

~~SALE OF COLONIAL AUSTRALIAN WINES REGULATION ACT OF 1862~~
~~REPEAL SALES AMENDMENT BILL.~~

SCHEDULE of the Amendments referred to in Message of 3rd May, 1876.

- Page 1, Title. *Omit* "repeal" *insert* "**amend**"
- „ Preamble, line 1. *Omit* "repeal" *insert* "**amend**"
- „ clause 1, lines 8 to 12. *Omit* "shall be and the same is hereby repealed but all
" offences committed and penalties incurred under the said Act may be prose-
" cuted and enforced and the holders of unexpired licenses granted under the
" same shall be subject to the provisions thereof until the expiration of their
" respective licenses as if this Act had not been passed" *insert* "**hereinafter**
" called the Principal Act shall be and the same is hereby amended in
" the several particulars hereinafter contained to take effect respectively
" on the first day of June next "
- „ 2, clause 2. *Omit* clause 2 *insert* new clauses 2, 3, 4, 5, 6, 7, 8, 9, and 10.
- „ 3, „ 3, line 29. *Omit* "shall be styled and"
- „ „ lines 29 and 30. *Omit* "Sale of Colonial" *insert* "**Australian**"
- „ „ line 30. *Omit* "s" in "Wines"
- „ „ line 30. *Omit* "Regulation Act of 1862 Repeal" *insert* "**Sales**
" **Amendment** "
- „ clause 3, line 31. *Omit* "5" *insert* "**6**"
- „ „ line 31. *After* "6" *insert* "**And the words 'Colonial wine' or**
" **'Australian wine' in this Act shall be taken to include Cider and Perry**
" **all being exclusively manufactured within and the produce of fruit**
" **grown in this Colony**"
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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 7 December, 1875. }

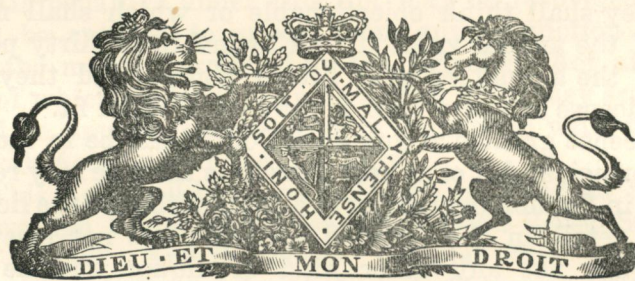
STEPHEN W. JONES,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Legislative Council Chamber,
Sydney, 3rd May, 1876. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO TRICESIMO NONO

VICTORIÆ REGINÆ.

No. .

An Act to repeal amend the "Sale of Colonial Wines Regulation Act of 1862."

WHEREAS it is expedient to repeal amend the "Sale of Colonial Wines Regulation Act of 1862" Be it therefore 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:—

1. The "Sale of Colonial Wines Regulation Act of 1862" shall be and the same is hereby repealed but all offences committed and penalties incurred under the said Act may be prosecuted and enforced and the holders of unexpired licenses granted under the same shall be subject to the provisions thereof until the expiration of their respective licenses as if this Act had not been passed hereinafter called the Principal Act shall be and the same is hereby amended in the several particulars hereinafter contained to take effect respectively on the first day of June next.

Repeal of
26 Vic. No. 16
amended.

85—

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

~~Sale of Colonial Australian Wines Regulation Act of 1862 Repeal~~ Sales Amendment.

2. Notwithstanding the repeal of the Act aforesaid it shall not be lawful for any grower or maker of wine cider or perry made from fruit the produce of the Colony to sell any such wine cider or perry to be drunk or consumed on his premises unless he shall hold a license authorizing the same by virtue of any law in force for the time being and any grower or maker of wine cider or perry as aforesaid who shall permit any such wine cider or perry sold by him to be drunk or consumed on his premises without a license as aforesaid shall be liable on conviction before two Justices of the Peace to a penalty not exceeding twenty pounds and in default of immediate payment to imprisonment for any term not exceeding two months unless the penalty imposed shall be sooner paid.

Wine cider or perry not to be drunk on premises. sold to be drunk on unlicensed premises.

