

No. VII.

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

AUSTRALIAN WINE
SALES AMENDMENT.

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:—

Preamble.

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.

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amended.

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 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. 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

As to spirituous
liquors or Foreign
wine.

Evidence Further Amendment.

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.