

No. 86

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4th Session, 13th Legislature, Alberta  
6 Elizabeth II, 1958

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## **BILL 86**

A Bill to Provide for the Establishment and Licensing of  
Beer and Liquor Outlets Subject to Local Option and  
to Provide for Matters Incidental Thereto

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HON. MR. COLBORNE

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### Explanatory Note

General. This Bill will enact a new Act to be entitled *The Liquor Licensing Act*. It will be complementary to the proposed new Liquor Control Act. It will authorize beer licences similar to the hotel beer licences under the present Liquor Control Act and introduce and authorize two new forms of licensed premises under the dining lounge and lounge liquor licences; club and canteen licences similar to those licences under the present Liquor Control Act will also be provided for in this Act.

The dining lounge licence will permit the consumption of liquor with meals in dining rooms; the lounge licence will permit of the consumption of liquor, in lounges adjacent to the dining lounge licensed premises, but with or without meals. Only the holders of dining lounge licences will hold lounge licences.

Local option areas will be created and plebiscites at the local level will be initiated by petition and held in and for the local option area. Subject to this Act, *The Liquor Plebiscite Act*, an Act to be proposed at this session, will govern plebiscites. (Section references in these notes are to the present sections in *The Liquor Control Act*, chapter 179 of The Revised Statutes of Alberta, 1955.)

1. Short title.

2. (1) New.

(a) New.

(b) New.

(c) New.

(d) New.

(e) New.

(f) Section 2 (d).

(g) New.

(h) New.

(i) New.

# BILL

No. 86 of 1958

An Act to Provide for the Establishment and Licensing of  
Beer and Liquor Outlets Subject to Local Option and  
to Provide for Matters Incidental Thereto

(Assented to \_\_\_\_\_, 1958)

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Alberta,  
enacts as follows:

1. This Act may be cited as "*The Liquor Licensing Act*".

## Interpretation

2. (1) In this Act,

- (a) "beer vendor's licence" means a licence issued under section 32 and a "beer vendor licensee" means the person named in any such subsisting licence;
- (b) "beverage room" means the premises specified in a beverage room licence and used for the sale of beer under that licence;
- (c) "beverage room licence" means a licence issued under section 27 and "beverage room licensee" means the person named in any such subsisting licence;
- (d) "Board" means The Alberta Liquor Control Board;
- (e) "canteen licence" means a licence issued under section 56 or 57 and a "canteen licensee" means the person named in any such subsisting licence;
- (f) "club" means an association of individuals for purposes of mutual entertainment and convenience and includes the premises occupied or used for any such purpose;
- (g) "club licence" means a licence issued under section 46 or 48 and "club licensee" means the person named in any such subsisting licence;
- (h) "dining room" means a part of a hotel, inn, restaurant or railway car provided with special accommodation, facilities and equipment as prescribed and used exclusively for the serving of regular meals in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;
- (i) "dining lounge licence" means a licence issued under section 59 and a "dining lounge licensee"

(j) New.

(k) Section 2 (k).

(l) New.

(m) New.

(n) New.

(o) Section 2 (q).

(p) Section 2 (v) in part.

(q) Section 2 (y) in part.

means the person named in any such subsisting licence;

- (j) "not disqualified under *The Liquor Control Act, 1958*" means not permitted or authorized under that Act to have, keep or consume liquor, by reason of age, interdiction or otherwise;
- (k) "hotel" means a place where the public, for a consideration, may obtain sleeping accommodation, with or without meals;
- (l) "licence" means a licence issued under this Act and "licensee" means the person named in any such subsisting licence;
- (m) "licensed premises" means the premises in respect of which a licence has been issued and is in force, and includes the part of a train in respect of which a licence is issued under section 78;
- (n) "lounge licence" means a licence issued under section 62 and "lounge licensee" means the person named in any such subsisting licence, and "lounge" or "lounge room" means the licensed premises specified in a lounge licence;
- (o) "member of a club"
  - (i) means a person
    - (A) who, whether as a charter member or admitted in accordance with the by-laws or rules of a club, has become a member thereof,
    - (B) who maintains his membership by the payment of his regular periodic dues in the manner provided by the rules or by-laws, and
    - (C) whose name and address are entered on the list of members supplied to the Board at the time of the application for a club licence under this Act or are subsequently supplied if admitted thereafter,
 and
  - (ii) includes any person
    - (A) who is the spouse of a member,
    - (B) who, in accordance with the provisions of the club constitution as approved by the Board, is a visitor accorded members' privileges by virtue of a membership in an affiliated club that grants reciprocal privileges, or
    - (C) who has been registered and admitted according to the rules or by-laws of the club constitution as approved by the Board and in conformity with the regulations made pursuant to this Act;
- (p) "prescribed" means prescribed by regulations;
- (q) "regulations" means regulations made by the

(2) New.

**3.** New.

**4.** New.

**5.** New.

**6.** New.

**7.** New.

**8.** New.

**9.** New.

**10.** New.

Board under the powers contained in this Act or *The Liquor Control Act, 1958*;

(2) Unless otherwise defined or qualified in this Act, the terms "beer", "former Act", "holiday", "interdicted person", "liquor", "package", "permit", "identification permit", "vendor" and "wine" bear the same meaning as is given them by *The Liquor Control Act, 1958*.

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## PART I

### ADMINISTRATION

**3.** The administration of this Act, including the supervision, inspection and regulation of licensed premises, shall be the responsibility of The Alberta Liquor Control Board.

**4.** The Board shall sit during the month of March to consider applications at such time and place as the chairman arranges, and the chairman shall notify each member of the Board of the time and place of its sittings.

**5.** The Board may be called together at any time by the chairman for the purpose of considering applications or objections thereto under this Act, at the time and place fixed by the chairman.

**6.** The Board may meet at any time on its own motion to consider applications or objections thereto.

**7.** The meetings of the Board to consider applications, objections or representations shall be governed by the regulations made in that behalf.

**8.** The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, *mandamus*, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court.

**9.** No member of the Board and no employee thereof shall be compelled to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce any files, papers, information, reports, correspondence or other documents relating to the business of the Board.

**10.** Subject as herein provided, a licence becomes effective on the date stated therein and expires unless sooner cancelled or suspended, at the end of the thirty-first day of March of the fiscal year of the Board in or in respect of which it is issued.



**11. New.**

**12. New.**

**13. New.**

**14. New.**

**15. Dining lounge and lounge licences are new. Beverage room licences are the present hotel beer licences and beer vendors' licences are the present hotel beer licences for off-premises sale of beer.**

**11.** A licence may be issued on or before the thirty-first day of March in any year for the fiscal year of the Board beginning on the first day of April next following.

**12.** (1) The Board may in its discretion and for any reason it deems sufficient grant, suspend or cancel any licence under this Act and nothing in this Act shall be construed to compel the Board to issue any licence.

(2) The Board may make such investigations and inquiries, through its own officers or inspectors or by such other means as it deems necessary, for the purpose of determining whether a licence should be granted, suspended or cancelled, as the case may be.

**13.** A cancellation or suspension of a licence shall be by notice from the Board and section 30 of *The Liquor Control Act, 1958*, applies in respect of any such notice.

