

Act No. 38, 1902.

An Act to consolidate the enactments for regulating the keeping of billiard tables and bagatelle boards. [20th August, 1902.]

BILLIARDS AND
BAGATELLE.

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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Billiards and Bagatelle Act, short title. 1902."

2. (1) The Act forty-five Victoria number twenty-four is hereby Repeal. repealed.

(2) All certificates and licenses granted under the authority savings. of the Act hereby repealed and subsisting at the time of the passing of this Act shall have force and effect as if this Act had been in force at the time they were granted and they had been granted hereunder, and this Act shall apply to them accordingly.

3. In this Act, unless the context or subject-matter otherwise Interpretation. indicates or requires,—

"license for the sale of liquor" means a license for the sale of liquor granted under the Liquor Act, 1898;

"publican's license" means a publican's license granted under the said Act.

4. (1) Any person being the holder of a publican's license, Application for license. situated within the licensing jurisdiction of a licensing court or licensing magistrate, constituted under the Liquor Act, 1898, or the Newcastle Magistrates Act, 1896, consolidated in the Justices Act, 1902, may make an application in writing in the form or to the effect of the First Schedule hereto to such court or magistrate for a license to keep such tables or boards in such premises. 45 Vic. No. 24, ss. 2 and 3.

(2) Any person being so desirous as aforesaid who is not the holder of a license for the sale of liquor may make an application in like manner, and such application shall be accompanied by a certificate attached to the application in the form or to the effect of the Second Schedule hereto signed by six respectable householders resident in the licensing district wherein the license is to be exercised or the applicant resides.

5. Such court or magistrate may, if satisfied that the applicant is a person of good character, grant him a certificate in the form of the Third Schedule hereto. Certificate for license. Ibid. ss. 2 and 3.

6. Third Schedule.

Billiards and Bagatelle.

License.
45 Vic. No. 24, ss.
2 and 3.

Unmarried women.
Ibid. s. 11.

Effect of license.
Ibid. ss. 2 and 3.

Hours.

**Form and duration
of license.**
Ibid. s. 4.

Fourth Schedule.
Fees.

**Renewals, &c., of
licenses.**
Ibid. s. 8.

Objections.

Mode of renewal.

**Mode of transfer or
removal.**

Cancellation.
Ibid. s. 8.

6. Such certificate shall, upon payment to the Treasurer or officer authorised in that behalf of the proper license fee, entitle the person to whom such certificate is granted to receive a license of the character authorised by such certificate.

7. No unmarried woman, not being a widow, shall be capable of holding a billiard or bagatelle license under this Act.

8. Such license shall authorise the licensee therein named to keep for hire one or more tables or boards for playing the game of billiards or bagatelle according to the tenor of the license and to allow the same to be used—

- (a) if the licensee is the holder of a publican's license between the hours of ten o'clock in the morning and eleven o'clock at night;
- (b) if the licensee is not the holder of a license for the sale of liquor between the hours of ten o'clock in the morning and twelve o'clock at night.

9. (1) Every such license shall be in the form of the Fourth Schedule hereto, and shall remain in force from the date thereof until the first day of January next following and shall be renewed annually.

(2) (a) The annual fee for each such license shall be ten pounds.

(b) In the case of a license granted after the first day of July in any year the fee shall be five pounds.

10. (1) Any license granted under this Act may be renewed or transferred, or removed from any place within a licensing district to any other place within such district, on application to a licensing magistrate of the district in which the license was granted.

(2) No objection to any renewal, transfer, or removal shall be valid except objections taken in respect of the character of the applicant or proposed transferee, or that the license has been allowed to expire, or been forfeited or cancelled.

(3) Subject to the provisions of this section the applicant for a renewal shall on production of his license be entitled to obtain a certificate authorising such renewal, subject to the payment to the Treasurer or officer authorised in that behalf of the annual license fee payable under this Act.

(4) A license may be transferred or removed by endorsement under the hand of the licensing magistrate, as in the case of a publican's license, and the fee payable for any such endorsement shall be one pound.

11. In any case where a licensee under this Act has been twice convicted—

- (a) of unlawfully selling liquor;
- (b) keeping a disorderly house;
- (c) permitting persons of notoriously bad character to be upon the premises;
- (d)

Billiards and Bagatelle.

(d) permitting unlawful gaming in his premises; or

(e) any offence against this Act,

any license granted under this Act shall be liable to cancellation in the same manner on complaint of the same persons by the same procedure and with the same results as if it were a publican's license.

12. The provisions contained in the seventy-seventh and seventy-ninth sections of the Liquor Act, 1898, relating to the exercise of a deceased licensee's business by his representatives and for making provision for the exercise of a licensee's business on his becoming an insane patient shall respectively apply to every person holding a license under this Act. Deceased and insane licensee.
45 Vic. No. 24, s. 6.

