

# AUSTRALIAN CAPITAL TERRITORY.

No. 3 of 1956.

## AN ORDINANCE

### To amend the Liquor Ordinance 1929-1955.

**B**E it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government (Administration) Act 1910-1955*, as follows:—

1.—(1.) This Ordinance may be cited as the *Liquor Ordinance 1956*.<sup>\*</sup> Short title and citation.

(2.) The *Liquor Ordinance 1929-1955*<sup>†</sup> is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Liquor Ordinance 1929-1956*.

2. Section five of the Principal Ordinance is amended— Definitions.

(a) by omitting the definition of “Boarder”;

(b) by omitting the definition of “Licensee” and inserting in its stead the following definition:—

“‘Licensee’ means the person named in the licence as being thereby licensed;”; and

(c) by inserting in paragraphs (a) and (b) of the definition of “prohibited hours”, after the words “Grocer’s Licence”, the words “, a Liquor Merchant’s Licence or a Booth Licence”.

3. Section six of the Principal Ordinance is amended by omitting from paragraph (d) the words “or military” (wherever occurring) and inserting in their stead the words “, military or air force”. Application.

4. Section fifteen of the Principal Ordinance is amended— Restrictions on sale of liquor.

(a) by omitting from sub-section (1.) the words “secretary of a club” and inserting in their stead the words “licensee under a Club Licence”; and

<sup>\*</sup>Notified in the *Commonwealth Gazette* on 22nd March, 1956.

<sup>†</sup>Ordinance No. 15, 1929, as amended by Nos. 5 and 6, 1930; Nos. 4, 11 and 15, 1931; Nos. 9 and 15, 1932; Nos. 10 and 11, 1935; No. 26, 1936 (repealed by No. 27, 1937); Nos. 6, 25 and 27, 1938; No. 19, 1942 (amended by No. 11, 1945); No. 3, 1943 (repealed by No. 11, 1945); No. 4, 1945; No. 8, 1946; Nos. 1, 5, 6 and 7, 1948; No. 13, 1950; No. 11, 1951; No. 7, 1954; and No. 9, 1955.

(b) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) Subject to sub-section (3.) of section twenty-six c of this Ordinance, nothing in this Ordinance shall be deemed to prohibit the delivery at any time, by or on behalf of the holder of a Residential Hotel Licence, a Club Licence, a Grocer’s Licence or a Liquor Merchant’s Licence, at premises other than the licensed premises, of liquor lawfully sold in pursuance of the licence.”.

Grant, &c., of certificates, licences and permits.

5. Section sixteen of the Principal Ordinance is amended by omitting from sub-section (2.) the words “Chief Officer of Police” and inserting in their stead the words “Chief Commissioner of Police”.

Licences to be in respect of premises.

6. Section seventeen of the Principal Ordinance is amended by omitting from sub-section (2.) all the words after the word “Inspector”.

Licences.

7. Section eighteen of the Principal Ordinance is amended—

(a) by omitting from paragraph (d) of sub-section (1.) the word “and”;

(b) by adding at the end of sub-section (1.) the following paragraphs:—

“(f) Liquor Merchants’ Licences, which shall be in accordance with Form 6 in the Schedule; and

“(g) Community Hotel Licences, which shall be in accordance with Form 1 in the Schedule, with such alterations to that Form as are appropriate.”; and

(c) by omitting sub-section (2.).

Residential Hotel Licence.

8. Section nineteen of the Principal Ordinance is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“(1.) A Residential Hotel Licence may be granted to the lessee or occupier, being a lessee or occupier other than a partnership, or to a person on behalf of the lessee or occupier, being a lessee or occupier which is a partnership, of premises used or to be used as a residential hotel or, where premises so used or to be used are, or are to be, managed by a person as agent for the Minister, to that person.”.

Conditions of grant or renewal of Residential Hotel Licence.