**14.** (1) The Board shall cancel a licence

- (a) if the licensee persistently fails to comply with this Act or *The Liquor Control Act, 1958*, or the regulations,
- (b) if the licensee persistently fails to carry out the orders of the Board,
- (c) if the licensee persistently fails to keep the licensed premises in a clean and sanitary and safe condition, or to comply with the orders of the Provincial Board of Health in respect of sanitation, or
- (d) if the licensee persistently fails to comply with any municipal by-law with respect to his premises.

(2) Where any person who holds a licence under this Act is convicted of a first or subsequent offence against this Act or *The Liquor Control Act, 1958*, the Board may cancel his licence or may suspend it for such period as it deems advisable.

(3) No cancellation under this section shall be made under this section until after the time limited in *The Liquor Control Act, 1958*, for the making of an appeal, or where an appeal is made until after the determination of the appeal, from the conviction in respect of which the cancellation may be made.

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## PART II

### LICENCES

#### Classes of Licences

**15.** (1) Subject to Part III and as elsewhere provided in this Act, but otherwise in its discretion, the Board may grant licences to sell liquor as provided in this Act.

- (2) A licence may be of any one of the following classes:
- (a) beverage room licence;

**16.** New.

**17.** Section 88a revised slightly to suit new types and names of licences, and reference to *The Companies Act* in 17 (1) (a) is new.

- (b) beer vendor's licence;
- (c) club licence;
- (d) canteen licence;
- (e) dining lounge licence;
- (f) lounge licence.

(3) Subject to this Act, one person may be issued any one or more of the following classes of licence, that is to say, beverage room licence or dining lounge licence.

**16.** A dining lounge licence or lounge licence shall be issued only to

- (a) a person of good reputation and character who is twenty-one or more years of age, a British subject and resident in Canada for at least one year before the date of application,
- (b) a partnership of which each of the partners is qualified as provided in clause (a),
- (c) a railway corporation in respect of its hotels,
- (d) a corporation that owns and operates hotels in connection with a railway and more than half of the stock of which is owned by a railway corporation, or
- (e) any other corporation that is incorporated or authorized to carry on its business in Alberta under the laws of Alberta, and of which a majority of the shareholders are, and of which any person who holds a majority of the shares is, and of which the officer or agent who is in charge of the premises to be licensed is, personally qualified as provided in clause (a).

#### **Prohibited Relationships**

**17.** (1) In sections 17 to 21,

- (a) "financial interest" includes any interest, direct or indirect, or contingent
  - (i) whether as owner or part owner or owner of an interest, beneficial owner, owner of stock, or owner through trusteeship, investor or otherwise,
  - (ii) in management whether by management agreement, partnership agreement or other agreement of any kind, or
  - (iii) by reason of having loaned or advanced or caused to be loaned or advanced money, money's worth or any thing of value with or without security.

**18.** Section 88b.

but does not include any direct, indirect or contingent interest in the Alberta Brewers' Agents Limited, or any direct, indirect or contingent interest in the equipment used by a licensee in the business of selling beverages, other than liquor or beer, or any direct, indirect or contingent interest in the supplying of services in connection with such last mentioned equipment, or any interest in a company incorporated under Part IX of *The Companies Act*;

- (b) "manufacturer" includes
- (i) a brewer, distiller or wine-maker,
  - (ii) a person who is a director, officer, employee or agent of or who acts directly or indirectly under the control or orders of a brewer, distiller or wine-maker,
  - (iii) a firm or corporation
    - (A) over the business or operations of which a brewer, distiller or wine-maker has or can put into force effective control, or
    - (B) in which a brewer, distiller or wine-maker has any financial interest,
 whether through ownership of stock, interlocking directorship, partnership agreement or other agreement of any kind or by reason of having loaned or advanced money with or without security or in any other manner or for any other reason, or
  - (iv) a person who is so associated or connected with or financially interested in a brewery, distillery or winery as to be likely to promote the sale of the liquor it manufactures.

(2) Section 18 does not apply in respect of any financial interest acquired before the first day of April, 1957.

- 18.** (1) After the first day of April, 1957,
- (a) no manufacturer or person financially interested directly or indirectly in the business of a manufacturer whether resident in the Province or non-resident shall have any direct or indirect financial interest in the business of any licensee,
  - (b) no manufacturer shall own or have a financial interest in any of the property upon which a licensee conducts his business or in any leasehold or other tenure of the said property or in any chattels used in connection with the business of a licensee,
  - (c) no licensee shall carry on his business upon property in which any manufacturer has a direct or indirect financial interest,
  - (d) no manufacturer shall directly or indirectly or under any arrangement whatsoever loan, advance



- or give money, money's worth or any thing of value to any licensee or employee or agent of a licensee,
- (e) no licensee or employee or agent of a licensee shall directly or indirectly under any arrangement whatsoever borrow or receive from any manufacturer any advance or gift of money, money's worth or any thing of value,
  - (f) no manufacturer is eligible to become a licensee or to receive or hold a licence to sell liquor at retail,
  - (g) no manufacturer shall sell liquor at retail,
  - (h) no manufacturer shall directly or indirectly supply, provide, give, rent, lend or sell any furniture, furnishings, refrigeration equipment, dispensing equipment, fixtures, decorations, paintings, signs, supplies or other chattels or equipment to any licensee,
  - (i) no manufacturer shall have a financial interest in the business, furniture, furnishings, refrigeration equipment, dispensing equipment, decorations, paintings, signs or other chattels or equipment being purchased or otherwise acquired or used by any licensee,
  - (j) no manufacturer shall give a secret rebate or make a secret concession to any person who is a licensee or to the employee or agent of any licensee and no such person shall request or accept any such secret rebate or concession,
  - (k) no manufacturer shall directly or indirectly give or furnish money, money's worth or any thing of value to any licensee or to any employee or agent of a licensee whether or not it is given or furnished for the purpose or with the intent of soliciting, acquiring or obtaining the help or assistance of any such person to encourage or promote either the purchase or the sale of liquor sold or manufactured by the manufacturer who gives or furnishes such money, money's worth or thing of value,
  - (l) no licensee and no employee or agent thereof shall accept or acquire any money, money's worth or any thing of value from a manufacturer contrary to the provisions of this section,
  - (m) no manufacturer shall have a financial interest in any firm, corporation, partnership or business that is engaged in supplying to licensees furniture, furnishings, refrigeration equipment, dispensing equipment, fixtures, decorations, paintings, signs, supplies or other chattels or equipment.
- (2) After the first day of April, 1957,
- (a) no manufacturer shall enter into or be a party to any covenant or agreement, whether oral or written or express or implied with a licensee whereby



**19. Section 88c.**

the licensee covenants to sell the liquor made or produced by the manufacturer, and

- (b) any such covenant, whether verbal or written or express or implied or whether contained in any agreement for sale, lease or mortgage of licensed premises or the land upon which licensed premises are situate or of the chattels in the licensed premises is void and no licensee shall observe or comply with any such covenant.

(3) A licensee who purchases or otherwise acquires the use of equipment, fixtures or other chattels of the nature of counters, back bars, refrigeration equipment, dispensing equipment, chairs, tables or other articles that are used or to be used in connection with the licensed premises shall retain the invoice and all other correspondence, papers and documents in his possession and relating thereto.

(4) The Board at any time may inspect or require the production of any such invoice, correspondence, papers or documents and the licensee upon request by the Board at any time shall furnish to the Board a complete description of the articles, the name of the vendor or supplier, the terms of purchase or acquisition, the purchase price of each article and particulars of transportation costs and services rendered in connection with the installation of the articles, together with any further information or particulars which the Board in its discretion may from time to time require.

