



1855-6.

No. 14.

*An Act to alter and amend an Ordinance, intituled, "An Act to regulate the retail of Liquors and to preserve good order in licensed Public Houses."*

[Assented to, May 28, 1856.]

**W**HEREAS it is expedient to alter and amend an Act passed in the second year of the reign of Her present Majesty, intituled, "An Act to regulate the retail of Liquors and to preserve good order in licensed Public Houses"—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1. So much of the said recited Ordinance as authorizes the Governor to limit the number of licences to be issued, is hereby repealed.

2nd Vict., No. 1, sec. 2, repealed.

2. No licensed person having given such notice as by the said Ordinance is prescribed, shall be required to attend any licensing meeting for the purpose of procuring a renewal of his licence, unless notice of opposition to the renewal of such licence, stating the grounds thereof, shall have been served upon him, or left at his licensed premises, fourteen days before the day of such licensing meeting; and if such notice of opposition shall not be proved to have been given, and no complaint against such licensed person shall be made at such licensing meeting, a certificate of approval as in the said Act authorized, shall be issued and delivered to him, or as he shall direct: Provided that if, at any such licensing meeting any complaint shall be made against any licensed person applying for the renewal of his licence as aforesaid, it shall be lawful for the Justices or District Council at such meeting, in their discretion, to require the attendance of such licensed person at an adjournment of such licensing meeting; of which, and also of the complaint so made against him, due notice shall be given; and, in the meantime, to suspend the issue of a certificate of approval.

Personal attendance of licensed persons at licensing meeting not requisite unless notice of objection given, or required by Justices.

Supplying intoxicating drinks to persons in a state of intoxication a misdemeanor.

3. Any licensed person, under the authority of the said Ordinance, or any other person responsible to him, who, knowingly and wilfully shall supply, or permit, or suffer to be supplied spirits or other intoxicating drink to any person already in a state of intoxication, shall be guilty of a misdemeanor, and shall, on conviction thereof, for the first offence, forfeit the sum of Ten Pounds; and for the second offence, the sum of Twenty Pounds; and any licensed person guilty of such offence, shall, upon the third conviction, forfeit his licence, and thereafter be incapable of holding a licence under the said recited Ordinance.

Penalty.

Recognizances to remain in force until notice.

4. Every recognizance taken or to be taken under the said Ordinance, shall be in force so long as the licensed person shall continue to occupy the premises in respect of which he entered into the said recognizance, or procured the same to be entered into: Provided that it shall be lawful for any person being a surety under any such recognizance, at any time after the expiration of one year from entering into the same, to give three calendar months' notice in writing, to such licensed person, and also to the Clerk to the Magistrates, Resident Magistrate, or other Officer appointed, as in the said Act is authorized, or District Council, that he will, at the expiration of three months from the date of such notice, cease to be a surety under such recognizance; and also to the Clerk to the Magistrates, Resident Magistrate, or other person, or District Council, as the case may be, to give three calendar months' notice in writing, to such licensed person, requiring him to procure another surety or sureties in the place of one or more of the sureties named in such recognizance; and any licensed person who shall not within the period of three months after service of such notice upon him, procure one or more approved person or persons to enter into a recognizance, as in the said Ordinance provided, in the place of the person or persons giving or named in any such notice, shall, until he shall have procured such persons to enter into such recognizance, be deemed and taken to be an unlicensed person.

If new recognizance not procured, licence suspended.

Lamps to be lighted from sunset to eleven.

5. No person having a publican's general licence shall be liable to any penalty or fine, by reason of his lamp having ceased to be lighted after eleven of the clock, unless he shall have been called upon to relight the same, and have neglected so to do.

Ginger beer and spruce beer.

6. Nothing in the said recited Ordinance contained shall apply to the sale of ginger beer or spruce beer, or to any person who shall sell wine the produce of his own vineyard, in quantities of not less than one imperial gallon.

Repeal of sec. 31.

7. So much of the said Ordinance as relates to the time of closing the outer door of licensed premises on the Lord's Day shall be, and the same is hereby repealed.

Outer doors to be closed on the Lord's Day.

8. If any licensed person shall not keep the outer door of his licensed house, or of his separate tap or tap-room closed on the Lord's

Lord's Day, except a side-door, from one to three o'clock, and from eight to ten o'clock in the afternoon thereof, unless for the purpose of receiving travellers (not being persons residing in the town or places where such licensed premises are situate, or within one mile thereof), calling for refreshment on their journey, or remaining at the house during the day or the night thereof, he shall for every such offence forfeit and pay a fine of not less than Five Pounds, nor more than Fifty Pounds. Exception.

9. So much of the said Ordinance as relates to the time of closing the outer door of licensed premises is hereby repealed. Repeal of sec. 32.

10. If any licensed person shall not clear his tap-room, and close the outer door thereof, and every other outer door of his licensed premises at eleven o'clock of the evening of all working days, and keep the same closed until five o'clock in the morning, he shall for such offence forfeit and pay a penalty of not less than Two Pounds, or more than Ten Pounds: Provided nevertheless, that it shall be lawful for any such licensed person to admit *bona fide* lodgers living or staying in his licensed house, after such hour, by means of a side door; and provided also that it shall be lawful for every licensed person to clear his tap-room and close the door thereof, and every other outer door of his said premises at ten o'clock in the evening. Taps to be cleared, and outer doors closed at eleven o'clock.  
  
Lodgers may be admitted.

11. It shall be lawful for any licensed persons to receive and entertain visitors at any ball or dinner party, or other special occasion, beyond the hours fixed by this Act, having first obtained the permission in writing in that behalf of any two or more Justices of the Peace for the said Province, or Special Magistrate, or Chairman of District Council, as the case may be. Visitors at dinners, &c., may remain after eleven o'clock by special permission.

12. It shall be lawful for any licensed person to receive in payment any money order, provided the same be taken at the full nominal value thereof. Money orders may be taken in payment at full value.

13. This Act and the said recited Ordinance shall be read and construed as one Act. This Act to be read as one Act with the Ordinance No. 1, 2nd Vict.