9. Section twenty of the Principal Ordinance is amended by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(3.) The licence fee payable upon the grant of a Residential Hotel Licence is Fifty pounds and the licence fee payable upon the renewal of such a licence is—

(a) a sum equal to five per centum of the amount (including duties) paid or payable for all liquor purchased or procured, during the year ended on the thirty-first day of October next preceding the date of the renewal, for disposal in pursuance of the licence; or

(b) Fifty pounds,  
whichever is the greater.”.

**10.** Section twenty-one of the Principal Ordinance is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

Restaurant  
Licence.

“(1.) A Restaurant Licence may be granted to the lessee or occupier, being a lessee or occupier other than a partnership, or to a person on behalf of the lessee or occupier, being a lessee or occupier which is a partnership, of premises used or to be used as a restaurant.”.

**11.** Section twenty-two of the Principal Ordinance is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

Conditions of  
grant or  
renewal of  
Restaurant  
Licence.

“(2.) The licence fee payable upon the grant of a Restaurant Licence is Thirty Pounds, and the licence fee payable upon the renewal of such a licence is—

(a) a sum equal to five per centum of the amount (including duties) paid or payable for all liquor purchased or procured, during the year ended on the thirty-first day of October next preceding the date of the renewal, for disposal in pursuance of the licence; or

(b) Thirty pounds,  
whichever is the greater.”.

**12.** Section twenty-four of the Principal Ordinance is amended by omitting sub-sections (3.) to (6.) (inclusive) and inserting in their stead the following sub-sections:—

Booth Licence.

“(3.) Subject to sub-section (7.) of this section, an application for a Booth Licence shall not be granted unless, not less than fourteen clear days before the application is made, the applicant has—

(a) given notice in writing to an Inspector and to the Registrar of his intention to make the application; and

(b) caused notice of his intention to make the application to be published in a newspaper circulating in the Territory.

“(4.) Upon receipt of a notice of application under this section, the Registrar shall forthwith forward a copy of the notice to the Minister.

“(5.) Objection to the grant of a Booth Licence may be taken by—

- (a) the Minister;
- (b) an Inspector;
- (c) a member of the Police Force; or
- (d) a person residing within one mile of the proposed site of the booth.

“(6.) If the application is objected to, or if the applicant desires that the Magistrate shall exercise his powers under or for the purposes of either of the next two succeeding sub-sections, the Magistrate shall hear and determine the application, but in any other case the application shall be made to the Registrar and shall be granted by him in the name of the Magistrate.

“(7.) The Magistrate may, if he considers the circumstances justify him in so doing and with the consent of the Chief Commissioner of Police, hear and determine an application for a Booth Licence although the notices referred to in sub-section (3.) of this section have been given or published less than fourteen clear days before the day on which the application is made.

“(8.) The licensee under a Booth Licence shall not, in pursuance of the licence, sell, or permit the sale of, liquor for the benefit or profit of a person or body other than the licensee or a charitable organization approved by the Magistrate at the time of granting the licence.

Penalty for any contravention of this sub-section: Fifty pounds.”

Conditions of  
grant or  
renewal of  
Club Licence.

**13.** Section twenty-six of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) all the words before paragraph (a) and inserting in their stead the following words:—

“A Club Licence may be granted, in respect of club premises, to a person designated by resolution of the committee of the club on behalf of the club, upon application made by that person in pursuance of a resolution of a majority of the members of the club, and the licence may be renewed upon application made by the licensee in pursuance of a resolution of the committee of the club, if the club—”;

- (b) by omitting from sub-section (2.) the word “secretary” and inserting in its stead the word “licensee”;
- (c) by omitting sub-section (4.) and inserting in its stead the following sub-section:—

“(4.) The licence fee payable upon the grant of a Club Licence is Ten pounds, and the licence fee payable upon the renewal of such a licence is—

- (a) a sum equal to four per centum of the amount (including duties) paid or payable for all liquor purchased or procured,

during the year ended on the thirty-first day of October next preceding the date of the renewal, for disposal in pursuance of the licence; or

- (b) Ten pounds, whichever is the greater.”;
- (d) by omitting from sub-section (5A.) all the words after the word “from” and inserting in their stead the words “the licensee to a person designated by resolution of the committee of the incorporated club on behalf of that club.”; and
- (e) by omitting from sub-section (5c.) all the words after the word “Ordinance”.