(5) Where financial interest exists that in the opinion of the Board is contrary to the intent of this section, or where the Board is of the opinion that such a financial interest may exist and the parties have failed to satisfy the Board to the contrary, the Board in its discretion may suspend the licence of either the manufacturer or one or more of the licensees involved or both or may decline to grant or renew any such licence.

**19.** (1) In this section "capital" means the capital amounts expended before the first day of April, 1957, to acquire the financial interest and to maintain the capital value of the subject matter of the financial interest, and any capital amounts expended pursuant to subsection (3).

(2) Where a financial interest contrary to the intent of section 18 was acquired before the first day of April, 1957, the manufacturer having the financial interest shall, before the first day of April, 1967, dispose of the financial interest or enter into such agreements as may be necessary to dispose of the financial interests, if the disposition can be made without loss of capital by the manufacturer.

(3) The Board upon application to it may, by order, authorize an increase or a variation in the financial interests of a manufacturer acquired before the first day of April, 1957, if the increase or variation will be wholly completed before the first day of April 1967, or within any

**20.** Section 88d in part.

extended period granted by the Board pursuant to subsection (4), and the increase or variation is necessary to provide for an expansion, improvement, repair or renovation of the premises or business of the licensee in respect of which the financial interest is held.

(4) Where before the first day of April, 1967, a manufacturer satisfies the Board that the manufacturer has made every reasonable effort to dispose of his financial interest and has been unable without incurring loss of capital and within the time prescribed by subsection (2) to dispose of the financial interest or to enter into an agreement to dispose of the financial interest, the Board may from time to time by order extend the time within which the manufacturer is required to dispose of the financial interest or to enter into an agreement to dispose of the financial interest.

(5) Where a manufacturer fails within the period prescribed by subsection (2) or within any extended period granted by the Board under subsection (4) to dispose of the financial interest, or to enter into an agreement to dispose of the financial interest, the Board may in its discretion suspend the licence of any of the licensees involved in the financial interest and shall suspend the licence of the manufacturer and decline to renew the manufacturer's licence or grant him any new licence under this Act until the financial interest has been disposed of by the manufacturer.

(6) An order of the Board under this section does not become effective until it has received the approval of the Lieutenant Governor in Council.

**20.** Every application for a licence shall be accompanied by a statutory declaration by the applicant, or if the applicant is a corporation by an officer of the corporation,

- (a) stating that the applicant is not then bound by nor is he then adhering to any verbal, written, express or implied agreement to sell any kind, class or brand of liquor,
- (b) stating that since the first day of April, 1957, the applicant has not accepted any money, money's worth, thing of value, rebate, discount, bonus, concession, consideration or promise of consideration, whatsoever, from any brewer, distiller, wine-maker or any person who is known to the applicant to be a director, officer, employee or agent thereof or to be associated or connected therewith, except as stated in the declaration,
- (c) stating that, to the best of the knowledge, information and belief of the declarant, no brewer, distiller or wine-maker, or director, officer, employee or agent thereof has since the first day of April, 1957, acquired any direct, indirect or contingent interest in the ownership or management of the business to

**21.** Section 88e.

**22.** New, except subsection (6) which is section 57, and applicable to beer licensees only.

be licensed or in its property, whether freehold or leasehold, or in its chattels or equipment and that no such person has since the first day of April, 1957 acquired a financial interest of any description in such business nor has any such person since that date assisted the applicant financially in any way, except as stated in the declaration, and

- (d) disclosing full particulars of any financial interest acquired before the first day of April, 1957, in the business of the applicant by a brewer, distiller or wine-maker or director, officer, employee or agent thereof.

**21.** The Board may from time to time require a manufacturer or a licensee or both to give to the Board by statutory declarations or otherwise such information and particulars relating to their business as the Board may deem requisite to satisfy itself of the absence of any financial interest or of the nature of any existing financial interest of a manufacturer in the business of a licensee.

#### **Limitations**

**22.** (1) Subject to this section in respect of renewals and transfers of licences, a licence of any of the classes authorized by this Part for the sale of liquor shall be held to be a licence only to the person therein named and for the premises therein mentioned, and a licence is not transferable and remains valid only as long as that person continues to be the occupant of the premises and the true owner of the business there carried on.

(2) Subject to subsection (6), where a licensee dies before the expiration of his licence or sells or otherwise assigns his business or becomes dispossessed of it by bankruptcy or operation of law, the licence, subject to subsections (3) and (4), becomes *ipso facto* forfeited and void.

(3) In a case to which subsection (2) applies, the Board may, if it seems to the Board proper to do so, give its written permission for the carrying on of business under any such licence in the premises specified in the written permission by any person who appears to be entitled to the benefit thereof as assignee or trustee in bankruptcy or otherwise by operation of law, but the permission shall not extend beyond the period of one month from the happening of the event from which the forfeiture of the licence would result, and the permission shall only entitle the person to whom it is granted to the benefit of the licence during the month according to the terms of the permission.

**23.** New.

(4) Subject to subsection (5), a person claiming the benefit of a licence under subsection (3) may, within the period of one month, apply to the Board for a licence in respect of the same or other premises, as the case may be, and the like proceedings shall be had and taken for the hearing and consideration of the application by the Board as are provided in this Act in the case of an application for a licence for the first time.

(5) Subject to subsection (6), when a licence becomes void through the death of a licensee, the Board may pay to the personal representative of the deceased licensee a proportionate part of the annual licence fee for the unexpired portion of the licence year and may allow a new licensee in respect of the same premises a credit on his licence fee, for that licence year, of the amount of the expired portion, and, pending the consideration of the application of a new licensee, may issue to him an interim licence for such period, additional to the month provided in subsection (3), as the Board may in writing permit.

(6) When a beverage room licensee or beer vendor licensee dies, the licence continues in force subject to the other provisions of this Act, until the end of the licence year, and during that period the person who is for the time being entitled to administer the estate of the deceased, either as trustee, executor or administrator, or managing the licensed premises with the approval of the Board on behalf of a trustee, executor or administrator, has all the rights and is subject to all the liabilities that the deceased licensee, by virtue of the licence, would have had or been subject to if alive.

**23.** (1) A corporation may become a licensee under this Act and in such a case anything required by this Act to be done by any reason as licensee, whether before or after the granting of a licence, may be done in the name of the corporation by the officer or agent of the corporation in charge of the particular premises for which the licence is to be or has been granted.

(2) Where two or more persons are carrying on business in the same name, a licence may be issued in the name of the partnership registered under *The Partnership Act*, but every member of the partnership is *prima facie* a party to any offence against any provision of *The Liquor Control Act, 1958*, or this Act, committed in the licensed premises mentioned in the licence and is personally liable to the penalties prescribed for the offence as a principal offender, but nothing in this section relieves the partnership, or the person who actually committed the offence, from liability therefor.



**24. New.**

**25. New, except subsection (3) which is in part section 49 (1a) of the present Act as applicable to hotel beer licences.**

(3) Where a corporation or partnership has more than one place of business, a separate licence shall be required in every separate place of business.

