

WESTERN AUSTRALIA.



ANNO QUINTO

EDWARDI SEPTIMI REGIS,

XXI.

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No. 21 of 1905.

AN ACT to further amend the Wines, Beer, and Spirit Sale Act, 1880.

[Assented to 23rd December, 1905.]

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

1. This Act may be cited as the *Wines, Beer, and Spirit Sale Amendment Act, 1905*, and shall be read as one with the Wines, Beer, and Spirit Sale Act, 1880, hereinafter referred to as the principal Act. Short title.

2. Notwithstanding anything contained in the principal Act, or any amendment thereof to the contrary, the annual fee which shall be paid for a publican's general license shall be as follows:— Fees for publicans' general licenses.

- (a.) for any house or premises situated within a municipality—
  - (i.) if the annual value of the house or premises does not exceed five hundred pounds, fifty pounds;

(ii.) if the annual value of the house or premises exceeds five hundred pounds, seventy-five pounds.

(iii.) if the annual value of the house or premises exceeds one thousand pounds, one hundred pounds.

(b.) for any house or premises not situated within a municipality—

(i.) if the annual value of the house or premises does not exceed two hundred pounds, forty pounds;

(ii.) if the annual value of the house or premises exceeds two hundred pounds, fifty pounds.

Annual value to be assessed.

**3.** (1.) On the granting or renewal of any publican's general license—

(a.) for any house or premises situated within a municipality, the licensing magistrates shall assess the annual value of the licensed house or premises as not exceeding five hundred pounds, or as exceeding five hundred pounds but not exceeding one thousand pounds, or as exceeding one thousand pounds; and

(b.) For any house or premises not situated within a municipality, the licensing magistrates shall assess the annual value of the licensed house or premises as exceeding two hundred pounds or not exceeding two hundred pounds,

and shall state such value in their certificate.

(2.) The annual value shall be assessed at the full annual rent at which the licensed house or premises might be expected to let, and in making such assessment the licensing magistrate shall take into consideration, with the other evidence, the amount of every fine, premium, or other sum of money or valuable consideration that may have been paid or given, or agreed to be paid or given, in addition to the rent reserved or agreed upon on any letting or renewal, assignment, or transfer of tenancy or occupation of the house or premises.

Application of Act.

**4.** This Act shall apply to all publicans' general licenses granted after the passing of this Act, and also to all such licenses for the year One thousand nine hundred and six, whether granted before or after the passing of this Act.

Fees for licenses granted for 1906.

**5.** (1.) It shall be the duty of every holder of a publican's general license granted or renewed before the passing of this Act for the year One thousand nine hundred and six, to produce his license to the licensing magistrates for the district in which the licensed premises are situated, at the quarterly meeting to be held in March, One thousand nine hundred and six.

(2.) The licensing magistrates shall thereupon assess the annual value of the licensed premises in accordance with section three of this Act, and indorse such assessment on the license under the hand of the chairman.

(3.) The licensee shall, before the first day of April, One thousand nine hundred and six, produce to the Collector of Inland Revenue, or such other person as may be appointed by the Governor for the purpose of issuing licenses under the principal Act, his license so indorsed, and shall pay the difference, if any, between the sum paid for such license and the sum payable under section two of this Act to the Collector of Inland Revenue, or such other person as aforesaid, who shall indorse the receipt thereof on the license.

(4.) If any licensee shall neglect to observe the provisions of subsections one and three of this section, or either of them, his license shall be void.

6. When, under the provisions of this Act, any tenant of premises licensed under a publican's general license is required to pay a larger annual license fee than that in force at the time when such tenant entered into a lease for a tenancy of such premises, then and in such cases, during the currency of such lease, the tenant shall stand entitled to deduct from the rent payable under such lease the increase in the amount of annual license fee payable by him, and the amount so deducted shall be deemed to be a payment on account of the rent reserved under the lease.

Increased license fee may be deducted from rent.

7. Where, under the provisions of section six hereof, a tenant is empowered to set off any part of the licensing fee against rent payable by him in respect of the premises, the following conditions shall apply, that is to say:—

Conditions as to set-off from rent.

(1.) If the immediate landlord of such tenant be a former tenant under an original lease who has sublet to him at the same rental as that reserved in the original lease, and who has not received any greater sum by way of ingoing than that paid by him to the lessor named in such original lease, or if the immediate landlord of such tenant be a mortgagee in possession who has entered into possession of the premises under the powers of a mortgage registered against the original lease, and who has sublet to such tenant at the same rental as that reserved in the original lease, and who has not received by way of ingoing any greater sum than that paid to the lessor named in such original lease, then and in either such case the deduction of increased licensing fee shall be made from the rental payable to the lessor named in the original lease.

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- (2.) If the immediate landlord of such tenant be a former tenant under an original lease who has sublet to him at a higher rental than that reserved in such original lease, or who has received a greater sum by way of ingoing than that paid by him to the lessor named in such original lease, or if the immediate landlord of such tenant be a mortgagee in possession of the premises under the powers of a mortgage registered against the original lease, and who has sublet to such tenant at a higher rental than that reserved in the original lease, or who has received a greater sum by way of ingoing than that paid by the original tenant to the lessor named in such original lease, then and in either such case the increased licensing fee arising from such increased rental or ingoing shall be payable by such immediate landlord.