

# DISORDERLY HOUSES (AMENDMENT) ACT.

## Act No. 39, 1943.

An Act to amend the Disorderly Houses Act, 1943, in certain respects; and for purposes connected therewith. [Assented to, 15th December, 1943.] George VI.  
No. 39, 1943.

**B**E 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.** (1) This Act may be cited as the "Disorderly Houses (Amendment) Act, 1943." Short title and citation.

(2) The Disorderly Houses Act, 1943, as amended by this Act, may be cited as the Disorderly Houses Act, 1943.

**2.** The Disorderly Houses Act, 1943, is amended by inserting next after section thirteen the following new section:— Amendment of Act No. 6, 1943.  
New sec. 13A.

13A. (1) Any liquor, drug, drinking glass, vessel, container or device seized either before or after the commencement of the Disorderly Houses (Amendment) Act, 1943, in any disorderly house by a member of the Police Force in pursuance of powers conferred on him by section ten of this Act shall be forfeited to His Majesty. Forfeiture or disposal of liquor, drug, etc., seized in disorderly houses and suspected premises.

(2) Any person claiming to be the owner of any liquor, drug, drinking glass, vessel, container or device seized by a member of the Police Force so authorised

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authorised by a special warrant under section thirteen of this Act may—

- (a) if such seizure was made before the commencement of the Disorderly Houses (Amendment) Act, 1943, within twenty-one days after such commencement; or
- (b) if such seizure was made after such commencement, within twenty-one days of such seizure,

make application to a Stipendiary or Police Magistrate for the return to him of such liquor, drug, drinking glass, vessel, container or device.

Such Magistrate shall inquire into the matter and if it appears to him that at the time of the seizure any of the conditions mentioned in section three of this Act obtained on the premises where the seizure was made, he shall order the forfeiture of such liquor, drug, drinking glass, vessel, container or device, to His Majesty.

If it appears to such Magistrate that at the time of the seizure any of the conditions mentioned in section three of this Act did not obtain on such premises, he may order that the liquor, drug, drinking glass, vessel, container or device so seized be handed over to the owner or occupier of such premises or to such other person as may appear to him to be the rightful owner.

(3) Any person who makes application to a Stipendiary or Police Magistrate under subsection two of this section shall, at least seven days prior to the hearing of such application, serve on a Superintendent or Inspector of Police a notice in writing of such application.

(4) Where, in respect of any liquor, drug, drinking glass, vessel, container or device seized by a member of the Police Force so authorised by a special warrant under section thirteen of this Act, no application is made under subsection two of this section within the time prescribed by that subsection such liquor, drug, drinking glass, vessel, container or device shall be forfeited to His Majesty.