**24.** (1) Where an applicant for a licence has, at any time or in any place, been refused a licence on the ground that he is not a fit person to hold a licence, no application by the applicant shall be entertained by the Board within a period of one year from the last of the refusals, and no application by any person for a licence shall be entertained by the Board within that period if a person whose application has been refused for the same premises is living upon the premises of the applicant or is in any way connected with the business on or sought to be licensed by the applicant, or if the Board is of the opinion that the person applying has adopted any means to evade the law.

(2) Where a licensee during the term of the licence ceases to be qualified to hold the licence, the licence shall thereupon be cancelled by the Board forthwith upon notice to it of the disqualification.

(3) No licence shall be granted to or for the benefit of a person who is a member of the Board, an official of the Board, or an inspector and no licence shall be granted in respect of any premises the owner or part owner of which, or of any interest therein, is a member of the Board, an official of the Board, or an inspector, and a member of the Board, an official thereof or inspector who knowingly recommends the issue of, or is a party to the issue of, a licence in any such case is guilty of an offence.

#### **Preliminaries to Issue**

**25.** (1) No licences of any of the following classes, that is to say, beverage room licence, beer vendor's licence, dining lounge licence or lounge licence, shall be issued to any person unless

- (a) he has filed his application therefor, with the affidavits hereinafter mentioned, with the Board within the prescribed time,
- (b) the Board, in its absolute discretion, deems that he is a fit and proper person to keep and operate the kind of premises in respect of which the licence is sought,
- (c) he is the true owner or lessee of the business carried on by him in the premises, has not been convicted within three years prior to his applica-



tion for the licence, of a contravention of section 73 of *The Liquor Control Act, 1958*, or section 137 of the former Act, or of any offence against any provision of the *Criminal Code* punishable by imprisonment for one year or more, or of any offence against the *Excise Act (Canada)* or, at any time, of any offence against the *Opium and Narcotic Drug Act (Canada)*, and is not otherwise disqualified under this Act and has complied with the requirements of this Act,

- (d) the premises in respect of which he applied for a licence conform to the requirements of this Act and the regulations relating thereto, are so constructed and equipped as not to facilitate any contravention of this Act or of *The Liquor Control Act, 1958*, and are otherwise suitable for carrying on the business in a reputable way, and have been inspected by an inspector and approved as such by the Board, and
- (e) subject to subsection (3), public notice of the making of the application has been given by the applicant by advertisement in the prescribed form, beginning at or about the time of the making of the application and continuing during the prescribed period, which shall not in any event be less than once in each week for four consecutive weeks, in a newspaper published in the municipality in which the premises are or are to be situated, or if no newspaper is published in that municipality then once in each week for four consecutive weeks in a newspaper published in Alberta and circulating in that municipality.

(2) An application to which clause (e) of subsection (1) applies shall contain the following words in the same size of type as the advertisement generally:

“Objections to this application shall be made  
forthwith to The Alberta Liquor Control  
Board, Edmonton.”

(3) Any person may, within fourteen days of the last issue of the newspaper containing a public notice of the making of an application for a licence under this Act, file with the Board any objection or protest he may wish to make against the issuing of the licence, and the Board shall consider the objection or protest and may fix a convenient time and place at which the Board will hear objections thereto.

(4) Where an application is made for a licence for an ensuing licence year in respect of premises licensed during the last preceding licence year notice of the making of the application need not be advertised unless so required by the Board.

**26. New.**

(5) The application of a natural person for a licence shall be accompanied by the affidavits of the applicant and two reputable persons approved by the Board verifying the correctness of the statements in the application.

(6) The application shall state the name and address of the true owner of the premises and shall contain a description of that part thereof in respect to which the applicant desires a licence, and shall set forth such other information, description, or plans, of that part of the premises in which it is proposed to keep and sell liquor under the licence applied for as may be required by the regulations or by the Board.

(7) An application for a licence shall be accompanied by the statutory declaration required by section 20.

(8) The Board may take such means as may seem best to it for ascertaining the fair market value and the annual rental value, or either of them, of the premises, and may, if it thinks fit or necessary, order a valuation thereof to be made by a competent person appointed by it for the purpose, and may require the cost of the valuation to be paid by the applicant for a licence.

(9) The Board shall not issue a licence, of any of the following classes, that is to say, a beverage room licence, dining lounge licence or lounge licence, unless the seating capacity of the licensed premises that the applicant proposes to operate is not greater or less than that considered reasonable by the Board, or as may be required by this Act or the regulations.

(10) For the purposes of carrying out the provisions of this Act according to their intent, the Board may make regulations and orders ancillary to, and not inconsistent with this Act respecting the operation and conduct, the maximum or minimum seating capacity of, and the arrangements generally in licensed premises.

**26.** (1) Notwithstanding clause (d) of subsection (1) of section 25, where it is proposed to construct a new premises or to repair or reconstruct any existing premises in respect of which a licence is being sought, the applicant may file his application for the licence before undertaking the work of construction, repair or reconstruction.

(2) Where such an application is made, the applicant shall give the information required in the application concerning the premises, with relation to the proposed premises when completely constructed, repaired or reconstructed, and he shall file with the Board plans and specifications showing the location, lay-out and construction of the proposed premises to the satisfaction of the Board.

**27.** New.

**28.** (a) Section 51 (1) (a).

(b) Section 51 (1) (b).

(c) Section 51 (1) (c).

(d) Section 51 (1) (d).

(e) Section 51 (1) (e).

(3) Upon evidence that notice of the application has been given, the Board may consider the application and determine whether or not to issue a licence to the applicant.

(4) If it is decided that a licence is to be issued to the applicant in any such case, it shall not issue until the work of the construction, repair or reconstruction is completed in accordance with the plans and specifications and any modifications thereof directed by the Board and until the premises are inspected by an inspector and approved by the Board.

### **Beer Licences**

#### *Beverage Room Licence*

**27.** On application therefor being made in the prescribed form by a person who keeps and operates a hotel, and on payment by him of the prescribed fees and on compliance with this Act, the Board may, subject to Part III issue a beverage room licence to the applicant.

**28.** No beverage room licence shall be issued

- (a) unless the hotel contains, in addition to what is required for the use of the applicant, his family and servants, sufficient bedrooms with suitable complement of bedding and furniture, public sitting rooms and other conveniences reasonably suited to the requirements of the public likely to make use of the same,
- (b) unless
  - (i) the hotel has suitable facilities for the service of meals and meals are served in the hotel under the direct control of the applicant, or
  - (ii) the Board has exempted the hotel from the requirements of this clause by a notice in writing for such period as may be stated in the notice,
- (c) unless the hotel maintains facilities for the service of such foodstuffs in that part of the premises in which the liquor is to be consumed and sold as the Board, by order, may require,
- (d) unless the hotel is provided with suitable privies, lavatories and toilets which shall at all times be kept clean and ventilated,
- (e) unless the hotel and the part thereof where liquor may be kept, sold and consumed under the beverage room licence applied for are



(f) Section 51 (1) (f).

**29.** Section 51 (3).

**30.** Section 52.

**31.** Subsection (1) is section 48 (a) in substance. Subsections (2) to (6) are new.

- (i) constructed, equipped and conducted to the satisfaction of the Board, and
- (ii) constructed and equipped so as not to facilitate a breach of this Act or *The Liquor Control Act, 1958*, or the regulations made thereunder, and the hotel premises have been approved of in writing by an inspector appointed or authorized by the Board to inspect the same, and
- (f) unless the hotel is equipped with suitable fire escapes and fire exit doors, fitted to open outwards and furnished with approved panic bolts.

