

Wines, Beer, and Spirit Sale Act, 1880—Amendment

WESTERN AUSTRALIA

ANNO QUINQUAGESIMO TERTIO

VICTORIÆ REGINÆ

No. 8

An Act to amend 'The Wines, Beer, and Spirit Sale Act, 1880.' [Assented to 29th November, 1889.]

Preamble

WHEREAS it is expedient to amend 'The Wines, Beer, and Spirit Sale Act, 1880': Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Application for conditional certificate

1. Any person desirous of obtaining a Publican's General License for premises—

- (a) Proposed to be erected; or
- (b) Not at the time completed and fit for occupation; or
- (c) Already erected but requiring additions or alterations to make them suitable to be licensed under the principal Act;

may, before building or completing such new premises or making such additions or alterations, make a conditional application at any quarterly meeting of the Licensing Magistrates for a provisional certificate, and in such case shall, fourteen days at least before making such application, deliver to the Clerk mentioned in Section 16 of the principal Act a properly drawn plan showing the precise locality, the number and size and dimensions of the rooms, and all other information necessary to enable the Magistrates to form a correct estimate of the nature and style of such proposed premises.

Notice of application to be given

2. Notice of such application shall be given and published as nearly as may be in the same manner and at the same times as are required by the principal Act in the case of applications for new licenses, and the like procedure shall be observed as in that case. Provided, however, that the notice required by Section 16 of the principal Act to be affixed to the principal entrance door of the premises to be licensed shall, in the case of premises proposed to be erected, be affixed to a notice board placed on a conspicuous part of the land upon which it is intended to erect such premises.

Hearing of application

3. At the hearing of such application, if the house and premises—
- (a) Are already erected: evidence must be produced as to the fulfilment of the conditions of the principal Act as to number and size of rooms and condition of premises.
 - (b) Require alteration to fit them to fulfil the conditions of the principal Act: evidence must be produced of the nature and extent of such proposed alteration.

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- (c) Are not yet commenced, or are in course of erection and not yet complete: evidence with plans and specifications must be produced to show that when finished they will fulfil the conditions of the principal Act.

The Magistrate, after hearing any objections that may be made, may grant a provisional certificate, and may thereby impose such conditions as to the materials or construction and, subject to the principal Act, as to the arrangement of such house and premises as they may think fit, or may refuse the application. A provisional certificate shall be in the second form in the Schedule hereto, or to the like effect.

Conditions imposed

4. On the application of the holder of the provisional certificate, or of any other person, at any quarterly meeting of the Magistrates made within the time specified in such certificate, and on proof of the performance of such conditions, if any, as are imposed by the certificate, the applicant shall be entitled to a certificate in the form in the 17th Schedule to the principal Act. But if it be made to appear to the Magistrate on such application that the applicant himself is unfit to be the holder of a license, they shall refuse his application. Any such application must be made in the same manner as provided by the principal Act in the case of applications for new licenses, and the like procedure shall be observed as in that case.

On performance of conditions, license may be granted or refused

5. The Wines, Beer, and Spirit Sale Act, 1880 (hereinbefore called the principal Act), and every Act amending the same passed or to be passed, shall be read and construed together with this Act.

Construction

6. This Act may be cited as 'The Wines, Beer, and Spirit Sale Act, 1880, Amendment Act, 1889.'

Short title

F NAPIER BROOME,
GOVERNOR.

SCHEDULE REFERRED TO

No. 1

NOTICE OF APPLICATION FOR A PROVISIONAL CERTIFICATE

To the Worshipful the Justices of the Peace acting in and for the District of _____, in Western Australia.

I, A.B. (*state residence and occupation*), hereby give notice that I intend to apply at the next Licensing Meeting to be holden for this district, for a Provisional Certificate for the premises belonging to me (*or rented by me from C.D. of _____*), and situated at _____, within the said district. The said premises are now about to be erected (*or, are in course of erection, or, are now being altered, or, are now nearly complete*) and will when finished be in all respects in accordance with the requirements of 'The Wines, Beer, and Spirit Sale Act, 1880,' and the Acts amending the same.

Dated this _____ day of _____ 18

A.B.

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No. 2

PROVISIONAL CERTIFICATE

I, the undersigned, being the Chairman of the Licensing Magistrates acting in and for the District of _____ at the Quarterly Meeting held at _____ on the _____ day of _____ 18 _____ hereby certify that the house and premises of A.B., situated at _____ and now in process of erection (*or*, about to be erected), in accordance with the plans and specifications exhibited by the said A.B. and signed by me, will be a fit and proper place for the sale of liquor, and upon application being duly made by a fit and proper person for the issue of a license in respect of the said house, within twelve months from the date hereof, such application shall be granted upon proof being given that the said house or premises have been erected (*or* completed) in accordance with such plans and specifications, and that the following conditions have been complied with. This certificate is granted subject to the following conditions:

(Here set out the conditions if any).

Given under my hand this _____ day of _____ 18 _____

C.D.,
Chairman of the Licensing Magistrates
for the District of _____