**14.** Section twenty-six A of the Principal Ordinance is amended— Grocer's Licence.

- (a) by omitting sub-section (1.) and inserting in its stead the following sub-section:—
- “ (1.) A Grocer's Licence may be granted to the lessee or occupier, being a lessee or occupier other than a partnership, or to a person on behalf of the lessee or occupier, being a lessee or occupier which is a partnership, of premises used or to be used as a grocery store.”; and
- (b) by omitting sub-section (5.).

**15.** Section twenty-six B of the Principal Ordinance is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:— Conditions of grant or renewal of Grocer's Licence.

“ (2.) The licence fee payable upon the grant of a Grocer's Licence is Thirty pounds, and the licence fee payable upon the renewal of such a licence is—

- (a) a sum equal to five per centum of the amount (including duties) paid or payable for all liquor purchased or procured, during the year ended on the thirty-first day of October next preceding the date of the renewal, for disposal in pursuance of the licence; or
- (b) Thirty pounds, whichever is the greater.”.

**16.** After section twenty-six B of the Principal Ordinance the following sections are inserted:—

- “ 26c.—(1.) A Liquor Merchant's Licence may be granted to— Liquor Merchant's Licence.
- (a) the lessee or occupier of premises, being a lessee or occupier other than a partnership, who proposes to carry on business at the premises as a liquor merchant; or

- (b) a person on behalf of the lessee or occupier of premises, being a lessee or occupier which is a partnership and proposes to carry on business at the premises as a liquor merchant.

“(2.) Subject to the provisions of this Ordinance, a Liquor Merchant’s Licence shall authorize the licensee, by himself, his servants or agents, to sell, supply and dispose of liquor on the licensed premises, at any time at which those premises are lawfully open in accordance with the law relating to the trading hours of shops, but so that the quantity of liquor sold, supplied or disposed of to a person by any one transaction shall not be less than two gallons.

“(3.) The holder of a Liquor Merchant’s Licence shall not deliver, or agree to deliver, to a person upon any one occasion, whether on the licensed premises or elsewhere, a quantity of liquor less than two gallons.

Penalty: Fifty pounds.

“(4.) A person shall not drink liquor or suffer liquor to be drunk in premises in respect of which a Liquor Merchant’s Licence is in force.

Penalty for any contravention of this sub-section: Fifty pounds.

Fee for Liquor  
Merchant’s  
Licence.

“26D. The licence fee payable upon the grant of a Liquor Merchant’s Licence is Thirty Pounds, and the licence fee payable upon the renewal of such a licence is—

- (a) a sum equal to five per centum of the amount paid or payable by purchasers, other than persons holding licences, for liquor sold in pursuance of the licence during the year ended on the thirty-first day of October next preceding the date of the renewal; or

(b) Thirty pounds,  
whichever is the greater.

Community  
Hotel Licence.

“26E.—(1.) A Community Hotel Licence may be granted in respect of premises owned or occupied by a company or other body of persons, incorporated or unincorporated, or a public authority, approved by the Minister.

“(2.) The licence shall be granted to the approved body or authority or, on behalf of that body or authority, to a person authorized by it to hold the licence on its behalf and, where the approved body or authority is unincorporated, the licence shall be granted to a person so authorized.

“(3.) Subject to this section, the provisions of this Ordinance (including provisions relating to offences by licensees and other persons) apply to and in relation to Community Hotel Licences and the premises to which such licences apply as if a Community Hotel Licence were a Residential Hotel Licence.

“(4.) The Minister may, by order under his hand, postpone, for such period and to such extent as he thinks fit, the application of the provisions of paragraph (a) of sub-section (1.) of section twenty of this Ordinance in relation to a Community Hotel Licence or proposed Community Hotel Licence.