**29.** No person other than a British subject shall be an applicant for a beverage room licence or the manager of the licensed premises of a hotel in respect of which a beverage room licence has been issued.

**30.** (1) The number of beverage room licences in cities, towns and villages shall not in any one year exceed

- (a) one licence for the first one thousand population or fraction thereof,
- (b) a second licence for the next five hundred population or fraction thereof up to one thousand five hundred population,
- (c) a third licence for a population of at least two thousand,
- (d) a fourth licence for a population of at least three thousand, and
- (e) one licence for each additional four thousand of population thereafter.

(2) Notwithstanding subsection (1), where the Board is satisfied that special circumstances exist in any area, the Board may refuse to issue a licence or may grant one or more licences in that area, without regard to the population limits.

**31.** (1) A beverage room licence is authority for the beverage room licensee named therein to purchase beer from the Board and, in that part of the hotel set out in the licence, to have and keep the beer so purchased, and to sell it by the glass or open bottle to persons not disqualified under *The Liquor Control Act, 1958*, for consumption in the licensed premises, but the purchase, having, keeping, sale and consumption shall be in accordance with this Act and the regulations, and not otherwise.

**32.** This licence replaces the present licence referred to in section 48 (b) though it is in substance the same authority.

**33.** Section 48 (b) refers to a licence of this type as a separate "hotel beer licence".

**34.** (a) New.

(b) In substance section 48 (b) and 64 (1) combined.

(2) Subject to this section, no beverage room licensee shall serve beer or permit beer to be served to or consumed by men and women together on the premises of the licensee.

(3) Where a beverage room licensee or an applicant for a beverage room licence desires to serve beer to both men and women, the Board may in writing allow him to establish in his hotel a separate licensed beverage room premises for each, subject to such conditions as the Board may prescribe.

(4) Where a beverage room licensee or an applicant for a beverage room licence, desires to serve beer to both men and women on the same licensed beverage room premises, the Board may, subject to such conditions as it may prescribe, allow him to establish in his hotel a licensed beverage room for the sale of beer to women and to women and the male escorts thereof.

(5) With due variations in the matters of detail, the provisions of this Act applicable to the location, suitability, conduct and regulation of the licensed premises of beverage room licensees apply to the separate licensed beverage room premises established pursuant to subsection (3) or (4).

(6) The Board may in its discretion order in writing that one or other of the licensed beverage room premises of a beverage room licensee be closed as a beverage room and thereafter it shall not be used as a beverage room and shall not be re-opened as a beverage room except with the written permission of the Board.

#### *Beer Vendor's Licence*

**32.** On application therefor being made in the prescribed form by a beverage room licensee or by an applicant for a beverage room licence, and on payment by him of the prescribed fees and on compliance with this Act, the Board may, subject to Part III, issue a beer vendor's licence to the applicant.

**33.** A beer vendor's licence shall not be issued unless the applicant is a beverage room licensee or with the issue of a beverage room licence to the applicant.

**34.** A beer vendor's licence is authority for the licensee named therein

- (a) to purchase beer from the Board and to have and keep beer so purchased in that part of the hotel set out in the licence, and
- (b) to sell beer in closed bottles to persons not disqualified under *The Liquor Control Act, 1958*, for consumption only in a place where it may lawfully be consumed.

**35.** In part section 64 (2).

**36.** Section 58 revised to refer to proposed Liquor Control Act, 1958.

**37.** (1) Section 62a (1) revised as to wording.

(2) Section 62a (2).

(3) Section 62a (3) in part and revised as to wording; the exception relates to section 64a, now clause 80 hereof.

**38.** Section 59 (1) in substance.

**39.** Section 59 (2) in substance.

**35.** All beer sold by a beer vendor licensee shall be delivered to the purchaser on the premises and shall be carried by the purchaser to a place where it may lawfully be consumed.

#### **Regulation of Beer Licences**

**36.** Every beverage room licence and beer vendor's licence issued under this Act shall be subject to all conditions and restrictions imposed by this Act and the regulations.

**37.** (1) Every person to whom a beverage room licence or beer vendor's licence is issued shall have available for sale in his licensed premises, in reasonable quantities at all times, one or more of the brands or kinds of bottled beer produced by each licensed brewer in Alberta.

(2) A sign notifying patrons that all kinds of bottled beer produced by licensed brewers in Alberta are in stock and available for purchase shall be conspicuously displayed at all times in that part of the hotel specified in the beverage room licence or beer vendor's licence as the licensed premises.

(3) A beverage room licensee and beer vendor licensee shall sell to any person permitted by law to possess and consume beer any brand or kind of bottled beer produced by a licensed brewer in Alberta, but subject to section 80.

**38.** Unless authorized by the Board under section 39, no beverage room licensee shall, in any part of the premises in respect of which his licence is issued, keep or maintain, or permit the keeping or maintaining of, a bar or counter over or at which beer or any non-alcoholic beverage is sold for consumption on the premises.

**39.** Where, in the opinion of the Board, a bar or counter with or without stools would be practical, the Board may authorize a beverage room licensee to keep and maintain, with or without stools and in such manner as the Board may require, a bar or counter at which beer or any non-alcoholic beverage may be purchased and consumed.

**40.** Section 60 in substance.

**41.** Section 58a.

**42.** Section 53 (3).

**43.** Section 53 (4).

**44.** Section 63a in part and revised as to terminology.

**45.** Balance of section 63a.

**46.** Section 30 (1) but licence subject to the provisions of Local Option Part of this Act.

**40.** Beer purchased from a beverage room licensee shall not be consumed elsewhere than in the room in which it is purchased.

**41.** No beverage room licensee or beer vendor licensee shall make any structural additions or alteration, or permit the same to be made, to the hotel building or make or permit any alterations of any nature to the licensed premises of the hotel without first submitting to the Board plans and specifications of the addition or alteration and obtaining the approval of the Board thereto in writing.

**42.** In respect of any beverage room licence for premises not licensed before the first day of April, 1957, under a hotel beer licence under the former Act, the Board by order may fix a maximum seating capacity not exceeding one hundred and twenty-five seats, as the capacity authorized for any room or place in which beer is sold by the glass or open bottle upon such premises.

**43.** In respect of any hotel premises that under the former Act had been licensed under a hotel beer licence before the first day of April, 1957, and that under this Act is licensed under a beverage room licence, the Board may, if in the opinion of the Board the circumstances so require, order that the seating capacity of any room or place in which beer is sold by the glass or open bottle upon such premises shall be reduced to one hundred and twenty-five seats or less.

**44.** No person shall enter into, nor is any person bound by, a management contract, contract of employment or other similar agreement, whether written or verbal, that provides for the management of or employment in a hotel or any part thereof with respect to which a beverage room licence or beer vendor's licence has been issued, if the contract or agreement contains a term or provision whereby the remuneration, salary, commission or other moneys payable for management services or other services is to vary or may vary with the volume of sales of beer.

**45.** No person shall offer or give and no manager or employee of a hotel shall accept or receive any money, gift, reward or remuneration, directly or indirectly, for promoting, inducing or furthering the sale or consumption of beer contrary to the intent of section 44.

#### **Club Licences**

**46.** Upon application in the prescribed form and accompanied by the prescribed fee, the Board, in accordance with this Act and the regulations, may grant a club licence in respect of any premises kept or operated by a club and specified in the licence.