13. The building or room wherein any billiard-table or bagatelle-board is kept for hire by any person holding a license under this Act authorising him in that behalf shall be deemed to be "licensed premises" within the meaning and for the purposes of the eighty-third, ninety-first, and one hundred and first sections of the Liquor Act, 1898. Billiard-rooms, &c., to be licensed premises.
Ibid. s. 5.

14. (1) Every person holding a license under this Act shall have and keep painted in letters at least two inches long on the front of his premises, or, in case he occupies a portion only of a building, on the front or entrance door of every room in which such licensee keeps a billiard-table or bagatelle-board, his name in full, with the words, "Licensed to keep billiard-tables," or "Licensed to keep bagatelle-boards," as the case may be. Billiard-rooms, &c., to have name of licensee, &c., painted thereon.
Ibid. s. 7.

(2) Every such person who neglects to comply with the requirements of this section shall for the first offence be liable to a penalty not exceeding forty shillings, and for any subsequent offence to a penalty not exceeding ten pounds nor less than forty shillings.

15. Every person holding a license under this Act who—

Offences by licensees.

(a) permits or allows a billiard-table or bagatelle-board on his licensed premises to be used at any other time than during the hours permitted by this Act, or upon Sunday, Christmas Day, or Good Friday; or

(b) knowingly permits any person under the age of eighteen years to play on any such table or board,

shall, for the first offence, be liable to a penalty not exceeding ten pounds and not less than forty shillings, and for every subsequent offence to a penalty not exceeding thirty nor less than ten pounds.

16. Whosoever, not being the holder of a license under this Act authorising him in that behalf, keeps any billiard-table or bagatelle-board for hire or profit shall for the first offence be liable to a penalty not exceeding ten pounds nor less than forty shillings, and for every subsequent offence to a penalty not exceeding thirty nor less than ten pounds. Penalty for keeping billiard-tables, &c., without license.
Ibid. s. 9.

Billiards and Bagatelle.

Legal proceedings.
45 Vic. No. 24, s. 10. Act No. 71, 1900, consolidated in the Justices Act, 1902, relating to—

- (a) the recovery of penalties ;
- (b) appeals from convictions and orders ;
- (c) limitation of actions and informations ;
- (d) compensation for groundless charges ;
- (e) proof of being licensed ;
- (f) appropriation of penalties ;
- (g) payment of fees and other moneys ;

shall be applicable for all the purposes of this Act.

SCHEDULES.**Sec. 4 (1).****FIRST SCHEDULE.***Form of application for a billiard or bagatelle license.*

To the licensing court* of the licensing district (or the licensing magistrate of such district.)

I, A.B., now residing at in the licensing district of in New South Wales do hereby give notice that it is my intention to apply to the licensing court to be holden on the of for (state the character of license applied for).

Given under my hand this day of 19

(Name and address of applicant.)

* If application is made to a licensing magistrate alter the form accordingly.

Sec. 4 (2).**SECOND SCHEDULE.***Form of certificate to be attached to the application for a billiard or bagatelle license.*

We hereby certify that we are well acquainted with A.B., the above applicant, and know him to be a respectable person and fit to hold a license.

	Name.	Address.
(1)	C.D.	
(2)	E.F.	
(3)	G.H.	
(4)	J.K.	
(5)	L.M.	
(6)	N.O.	

THIRD

Width of Streets and Lanes.

THIRD SCHEDULE.

Sec. 5.

Certificate to authorise the issue of a billiard or bagatelle license.

I, THE undersigned, being the chairman of the licensing court holden at
on the day of one thousand nine hundred and do hereby
authorise the issue to of a license for [here state all particulars
as to applicant and premises, description of license, and all other information necessary for
the ascertainment of the proper fee to be paid.]

Given under my hand and seal the day of one thousand nine
hundred and

(L.S.) A.B., Chairman &c.

FOURTH SCHEDULE.

Sec. 9.

Form of billiard or bagatelle license.

WHEREAS the licensing court, holden at on the day of one
thousand nine hundred and have [or the licensing magistrate at
on the day of has] by their [or his] certificate dated the said
day of authorised the issue to of a billiard [or bagatelle] license
for the house situate at in the State of New South Wales. And whereas the
said A.B. hath paid the sum of sterling as the fee on such license: Now I do
hereby declare that the said is licensed to keep, set up, and maintain billiard [or
bagatelle] tables or boards in the said house, but not elsewhere, to be used only during
lawful hours. And this license shall commence upon the day of
and continue in force until the day of then next ensuing, both days
inclusive, provided it be not forfeited in the meantime.

Given under my hand at this day of one thousand
nine hundred and

Treasurer [or officer authorised to issue licenses].