“(5.) A Community Hotel Licence is subject to the conditions that—

- (a) profits derived from the conduct of the hotel shall not be used or distributed otherwise than—
  - (i) for the improvement of the hotel;
  - (ii) for or towards the establishment, maintenance or equipment of, or as a donation to, a public hospital, a public library, a maternity or infant welfare centre, an educational or cultural institution or a place for the health, recreation, convenience or enjoyment of the public; or
  - (iii) for another purpose for the use or benefit of the public approved by the Minister;
- (b) profits derived from the conduct of the hotel will, if the Minister so directs, be used or distributed for a purpose specified by the Minister, being a purpose referred to in the last preceding paragraph; and
- (c) the body or authority concerned will forward to the Minister, within three months after the end of each financial year, a profit and loss account in respect of the business carried on at the hotel during that financial year, a balance sheet in respect of that business as at the end of that financial year and such other information relating to the business as the Minister requires.

“(6.) Where a Community Hotel Licence has been granted in respect of premises owned or occupied by a body or authority, the Minister may, at any time, by reason of a breach of a condition specified in the last preceding sub-section or for any other reason that appears to him to be sufficient, withdraw the approval of that body or authority given for the purposes of this section, and thereupon the Registrar shall cancel the Community Hotel Licence from such date as the Minister directs.

“(7.) The Minister shall not withdraw an approval under the last preceding sub-section unless he has first informed the body or authority of his intention so to do, specifying the reasons, and has given the body or authority an opportunity to show cause why the approval should not be withdrawn.

“(8.) The Magistrate shall not transfer a Community Hotel Licence except to a body or authority approved by the Minister.”

Transfers.

**17.** Section twenty-eight of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “body corporate or firm or some nominee on his or its behalf” and inserting in their stead the words “either on his own behalf or on behalf of a partnership, or to a body corporate,”; and
- (b) by omitting from sub-section (3.) the words “person body corporate or firm” and inserting in their stead the words “person or body corporate”.

Change of name of licensed premises.

**18.** After section twenty-eight of the Principal Ordinance the following section is inserted:—

“28A. The Registrar may, upon the application of a licensee, amend a licence by substituting another name for the name shown in the licence as the name by which the licensed premises are known.”.

Permits.

**19.** Section thirty of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “during prohibited hours in licensed premises, or during any hours in unlicensed premises” and inserting in their stead the words “during hours, or in circumstances, in which the supply or consumption of the liquor would otherwise be unlawful”;
- (b) by omitting from sub-sections (2.), (4.), (6.) and (7.) the words “Chief Officer of Police”, and inserting in their stead the words “Chief Commissioner of Police”;
- (c) by omitting from sub-section (11.) the words “A male person under the age of eighteen years or a female person under the age of twenty-one years” and inserting in their stead the words “A person under the age of eighteen years”; and
- (d) by omitting sub-section (14.).

Persons debarred from holding licences.

**20.** Section thirty-one of the Principal Ordinance is amended by omitting paragraph (b) of sub-section (3.) and inserting in its stead the following paragraph:—

“(b) licensee under a Club Licence.”.

**21.** After section thirty-three of the Principal Ordinance the following section is inserted:—

Alteration of limits of licensed premises.

“33A.—(1.) The Magistrate may, upon the application of the licensee or an Inspector, alter the limits of licensed premises as previously defined under this Ordinance.

“(2.) Where the limits have been so altered, the licensee shall, upon demand by the Registrar, deliver to him the licence, together with the plan annexed to the licence.

Penalty: Fifty pounds.

“(3.) Upon receipt of the licence, the Registrar shall either—

(a) alter the plan annexed to the licence so as to show the altered limits; or

(b) substitute for that plan a new plan showing the altered limits,

and return the licence to the licensee.”.

**22.** Section thirty-five of the Principal Ordinance is repealed and the following section inserted in its stead:—

“35.—(1.) Subject to this Ordinance—

Corporations  
and firms.