**47.** Section 30 (2) revised but no substantial change in principle.

**48.** (1) Section 30 (3) except that the licence is termed a "club licence to sell liquor", and local option Part made applicable.

(2) Section 30 (4) revised to conform with subsection (2) of clause 47, but no substantial change in principle.

**49.** Section 31.

**47.** A club licence is authority for the club licensee named therein to purchase beer from the Board and, in that part of the club premises set out in the licence, to have and keep the beer so purchased, and to sell the beer by the glass or open bottle to members of the club not disqualified under *The Liquor Control Act, 1958*, for consumption in the licensed club premises, but the purchase, having, keeping, sale and consumption, shall be in accordance with this Act and the regulations and not otherwise.

**48.** (1) A club that has been granted a club licence for the sale of beer, and that operates a dining room for the regular service of meals to its members, may apply to the Board for a club licence to sell liquor.

(2) A club licence to sell liquor is authority for the licensee to purchase liquor from the Board and, in that part of the club premises set out in the licence, to have and keep the liquor so purchased, and to sell it to the members of the club not disqualified under *The Liquor Control Act, 1958*, for consumption in the licensed club premises, but the purchase, having, keeping, sale and consumption shall be in accordance with this Act and the regulations, and not otherwise.

**49.** No club shall be granted a licence to sell beer

- (a) if it is a proprietary club or operated for pecuniary gain, or
- (b) if it is other than a proprietary club, unless
  - (i) the club has been in continuous operation as a club for such period as the Board in its discretion may prescribe by regulation,
  - (ii) the club premises are constructed, equipped, conducted, managed and operated to the satisfaction of the Board and in accordance with this Act and the regulations,
  - (iii) the club maintains such recreational facilities for the use of its members as in the opinion of the Board are satisfactory and proper, and
  - (iv) if not previously licensed under the former Act or this Act, the club
    - (A) has filed with the Board at least one year prior to the date of application, notice of its intention to make the application, accompanied by a description of the premises occupied or proposed to be occupied by the club,
    - (B) has filed with the Board, at least one year before the date of application, proof of the organization of the club, a copy of its existing constitution and by-laws and an affidavit sworn by the duly authorized officers of the club before a notary public that a minimum of two-thirds of the

**50.** (1) Section 32.

(2) Section 33.

**51.** Section 34 but subsection (2) thereof omitted.

**52.** Section 35, but the power to dispense with a hearing absolutely is removed.

**53.** (1) Section 36.

(2) Section 37.

(3) Section 38.

**54.** Section 39.

membership of the club have voted in favour of an application for a club licence, and

- (c) complies with any regulations made from time to time by the Board.

**50.** (1) A club licence shall be issued in the name of the applicant club and is not transferable.

(2) No holder of a club licence shall allow any other club or person to use the licence.

**51.** For the purpose of considering an application for a club licence the Board may cause an inspection of the club premises to be made and may inquire into all matters in connection with the constitution and operation of the club.

**52.** (1) The Board may, from time to time in the exercise of its discretion, suspend or cancel a club licence and thereupon all rights of the club to keep or sell beer or liquor thereunder are suspended or determined, as the case may be.

(2) Upon receipt of notice of the suspension or cancellation of a club licence, the licensee club shall forthwith deliver up the licence to the Board.

(3) In the case of suspension, if the club fails or neglects to deliver up the licence in accordance with the regulations, the Board may forthwith cancel it.

(4) Where a club licence has been suspended or cancelled the Board shall notify all vendors in the municipality where the club has its premises, and such other persons as the regulations may require, of the suspension or cancellation of the club licence.

(5) Where the licence has been suspended only, the Board may return the licence to the licensee at the expiration or determination of the period of suspension.

**53.** (1) Unless it sooner expires or is cancelled, a club licence issued by the Board becomes void and is determined if and when the club to which it was issued ceases to carry on operation, or ceases to be qualified as a club within the meaning of this Act and the regulations.

(2) A club licence issued under section 46 or 48 is subject to all the conditions and restrictions imposed by this Act or the regulations.

(3) A licensed club shall keep its licence posted in a prominent position on the club premises.

**54.** The premises of a club that does not hold a valid and subsisting club licence under section 46 or 48 shall be deemed to be a public place within the meaning of *The Liquor Control Act, 1958*.

**55.** (1) Section 40 (1).

(2) Section 40 (2) in substance.

**56.** (1) Section 42 in part.

(2) Balance of section 42 revised to conform with similar provisions in respect of beverage room and club licences, but no substantial change in principle.

**57.** (1) Section 43; "canteen licence to sell liquor" describes this licence.

(2) Section 44 revised to conform with wording in clauses 31 (1) and 47 (2) above, but no substantial change in principle.

**55.** (1) Unless a club licence has been granted to a club pursuant to section 48 no liquor other than beer shall be kept in or consumed in any club premises other than such part of those premises as are for the time being designated by the Board in writing as a residence within the meaning of *The Liquor Control Act, 1958*, except in cases where the Board has issued a special permit under *The Liquor Control Act, 1958*, and then only to the extent and subject to the conditions set out or referred to in the permit.

(2) No person is permitted to buy beer or liquor in a club licensed to sell beer or liquor under this Act unless he is a member of the club and not disqualified under *The Liquor Control Act, 1958*.

#### **Canteen Licences**

**56.** (1) If authorized by the regulations and in respect of canteens

- (a) in camps, armouries or barracks of active and reserve units of the Royal Canadian Navy, the Canadian Army, the Royal Air Force and the Royal Canadian Air Force under direct supervision and control of the respective services, and
- (b) in quarters of the Royal Canadian Mounted Police and premises of units of the American Legion consisting of members of the active United States forces,

the Board may grant a canteen licence in accordance with this Act and the regulations to the person in control of the canteen.

(2) A canteen licence is authority for the canteen licensee named therein to purchase beer from the Board and, in that part of the canteen set out in the licence, to have and keep the beer so purchased and to sell it by the glass or open bottle to persons not disqualified under *The Liquor Control Act, 1958*, for consumption on the premises, but the purchase, having, keeping, sale and consumption shall be in accordance with this Act and the regulations, and not otherwise.

**57.** (1) Where a canteen licence for the sale of beer has been granted to a mess of the armed forces or police for commissioned officers or for non-commissioned officers of the rank of sergeant and upwards in the army, or for equivalent ranks in the other armed forces in police units, the mess may apply to the Board for a canteen licence to sell liquor.

(2) A canteen licence to sell liquor is authority for the canteen licensee named therein to purchase liquor from the Board and, in that part of the canteen set out in the licence, to have and keep the liquor so purchased and to sell it to persons not disqualified under *The Liquor Control Act, 1958*, for consumption on the premises, but the purchase, having,

**58.** (1) Section 45.

(2) Section 46 revised. Section 47 is omitted.

**59.** New. This and the next following sections introduce authority for and create the new liquor licences for retail sale of liquor.

**60.** New. Dining lounge licence authorizes the sale of liquor with meals only.

**61.** New.

keeping, sale and consumption shall be in accordance with this Act and the regulations, and not otherwise.

**58.** (1) The Board may make regulations

- (a) prescribing the type of room or place in or on club or canteen premises in which liquor is to be kept,
- (b) prescribing the days on which and the hours during which liquor may be served or consumed on the club or canteen premises, and
- (c) providing for inspection, supervision and control of the service and consumption of liquor on the premises of any club or canteen.