2. Every license under the said Act to sell Colonial wine by retail shall after the said first day of June be granted only by the Justices sitting in a Court of Petty Sessions holden nearest to the premises sought to be licensed which Court shall at the instance of any applicant be convened by the clerk of such Court and not less than three Justices shall form a quorum thereat and the fee payable for any such license shall be received by such clerk and be by him forthwith transmitted to the Colonial Treasurer. No such license shall be granted to any person whom the Justices or the majority of them shall not believe to be of good character nor in respect of any premises which they shall think objectionable or which shall not in their opinion be of the annual value if in a township of thirty pounds or if elsewhere of the annual value of fifteen pounds and they may grant or refuse a license in every case as they shall think fit.

Wine licenses how granted &c.

3. Every license granted at any such Court shall be in the form prescribed by the principal Act or as near thereto as the case may require or as the Governor in Council may direct and shall authorize the licensed person to sell by retail on the licensed premises but not elsewhere Australian wine but not any other kind of liquor and he may allow the same to be consumed on such premises if the purchaser shall so desire. Provided that no such purchaser or other person drinking wine there not being an inmate of the dwelling shall remain or be on the premises except on one of the days and within the hours specified in the fourteenth section of the said Act.

Form and effect of license.

4. Every such purchaser and every other person not being an inmate as aforesaid who shall remain on any premises so licensed for more than two hours drinking or for the purpose of drinking or otherwise in contravention of this Act shall be liable to a penalty of not less than twenty shillings nor more than ten pounds and may be summarily ejected by any person authorized by this Act to enter such premises. And the licensed owner or occupier shall be liable to the like penalty unless he shall prove on the hearing of the case that the offender was in good faith warned or desired to depart but remained on the premises notwithstanding.

Persons tipping &c.

5. No licensed person shall permit any spirituous liquor of any kind or any wine other than Australian wine or any of such last-mentioned wine of a greater degree of strength than twenty-six per cent of proof spirit to be at any time kept or to be upon his licensed premises or to be supplied therein to any person under a penalty of not less than five pounds nor more than fifty pounds and all such prohibited liquor or wine found upon any such premises shall on conviction of the offender be liable to forfeiture.

As to spirituous liquors or Foreign wine.

6. Every constable or officer in the Police having reasonable cause to suspect that any provision of this Act is infringed in or on any such licensed premises may lawfully enter the same and there search for spirituous liquors or prohibited wines which he may believe to be kept on the premises and may seize and remove all such liquors and wines

Certain powers given to police.

Sale of Colonial Australian Wines Regulation Act of 1862 Repeal Sales Amendment.

wines as shall be found there And any person found on the premises in a state of intoxication shall be presumed to have been there unlawfully drinking unless the contrary be shown by the defendant.

5 7. If any person licensed as aforesaid shall within the space of twelve months be convicted a second time of any offence under this or the Principal Act and neither of such convictions shall be reversed on appeal his license shall become void and he shall not be capable of holding a license until two years after the date of the last conviction shall have expired. Effect of a second conviction.

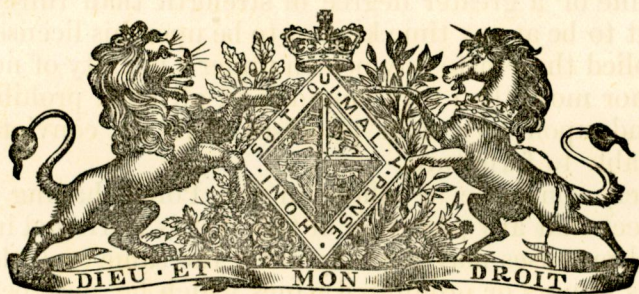
10 8. Notwithstanding the twelfth section of the Principal Act it shall be lawful for every person licensed under the "Sale of Liquors Licensing Act of 1862" commonly called the Public-House Act to sell Australian wine by retail although not also licensed under this or the first-mentioned Act. As to licensed publicans.

15 9. Any two Justices sitting in Petty Sessions may by writing under their hands countersigned by the Petty Sessions Clerk of the District in which the license was granted permit the licensed person on specified days or for a stated number of days to retail Australian wine at any race fair or other public meeting mentioned in such writing but subject in all other respects to the provisions of this and the Principal Act so far as they shall be applicable for which permission and for recording the same the fee of ten shillings shall be paid. Selling at races &c.

20 10. All penalties under this Act may be recovered and every person shall be entitled to appeal from any conviction or decision under it in the manner provided by the Principal Act all the other enactments of which as far as may be and so far as they are not hereby altered shall be applied to and read in connexion with this Act the same as if both Acts formed one Act only. Proceedings under this Act.