(a) a body corporate may apply for and be granted a licence or become the holder of a licence by transfer; and

(b) where two or more persons carry on business in partnership, one of the partners or a person nominated by the partnership may, on behalf of the partnership, apply for and be granted a licence or become the holder of a licence by transfer.

“(2.) A body corporate applying for the grant, transfer or renewal of a licence shall nominate a person directly to represent it in the conduct of the licensed business.

“(3.) The Magistrate may, on the application of a body corporate by which, or of a partnership on behalf of which, a licence is held, substitute the name of another person as nominee of the body corporate, or as holder of the licence on behalf of the partnership, and amend the licence and records accordingly.

“(4.) When authorized so to do by a body corporate which holds a licence or a partnership on behalf of which a licence is held, the nominee of the body corporate, or a director, manager, secretary or officer of the body corporate, or a member of the partnership, may, on behalf of the licensee, give a notice, make an application or carry out a duty required in respect of the licence.

“(5.) Where a body corporate is a licensee, anything done or omitted to be done by the nominee of the body corporate shall, for the purposes of this Ordinance, be deemed to have been done or omitted by the body corporate.

“(6.) If a director, manager, officer or nominee of a body corporate which is a licensee knowingly authorizes or permits an offence in respect of the licence, he shall, without prejudice to the liability of the body corporate or of any other person, be deemed to have committed that offence.

“(7.) Where a person who holds a licence on behalf of a partnership commits an offence against this Ordinance in respect of the licence, each partner shall be deemed to have committed that offence.

“(8.) A body corporate or partnership shall not directly or indirectly hold, or have a beneficial interest in, a licence otherwise than in pursuance of this section.”

Repeal of  
section 43A.

**23.** Section forty-three A of the Principal Ordinance is repealed.

Consumption of  
liquor in a  
public place.

**24.** Section forty-three C of the Principal Ordinance is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) For the purposes of the last preceding sub-section, ‘public place’ means a place (other than licenced premises) which the public are entitled to use or which is open to, or used by, the public, and includes a street, road, lane, thoroughfare, footpath or place open to, or used by, the public.”

**25.** Section forty-three D of the Principal Ordinance is repealed and the following section inserted in its stead:—

Sale of liquor to  
young persons.

“43D.—(1.) A person shall not sell, give or supply liquor or, being the licensee, permit any person to sell, give or supply liquor, on or from licensed premises to a person under the age of eighteen years.

Penalty: Twenty pounds.

“(2.) A person under the age of eighteen years shall not consume liquor on licensed premises, or purchase or obtain, or attempt to purchase or obtain, liquor on or from licensed premises.

Penalty: Two pounds.

“(3.) It is a defence in proceedings for an offence against sub-section (1.) of this section if the defendant proves that he had reasonable grounds for believing that the person to whom the liquor was sold, given or supplied had attained the age of eighteen years.”

Public bars to  
be kept open.

**26.** Section forty-three E of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) the words “A holder” and inserting in their stead the words “Subject to sub-section (3.) of this section, a holder”;

(b) by omitting from paragraph (b) of sub-section (2.) the words “(other than as fixed by the Commonwealth Prices Commissioner)”; and

(c) by adding at the end thereof the following sub-section:—

“(3.) This section does not apply in relation to a residential hotel if the Magistrate has not, for the purposes of sub-section (2.) of section twenty of this Ordinance, expressly consented to the provision or establishment of a bar-room in the residential hotel.”

**27.** Sections forty-five and forty-five A of the Principal Ordinance are repealed. Repeal of sections 45 and 45A.

**28.** Section forty-six of the Principal Ordinance is amended by omitting the words “any male person under the age of eighteen years or any female person under the age of twenty-one years” and inserting in their stead the words “a person under the age of eighteen years”. Sending young persons for liquor.

**29.** Section fifty-one of the Principal Ordinance is amended by omitting from sub-section (1.) the words “Chief Officer of Police” and inserting in their stead the words “Chief Commissioner of Police”. Entry upon licensed premises.