(2) A canteen licence is subject to such terms, conditions, limitations and restrictions as may be prescribed.

### **Dining Lounge and Lounge Licences**

#### *Dining Lounge Licence*

**59.** On application therefor being made in the prescribed form and on payment of the prescribed fee therefor, and on compliance with this Act, and the regulations, the Board may, subject to Part III, issue a dining lounge licence to the proprietor or operator of any hotel dining room or other dining room that in the opinion of the Board

- (a) is conducted in premises having sufficient floor space for the purpose,
- (b) has a kitchen and dining room of such size, and so equipped with cooking utensils, tables, chairs, tableware, dishes and other facilities, as to be suitable to accommodate the patrons thereof,
- (c) offers food of good quality and in adequate quantity and that is cooked or prepared and served with reasonable efficiency and in a clean and sanitary manner, and
- (d) is otherwise conducted as required by the regulations respecting dining rooms and is deemed by the Board to be in every respect a dining room of the best kind and to conform to such a high standard as to warrant the issue of the dining lounge licence.

**60.** A dining lounge licence authorizes the licensee to purchase liquor of all kinds from the Board and to sell the liquor so purchased by the glass for consumption only in the dining room and together with meals, by persons who are not disqualified under *The Liquor Control Act, 1958*, from consuming liquor.

**61.** Unless the applicant for a dining lounge licence maintains or will maintain two separate dining rooms on his premises that are or will be of the prescribed standard, the Board shall not issue a dining lounge licence in respect of the dining room unless the dining room is so arranged



**62.** New. Lounge licences dependent upon holding dining lounge licences.

**63.** New. Lounge licence authorizes the sale of liquor with or without meals.

**64.** New.

that a portion of the dining room is and can be kept separate from the part of the dining room in which liquor is sold, and in which the accommodation and meals offered therein will meet the standards prescribed by the Board.

*Lounge Licence*

**62.** (1) On application therefor being made in the prescribed form by a person who is the holder of or who has applied for a dining lounge licence, and on payment by him of the prescribed fees and on compliance with this Act and the regulations, the Board may, subject to Part III, issue to the applicant a lounge licence if, in the opinion of the Board,

- (a) the premises in which it is proposed to operate the lounge room are adequate for the purpose and will readily permit of compliance with this Act by the licensee, and
- (b) the location and character of the dining room with respect to which the applicant holds or has applied for a dining lounge licence makes it desirable to issue the lounge licence.

(2) Except as in this Act otherwise specifically provided, the Board shall not issue a lounge licence in respect of any premises unless they adjoin, and are so physically connected with, the dining room with respect to which the applicant holds or has applied for a dining lounge licence that food may readily be procured by patrons of the lounge for consumption either in the dining room or in the lounge.

**63.** A lounge licence authorizes the licensee to purchase from the Board liquor of all kinds and to sell the liquor so purchased by the glass for consumption only in the licensed lounge, with or without meals, by persons who are not disqualified under *The Liquor Control Act, 1958*, from consuming liquor.

*Entertainment*

**64.** (1) On application therefor being made in the prescribed form and on payment of the prescribed fees and on compliance with this Act and the regulations, the Board may issue to a dining lounge licensee authorization to provide live entertainment for the patrons of his licensed premises, if, in the opinion of the Board,

- (a) the dining room is conducted as required by the regulations respecting dining rooms and is deemed by the Board to conform to such a high standard as to warrant the issue of the authorization, and
- (b) there is to be provided for the patrons of the dining room
  - (i) entertainment performed, given or rendered by an orchestra, players of musical instruments, singers or dancers, or other living persons, and

**65. New.**

**66. New.**

**67. New. Minors in regard to new licences.**

**68. New.**

**69. New.**

- (ii) if required by the regulations, or, in any individual case, by the Board, a space for dancing by the patrons with the requisite musical accompaniment.

(2) Subject to the regulations, entertainment other than live entertainment may be provided by a dining lounge licensee.

*General*

**65.** A provision of this Act authorizing and requiring liquor of any kind to be sold by the glass does not prohibit the sale of beer or wine in an opened bottle or other container, if the beer or wine so sold is entirely consumed on the premises or left there by the purchaser on his departure.

**66.** Any beer or wine purchased on licensed premises by the bottle or container and that is unconsumed and left on the premises by the purchaser thereof on his departure as provided in section 65 shall forthwith be destroyed by the proprietor or operator of the premises.

**67.** (1) A person under the age of twenty-one years may enter, be in, and remain in, a licensed dining lounge.

(2) A person under the age of twenty-one years may enter, be in and remain in a licensed club premises, a licensed canteen premises or the part of a train in respect of which a licence has been issued under section 78.

**68.** A dining lounge licensee or lounge licensee shall not

- (a) allow dancing in the licensed premises except in the case of a dining lounge licensee authorized under section 64 to provide live entertainment,
- (b) allow any person to play any game or sport in the licensed premises,
- (c) allow persons of a notoriously bad character or disorderly or intoxicated persons, to be in or about the premises, or
- (d) knowingly sell liquor to any person who is not permitted by this Act or *The Liquor Control Act, 1958*, to be in the licensed premises, and such knowledge shall be presumed against the licensee until the contrary is shown.

**69.** Where in the opinion of the Board the proprietor or operator of a licensed dining room or licensed lounge has failed to comply with or disobeyed any provision of this Act, the Board may cancel or suspend the licence issued in respect thereof.

**70.** New.

**71.** (1) Section 65 (1) (a) and (b) extended to new licences and revised to give more discretion to Board.

### Miscellaneous and Regulative

**70.** (1) A person who holds a licence under this Act shall not sell, or cause or permit to be sold on the licensed premises any liquor

- (a) except during the hours and on the days when it may be lawfully sold,
- (b) of a kind that is not lawful for him to sell under the licence, or
- (c) of a quality not satisfactory to the Board.

(2) Every person who is in a licensed beverage room or licensed lounge, other than the proprietor or operator thereof and his employees, shall leave the licensed premises within fifteen minutes of the time when the sale of liquor therein is required to cease.

(3) No licensee of a licensed beverage room or licensed lounge shall permit any unauthorized person to remain in the licensed premises after fifteen minutes have elapsed from the time when the sale of liquor therein is required to cease.

(4) A person who is in licensed premises for which a licence under this Act, other than a beer vendor's licence, is in effect and who has purchased liquor therein during a period when it may lawfully be sold therein, may consume the liquor during the fifteen minutes immediately following the time when the sale of liquor in the premises is required to cease.

(5) Subject to subsections (2) to (4), no person other than the licensee or the spouse or employee of the licensee, or a person who is specifically authorized by the licensee to be therein for a lawful purpose, and under the supervision of the licensee, shall remain or be permitted to be, in a licensed beverage room or licensed lounge during any of the hours, days or times in which liquor may not be sold therein.

**71.** (1) Subject to subsection (4) of section 70, no sale or other disposal of liquor shall be made or take place in, nor shall liquor be consumed in, any licensed premises during the hours or on the days in this section prescribed, that is to say,

- (a) from twelve o'clock midnight at the end of a Saturday until twelve o'clock on the Monday next following, and on other days of the week during such hours as may be prescribed by the Board,
- (b) on a day on which voting takes place at a Dominion or Provincial election in the electoral division in which the licensed premises are situated,
- (c) on a day on which voting takes place at a municipal election or upon a question submitted to the electors of the municipality under this Act or under any other Act of the Legislature, if the licensed premises are situated in a polling division therein in which voting takes place, or

(2) to (4) New.

