



ANNO QUINTO

Gulielmi IV. Regis.

No. 1.



By His Excellency Colonel GEORGE ARTHUR Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council.

AN ACT to amend the Act lately passed for regulating the sale of certain Liquors by retail.

WHEREAS by the Act of this Island lately passed intituled "*An Act to consolidate and amend the Laws relating to the sale by retail of Wine and Malt and Spirituous Liquors and to promote good order in Public Houses*" sundry offences were created for the commission of which offences pecuniary penalties are imposed but with respect to certain of those offences there is no mode of trial or adjudication thereof directed and the said Act in some other particulars requires amendment.

Act No. 8, 12th Nov. 1833

BE IT THEREFORE ENACTED by His Excellency Colonel GEORGE ARTHUR Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that every offence so by the said Act created

Proceedings under said Act to be before two Justices in a summary way.

Appeal allowed.

Certain sections of Publicans' Act repealed.

Publicans' Act sections 6 and 16.

Quarterly Meeting not to entertain any application rejected by the Annual Meeting.

Proviso.

General Meeting may reserve permission to apply at Quarterly Meeting.

may be heard and determined (unless by the said Act in any case otherwise directed) and every penalty in respect thereof be imposed in a summary way before and by any two Justices of the Peace and that in every case where by the said Act any proceeding is directed to be had or matter authorised to be heard and determined before or by any one or more Justice or Justices or before or by any General or Quarter Session of the Peace every such proceeding or matter shall be so had or heard and determined in a summary way and any person aggrieved by the summary judgment or conviction of any such Justices or Justice shall be entitled to appeal therefrom in the manner provided by the Act intituled "*An Act to regulate Summary Proceedings before Justices of the Peace.*"

II.—AND BE IT ENACTED that after the passing of this Act the several provisions contained in the fifty-eighth the sixty-second and the sixty-sixth sections of the said recited Act shall be and the same are hereby repealed.

III.—AND WHEREAS by the sixth section of the said recited Act an Annual Meeting of Justices for all purposes connected with the licensing of Public Houses is appointed to be holden in each Police District on the first day of September (or on the second day of that month if the first should happen to be Sunday) and by the sixteenth section of the same Act Quarterly Meetings of Justices for certain of those purposes are appointed to be holden on the first Monday in the months of February May August and November and doubts have arisen as to the powers possessed by the Justices at such last-mentioned Meetings:—

BE IT THEREFORE DECLARED AND ENACTED that no such Quarterly Meeting of Justices hath or shall have power or authority to receive or consider any application rejected at the preceding Annual Meeting or (except in the cases next hereinafter mentioned) to grant any Certificate under the said Act for the licensing of any person to whom or any premises in respect of which a Certificate shall have been refused at such Annual Meeting.

IV.—PROVIDED ALWAYS AND BE IT ENACTED that it shall be lawful for the Justices assembled at any such Annual Meeting as aforesaid where they shall refuse to grant any such Certificate at that Meeting to reserve permission to the applicant to renew his or her application or to prefer an application in respect of new or other premises at any such Quarterly Meeting and in every such case but not otherwise a Certificate may be granted under the said Act by the Justices at such Quarterly Meeting if they shall think fit—any such previous refusal notwithstanding

V.—PROVIDED ALSO AND BE IT ENACTED that

in every case where a Certificate under the said Act shall be refused either at such Annual Meeting or at any such Quarterly Meeting it shall be notified by the Clerk of the Peace or his Deputy to the party who applied for such Certificate whether the same was or is refused on account of objections to the character or conduct of the party so applying to be licensed or on account of objections to the house or premises in respect of which the License was or is applied for—AND in cases where the objections stated shall be to the *party* and not to the premises no such reservation as aforesaid shall be necessary to authorise a subsequent application in respect of the same premises if made by a bona fide new and different applicant.

The ground of refusal to be openly declared.

VI.—AND BE IT ENACTED that every provision in this or the said first recited Act affecting any such Annual Meeting or Quarterly Meeting as aforesaid shall extend and apply to every such Meeting whether upon an original or an adjourned day of Meeting.

Construction of the word "Meeting."

VII.—AND BE IT ENACTED that so much of the proviso in the twenty-fifth section of the said recited Act as requires any new manager or superintendent of a tap or tap-room to be approved of at a Special Meeting of Justices convened by advertisement be repealed and that any such manager or superintendent may be approved of at any time by the Police Magistrate of the district *Provided always* that within one week after such approval the licensed person obtaining the same do transmit to the Clerk of the Peace acting for that district written notice thereof and of the name of the person thereby so approved of.

New managers of taps.

VIII.—AND BE IT ENACTED that no licensed person shall be liable to any penalty for receiving in payment for liquors or entertainment any check or order upon a known bank or banker any thing in the twenty-ninth and thirtieth sections of the said recited Act or either of them notwithstanding.

Publicans may take checks

IX.—AND WHEREAS the provisions contained in the sixty-eighth section of the said recited Act for the application of monies arising under the said Act are defective—BE IT ENACTED that after the passing of this Act the said section shall be and the same is hereby repealed *And* that after the passing of this Act all fees and shares of penalties under the said Act payable to the use of His Majesty his heirs and successors shall be and the same are hereby reserved for the public uses of this Island and the support of the Government thereof *And* all monies received for Licenses under the said Act shall be and the same are hereby reserved to His Majesty his heirs and successors for the support of the Judicial Establishments of this Island or as shall be directed by any Act or Acts from time to time passed

Appropriation of monies.

within this Island for the appropriation of the revenue—*And* the same fees shares and monies shall go to and be applied in aid of the Public Revenue of this Island accordingly.

GEORGE ARTHUR.

Passed the Legislative Council
this twenty-seventh day of August
one thousand eight hundred and
thirty-four.

ADAM TURNBULL,

Clerk of the Council,