**30.** Section fifty-eight of the Principal Ordinance is amended by omitting from sub-section (2.) the words “, provided that a reasonable sum is tendered in payment therefore”. Supply of meals and accommodation..

**31.—(1.)** Section sixty-one of the Principal Ordinance is repealed and the following section inserted in its stead:—

“61.—(1.) Upon complaint in writing made to the Court of Petty Sessions, or the Clerk or Deputy Clerk of that Court, that a person, by the excessive consumption of liquor, wastes his means or injures or is likely to injure his health, or endangers or interrupts the peace, welfare or happiness of his family, the Court, or the Clerk or Deputy Clerk, as the case may be, may issue a summons calling upon that person to appear before the Court of Petty Sessions at a time and place specified in the summons and show cause why an order should not be made forbidding all persons to supply him with liquor. Prohibition orders.

“(2.) The hearing of the summons shall take place in open court or in chambers at the discretion of the Court.

“(3.) At the hearing, the Court shall investigate the matters contained in the complaint and hear the evidence adduced in support of the complaint and the evidence (if any) of the person in respect of whom the complaint is made and of any witnesses called on his behalf.

“(4.) The court may adjourn the matter from time to time.

“(5.) Upon proof to the satisfaction of the Court of the facts alleged in the complaint, the Court may make an order forbidding all persons to supply the person against whom the summons was issued with liquor during a period of twelve months from the date of the order.

“(6.) A person who, on any of the grounds specified in sub-section (1.) of this section, desires that an order under this section shall be made in relation to himself may apply personally to the Court for the issue of such an order.

“(7.) An application under the last preceding sub-section shall be heard in chambers, and the Court may make an order of the

kind referred to in sub-section (5.) of this section in relation to the applicant.

“(8.) Where a person has, within a period of six months, been convicted three times of being drunk or drunk and disorderly in a public place, the Court may, in addition to imposing any other penalty to which he may be liable, make an order of the kind referred to in sub-section (5.) of this section in relation to that person.

“(9.) An order under this section may be renewed by the Court from year to year.

“(10.) The making or renewal of an order under this section shall be notified by the Clerk of the Court to all licensees.

“(11.) A person shall not, during the currency of an order under this section, supply liquor to or for the use of the person named in the order.

**Penalty:** Twenty pounds.

“(12.) It is a defence to a prosecution for an offence against this section if the defendant satisfies the Court that he, or, as the case may be, his agent supplying the liquor, had no reasonable opportunity of ascertaining, and did not know, that the person to whom or for whose use the liquor was supplied was a person in relation to whom an order was in force under this section.”.

(2.) Notwithstanding the repeal of section sixty-one of the Principal Ordinance, an order in force under that section immediately before the commencement of this Ordinance remains in force in respect of the period specified in the Order, and the provisions of that section continue to apply in relation to the order.

Schedule,  
Form 4.

**32.** Form 4 in the Schedule to the Principal Ordinance is amended by omitting the words “the Secretary of the Club on behalf of the said Club” and inserting in their stead the words “on behalf of the Club”.

Schedule,  
Form 5.

**33.** Form 5 in the Schedule to the Principal Ordinance is amended by omitting the reference “Section 26A.” and inserting in its stead the reference “Section 18.”.

Schedule,  
Form 6.

**34.** The Schedule to the Principal Ordinance is amended by adding at the end thereof the following Form:—

SECTION 18.

THE AUSTRALIAN CAPITAL TERRITORY.

FORM 6.

*Liquor Ordinance 1929-1956.*

LIQUOR MERCHANT'S LICENCE.

