



ANNO QUARTO

**ELIZABETHAE II REGINAE**

A.D. 1955

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**No. 38 of 1955**

An Act to amend the Noxious Trades Act, 1943.

[Assented to 8th December, 1955.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Noxious Trades Act Amendment Act, 1955".

(2) The Noxious Trades Act, 1943, as amended by this Act, may be cited as the "Noxious Trades Act, 1943-1955".

(3) The Noxious Trades Act, 1943, is hereinafter referred to as "the principal Act".

Amendment of  
principal Act,  
s. 9—  
Licence to  
carry on  
existing  
noxious trade.

2. Section 9 of the principal Act is amended by adding at the end of subsection (2) thereof the words "or of any other premises erected on the land occupied with the premises in which the noxious trade is carried on at the time aforesaid".

Amendment of  
principal Act,  
s. 10—  
Compensation.

3. Section 10 of the principal Act is amended by inserting therein after subsection (3) thereof the following subsection :—

(3a) In making an order for the payment of the said expenses, the Supreme Court shall not have regard to any building or other structure erected after the time this Act is applied to the part of the State in which the building or structure is erected.

4. The following section is enacted and inserted in the principal Act after section 12 thereof :—

Enactment of  
s. 12a of  
principal Act—

12a. If—

Provision as to  
continuance of  
licences.

- (a) a licence issued to any person in respect of any premises ; and
- (b) at the expiration of the licence an application accompanied with the prescribed fee is made for the issue of a further licence for those premises but the application is refused ; and
- (c) the applicant pursuant to section 12 appeals to the Central Board,

the following provisions shall apply :—

- (i.) If the Central Board allows the appeal and directs the local board to issue a licence, the premises shall be deemed to be licensed until such time as a licence is so issued :
- (ii.) If the Central Board by its decision does not allow the appeal, the premises shall be deemed to be licensed until such time as the Central Board makes its decision :
- (iii.) If the Central Board is satisfied that the premises do not comply with the regulations under this Act but that if the premises did so comply that the premises should be licensed and if the Central Board is satisfied that the applicant will do such things as are necessary to make the premises comply with the regulations under this Act and that it is desirable so to do, the Central Board may order that the premises shall be deemed to be licensed for such time as the Central Board orders and the premises shall be deemed to be licensed accordingly.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.