the Minister for Education in the case of Government schools and with the proprietor, head master or principal teacher in the case of other schools, arrange for portion of each school term to be set apart, when children attending the school who are in the stages of post primary education shall receive instructions on the evils of over indulgence in liquor and the effects of alcohol, from a person qualified to give the instruction.

Minister to
arrange
for tuition
in alcohol
to be given
in schools

(2) In the case of—

- (a) a Government school, the person shall be nominated by the Minister for Education;

- (b) a school other than a Government school, the person shall be nominated by the proprietor, head master or principal teacher, as the case may be, of the school.

Second
Schedule
amended.

38. The Second Schedule to the principal Act is amended by adding at the end thereof the following—

Licensing Act, 1911.

(As Amended.)

RESTAURANT LICENSE.

Whereas the Licensing Court for the Licensing District of....., at a sitting held on the.....day of....., 19....., by its certificate dated the.....day of....., 19....., authorised the issue of a Restaurant License for certain premises being (premises which are or are not the subject of a Publican's General License*) situated at..... to.....

And whereas the said..... has paid the sum of £....., as the fee for the said license.

Now it is hereby declared that the said..... is licensed to sell and dispose of any liquor by the bottle or glass in any quantity on the said premises to persons taking a meal at the said premises during the meal (such liquor to be consumed on the premises) under and subject to the provisions of the Licensing Act, 1911, as amended.

The license commences on the..... day of....., 19....., and continues until the thirty-first day of December, 19....., if not forfeited in the meantime.

Dated this..... day of....., 19 .. .

Receiver of Revenue.

(Place of issue.)

* Strike out whichever is not applicable.

Third
Schedule
amended.

39. The Third Schedule to the principal Act is amended by adding after the word, "LICENSE" being the last word in the heading of the form

1959.]

Licensing.

[No. 60.

headed, "APPLICATION FOR A SPIRIT MERCHANT'S LICENSE, A GALLON LICENSE, A BREWER'S LICENSE, AN EATING-HOUSE, BOARDING - HOUSE, OR LODGING - HOUSE LICENSE, OR A BILLIARDTABLE LICENSE OR A CANTEEN LICENSE," the words, "OR A RESTAURANT LICENSE".