Whereas the Licensing Magistrate for the Australian Capital Territory has granted to \_\_\_\_\_ of \_\_\_\_\_ a Liquor Merchant's Licence \_\_\_\_\_ of \_\_\_\_\_ the renewal of a Liquor Merchant's licence in respect of the premises known as \_\_\_\_\_ and delineated on the attached plan:

And whereas the requisite fee, as specified hereunder, has this day been paid into my office:

I do hereby declare that the person aforesaid is, subject to the provisions of the said Ordinance, authorized by himself, his servants or agents to sell, supply and dispose of liquor on the licensed premises, at any time at which those premises are lawfully open in accordance with the law relating to the trading hours of shops, but so that the quantity of liquor sold, supplied, or disposed of to a person by any one transaction, or delivered to a person upon any one occasion, shall be not less than two gallons, and subject to the provision that no liquor shall be drunk on the said premises.

This licence shall commence on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and shall, unless sooner cancelled, continue until the day of \_\_\_\_\_, 19\_\_\_\_.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ of \_\_\_\_\_, 19\_\_\_\_.

Licence fee paid £ \_\_\_\_\_.

Registrar.

**35.** Where, before the date of commencement of this Ordinance, a partnership, a nominee of a person or body corporate or a secretary of a club on behalf of the club has duly given notice of its or his intention to make an application for the grant of a licence or conditional certificate, or for the transfer of a licence, in respect of premises, and has otherwise complied with the provisions of the Principal Ordinance in relation to the proposed application, but the application has not been dealt with before that date, the Magistrate may, in his discretion and subject to such conditions, if any, including conditions as to the giving of notice, as he thinks fit—

Saving of notices, &c., in relation to applications.

- (a) permit the application to be made in the name of a person or body corporate to whom, under the Principal Ordinance as amended by this Ordinance, the grant of a licence or conditional certificate or the transfer of a licence, as the case may be, in respect of those premises, could be made; and
- (b) hear and determine the application so made as if all things done in relation to the application by the partnership which, or the nominee or secretary who, gave the notice, including the giving of the notice, had been done by the person or body corporate in whose name the application is so permitted to be made.

**36.** Where a conditional certificate granted before the date of commencement of this Ordinance to a partnership, to a nominee of a person or body corporate or to a secretary of a club on behalf of the club was in force in respect of premises immediately before that date—

Saving of conditional certificates.

- (a) the certificate continues in force, unless sooner cancelled, until the expiration of the time limited in the certificate or, where the Magistrate has extended, or extends, that time, until the expiration of that time as so extended; and
- (b) the Magistrate may, in his discretion, and subject to such conditions, if any, including conditions as to the giving of notice, as he thinks fit, for the purposes of

granting a licence pursuant to the certificate, treat the certificate as being in the name of a person or body corporate to whom, under the Principal Ordinance as amended by this Ordinance, the grant of a licence in respect of those premises could be made.

Saving of  
licences.

**37.** Where a licence, other than a Booth Licence, granted before the date of commencement of this Ordinance—

- (a) to the lessee or occupier of premises, being a partnership;
  - (b) to a nominee of the lessee or occupier of premises, being a lessee or occupier other than a partnership; or
  - (c) to a secretary of a club on behalf of the club,
- was in force immediately before that date—
- (d) the licence continues in force, unless sooner cancelled, until the expiration of the current period of the licence;
  - (e) where the licence is in the name of a partnership—section thirty-five of the Principal Ordinance continues to apply in relation to the licence so continued in force, as if section twenty-two of this Ordinance had not been enacted; and
  - (f) the licence may be renewed—
    - (i) where the licence is a Residential Hotel Licence—in the name of the lessee, being a lessee other than a partnership, or of a person on behalf of the lessee, being a lessee which is a partnership;
    - (ii) where the licence is a Restaurant Licence or a Grocer's Licence—in the name of the lessee or occupier, being a lessee or occupier other than a partnership, or of a person on behalf of the lessee or occupier, being a lessee or occupier which is a partnership; or
    - (iii) where the licence is a Club Licence—in the name of a person designated by resolution of the committee of the club on behalf of the club.

Dated this thirteenth day of March, 1956.

W. J. SLIM  
Governor-General.

By His Excellency's Command,  
ALLAN FAIRHALL  
Minister of State for the Interior.

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