30 11. This Act shall be styled and may be cited as the "Sale of Colonial Australian Wines Regulation Act of 1862 Repeal Sales Amendment Act of 18756" And the words "Colonial wine" or "Australian wine" in this Act shall be taken to include Cider and Perry all being exclusively manufactured within and the produce of fruit grown in this Colony. Short title and interpretation.

New South Wales.



ANNO QUADRAGESIMO

VICTORIÆ REGINÆ.

No. VII.

An Act to amend the "Sale of Colonial Wines Regulation Act of 1862." [Assented to, 9th August, 1876.]

WHEREAS it is expedient to amend the "Sale of Colonial Wines Regulation Act of 1862" Be it therefore 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:—

1. The "Sale of Colonial Wines Regulation Act of 1862" hereinafter called the Principal Act shall be and the same is hereby amended in the several particulars hereinafter contained.

2. Every license under the said Act to sell Colonial wine by retail shall be granted only by the Justices sitting in a Court of Petty Sessions holden nearest to the premises sought to be licensed which Court shall at the instance of any applicant be convened by the clerk of such Court and not less than three Justices shall form a quorum thereat and the fee payable for any such license shall be received by such clerk and be by him forthwith transmitted to the Colonial Treasurer No such license shall be granted to any person whom the Justices or the majority of them shall not believe to be of good character nor in respect of any premises which they shall think objectionable or which shall not in their opinion be of the annual value

Australian Wine Sales Amendment.

- value if in a township of thirty pounds or if elsewhere of the annual value of fifteen pounds and they may grant or refuse a license in every case as they shall think fit.
- Form and effect of license. 3. Every license granted at any such Court shall be in the form prescribed by the Principal Act or as near thereto as the case may require or as the Governor in Council may direct and shall authorize the licensed person to sell by retail on the licensed premises but not elsewhere Australian wine but not any other kind of liquor and he may allow the same to be consumed on such premises if the purchaser shall so desire. Provided that no such purchaser or other person drinking wine there not being an inmate of the dwelling shall remain or be on the premises except on one of the days and within the hours specified in the fourteenth section of the said Act.
- As to spirituous liquors or Foreign wine. 4. No licensed person shall permit any spirituous liquor of any kind or any wine other than Australian wine or any of such last-mentioned wine of a greater degree of strength than thirty per cent. of proof spirit to be at any time kept or to be upon his licensed premises or to be supplied therein to any person under a penalty of not less than five pounds nor more than fifty pounds and all such prohibited liquor or wine found upon any such premises shall on conviction of the offender be liable to forfeiture.
- Certain powers given to police. 5. Every constable or officer in the Police having reasonable cause to suspect that any provision of this Act is infringed in or on any such licensed premises may lawfully enter the same and there search for spirituous liquors or prohibited wines which he may believe to be kept on the premises and may seize and remove all such liquors and wines as shall be found there.
- Effect of a second conviction. 6. If any person licensed as aforesaid shall within the space of twelve months be convicted a second time of any offence under this or the Principal Act and neither of such convictions shall be reversed on appeal his license shall become void and he shall not be capable of holding a license until two years after the date of the last conviction shall have expired.
- As to licensed publicans. 7. Notwithstanding the twelfth section of the Principal Act it shall be lawful for every person licensed under the "Sale of Liquors Licensing Act of 1862" commonly called the Public-House Act to sell Australian wine by retail although not also licensed under this or the first-mentioned Act.
- Selling at races &c. 8. Any two Justices sitting in Petty Sessions may by writing under their hands countersigned by the Petty Sessions Clerk of the District in which the license was granted permit the licensed person on specified days or for a stated number of days to retail Australian wine at any race fair or other public meeting mentioned in such writing but subject in all other respects to the provisions of this and the Principal Act so far as they shall be applicable for which permission and for recording the same the fee of ten shillings shall be paid.
- Proceedings under this Act. 9. All penalties under this Act may be recovered and every person shall be entitled to appeal from any conviction or decision under it in the manner provided by the Principal Act all the other enactments of which as far as may be and so far as they are not hereby altered shall be applied to and read in connexion with this Act the same as if both Acts formed one Act only.
- Short title and interpretation. 10. This Act may be cited as the "Australian Wine Sales Amendment Act of 1876" And the words "Colonial wine" or "Australian wine" in this Act shall be taken to include Cider and Perry all being exclusively manufactured within and the produce of fruit grown in this Colony.