

Act No. 17, 1897.

LICENSING ACTS
AMENDMENT.
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An Act to enable licensing courts and licensing magistrates to grant or refuse any application for a brewer's or spirit merchant's license ; to provide that the business of the holder of any such license shall be carried on only on premises described in the license or in an endorsement made thereon by such court or magistrate ; to enable a married woman who has obtained a protection order or judicial separation, or a woman whose marriage has been dissolved, or whose husband is an insane patient, to obtain a publican's or colonial wine license ; and for those purposes and purposes incidental thereto to amend the Licensing Acts, 1882–1883. [1st December, 1897.]

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

The issue of spirit merchants' licenses to be in discretion of court or magistrates, and shall be granted in respect of the premises mentioned therein.

1. (1) On application being made for a brewer's or spirit merchant's license, the licensing court or licensing magistrate may issue or refuse to issue a certificate under section sixty-eight of the Principal Act.

The certificate, if issued, shall entitle the applicant upon payment of the fee prescribed by the said Act to a license in the prescribed form and according to the tenor of the certificate.

The certificate and the license shall describe the premises on which the business of brewer or spirit merchant may be carried on.

Any holder of a brewer's or spirit merchant's license, who is desirous of carrying on his business in premises other than those described in the license or in the endorsement last made thereon, as the case may be, may apply in the form prescribed to a licensing court or licensing magistrate, and the said court or magistrate may, by endorsement on the license in the form prescribed, authorise the business to be carried on in such premises as may in the discretion of the said court or magistrate be thought fit. (11)

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(11) If any holder of a brewer's or spirit merchant's license carries on business as a brewer or spirit merchant in premises other than those described in the license, or, when the license has been endorsed as hereinbefore provided, in premises other than those described in the endorsement last made on the license under the authority of this section, he shall be liable to the penalties imposed by section seventy of the Principal Act on a person carrying on the business of a brewer or spirit merchant without holding a proper license under the said Act applicable to such business.

2. A married woman who has before or after the day when this Act takes effect obtained a protection order under the Act twenty-second Victoria number six may obtain, by grant or transfer, a publican's or colonial wine license under the Licensing Acts, 1882-1883, and any renewal of the same:

License may be held by married woman who has obtained a protection order.

Provided that no license shall be granted or transferred under this section if the married woman has since the making of the protection order cohabited or resided with her husband:

Provided also that if the married woman after the grant or transfer to her of the license cohabits or resides with her husband, the license shall, if not transferred within three months after such cohabitation or residence, lapse at the expiration of the said three months.

3. A married woman who has before or after the said day obtained a decree of judicial separation may obtain by grant or transfer a publican's or colonial wine license under the Licensing Acts, 1882-1883, and any renewal of the same:

License may be held by married woman who has obtained a decree of judicial separation.

Provided that no license shall be granted or transferred under this section if the married woman has since the decree cohabited with or not lived separate from her husband:

Provided also that if the married woman after the grant or transfer to her of the license cohabits or lives with her husband, the license shall, if not transferred within three months after such cohabitation or living together, lapse at the expiration of the said three months.

4. A woman who has before or after the said day obtained a decree absolute dissolving her marriage may, if she is unmarried, or a married woman whose husband has before or after the said day become, and is at the time of the transfer, grant, or renewal hereinafter mentioned, an insane patient within the meaning of the Lunacy Act Further Amendment Act of 1893 may obtain by grant or transfer a publican's or colonial wine license under the Licensing Acts 1882-1883, and any renewal of the same: Provided that nothing in this section shall affect the provisions of section seventeen of the Principal Act.

License may be held by woman who has obtained dissolution of her marriage or whose husband is insane.

5. This Act shall be construed as one with the Licensing Act of 1882 (herein called the "Principal Act") and the Licensing Act of 1883, and may be cited as the "Licensing Acts Amendment Act, 1897."

Incorporation of Licensing Acts, 1882-1883. Short title.