**72.** (1) Section 146 (1) extended to apply to new licences, and revised.

(2) New.

(3) New.

(4) Section 146 (3) in substance.

(5) and (6) Section 146 (4) in substance.

(d) on such other days as the Board may direct.

(2) Clauses (b) and (c) of subsection (1) do not apply to a day on which voting takes place at an advance poll or a special poll.

(3) The Board may, in the case of any particular licensed premises, order that the premises specified in the order be permitted to open for the sale of liquor that may lawfully be sold therein only during such periods as may be specified in the order.

(4) An order under subsection (3) may be made effective on any day or days or for a period therein specified or until further ordered.

**72.** (1) Subject to subsections (2) and (3), no person holding a licence under this Act shall take, receive or accept anything except current money in payment for, or on account of, any liquor supplied by the licensee, and no licensee shall, directly or indirectly, give or allow credit, in whole or in part, for or on account of any liquor sold, supplied or to be supplied by the licensee, or advance any money for the purchase of the liquor.

(2) Where liquor is purchased in a licensed dining lounge or a licensed lounge, credit may be given to the purchaser for the sale price thereof

(a) if the licensed premises are part of, or operated in conjunction with, a hotel of which the licensee is the owner or operator, and if

(i) the purchaser is a *bona fide* guest in the hotel, and

(ii) the sale price of the liquor and of the accompanying meal are charged to the purchaser in his general hotel account,

or

(b) if the sale price of the liquor and of the accompanying meal are charged to the purchaser under established credit arrangements approved by the Board.

(3) Where liquor is purchased by a member of a licensed club in the club and in the premises thereof in respect of which the club holds a subsisting club licence, credit may be given by the club for the sale price of the member purchasing the liquor.

(4) No licensee to whom subsection (1) refers shall take or receive any money or money's worth by way of a deposit or pledge for the purpose of securing the price of liquor to be supplied by the licensee at any future time.

(5) No licensee to whom subsection (1) refers shall, in any room in which liquor is served or consumed in the premises with respect to which his licence is issued, cash or negotiate a cheque, order or other evidence of indebtedness, given in payment of wages or salary, nor shall he permit any other person to do so therein.



(7) Section 146 (5) in substance.

**73. New.**

**74.** Compare clause 37 of this Bill.

**75. New.**

**76. New.** Prescribes that liquor cannot be main source of revenue of proprietors of dining rooms and lounges licensed under this Act.

(6) No person shall, in any room in which liquor is served or consumed in any licensed premises, cash or negotiate a cheque, order or other evidence of indebtedness, given in payment of wages or salary.

(7) Any money or security, or any deposit paid, given or pledged in contravention of this section, or the full value thereof, may be recovered in any court of competent jurisdiction, by the person making the deposit, payment, gift or pledge, from the licensee, free of all claims of the licensee, and, in addition, the licensee is liable to any penalty provided for breach of this section.

**73.** Liquor purchased from the holder of a licence of any of the following kinds, that is to say, club licence, canteen licence, dining lounge licence, or lounge licence, shall not be consumed elsewhere than in the licensed premises in which it was purchased.

**74.** Subject to section 75, the Board may require any licensee to whom a licence of any of the kinds following, that is to say, dining lounge licence or lounge licence is issued to have available for sale in his licensed premises in reasonable quantities at all times, one or more of the brands or kinds of bottled beer produced by each licensed brewer in Alberta.

**75.** Where the Board requires any licensee under section 74 to have beer available for sale as set out in that subsection, the provisions of subsection (3) of section 37 respecting beverage room licences and beer vendors' licences apply, *mutatis mutandis*, to the licensees to whom the requisition of the Board applies.

**76.** (1) The Board shall not issue a dining lounge licence unless it is satisfied that

- (a) the sale of liquor in the premises operated by the licensee under the licence will be incidental to the service of meals therein and not the main source of revenue derived from the operation of the licensed premises, and
- (b) where a lounge licence is issued to the holder of a dining lounge licence, the combined revenue derived from the sale of liquor in both lounge and dining room will not be the main revenue derived from the operation of the combined premises.

(2) Where the Board finds that any licensed premises are not being operated under the conditions mentioned in clause (a) or (b) of subsection (1), the Board shall cancel the licence or licences issued in respect thereof or suspend them.

**77.** New.

**78.** New.

**79.** New.

**80.** Section 64a extended to include sale of liquor generally; at present the section refers only to the sale of beer.

(3) Where a licence or licences is or are cancelled under subsection (2), the Board shall not issue a new licence in respect thereof or revoke the suspension unless it is satisfied that thereafter the premises will be operated in accordance with the conditions mentioned in clause (a) and (b) of subsection (1).

**77.** (1) Subject to subsection (2), the Board may issue dining lounge licences and lounge licences to

- (a) railway companies in respect of their trains, and
- (b) companies that own railway dining cars or railway lounge cars and operate them as parts of trains, in respect of such dining cars or lounge cars while they are operated as parts of trains.

(2) The Board shall not issue licences under subsection (1) in respect of trains that operate solely within the Province or in respect of dining cars or lounge cars operated as parts of such trains.

(3) The provisions of this Act relating to dining rooms and lounge rooms and licences in respect thereof, other than section 61, subsection (2) of section 62, subsections (2), (3) and (5) of section 70, and section 79, apply to dining rooms and lounge rooms on trains, and to licences in respect thereof issued under subsection (1).

**78.** (1) Where the Board issues a licence under section 77 it may, notwithstanding any provision of this Act or *The Liquor Control Act, 1958*, authorize the licensee to purchase elsewhere than from the Board and under such conditions as the Board prescribes, liquor for sale to passengers on trains in accordance with the licence or licences issued.

(2) Where a company is so authorized as provided in subsection (1), the Board may enter into agreements with boards, commissions or persons having due authority for the purpose in other provinces of Canada whereby credit will be given to the Board for a portion of the price of liquor purchased as so authorized, and the amount so credited will be paid to the Board as part of its revenue.

**79.** Unless otherwise ordered by the Board, every beverage room licensee, dining lounge licensee, lounge licensee and club licensee shall post and keep posted his licence in a prominent position in his licensed premises, and shall post in his licensed premises or at the entrance thereto such extracts from this Act or *The Liquor Control Act, 1958*, and such signs or notices as the Board may require or permit.

**80.** (1) A beverage room licensee, beer vendor licensee, dining lounge licensee or lounge licensee, or an employee thereof, may in his discretion refuse to sell liquor to any

**81.** Section 63 (a) extended to apply also to the new licensees.

**82.** Section 63 (b) extended to apply to the new licensees.

**83.** Section 148 in substance.

**84.** Balance of section 63a.

**85.** (1) Section 175.

(2) Penalties for offences under this Act.

person and no reason for so doing need be given to the person refused.

(2) Where a licensee of any of the classes mentioned in subsection (1), or an employee thereof, has refused to sell liquor to any person, he shall, upon request of the Board, give his reasons for so doing with full particulars of the circumstances to the Board.

**81.** No licensee of any of the following classes of licences, that is to say, a beverage room licence, beer vendor's licence, dining lounge licence or lounge licence, and no employee thereof, shall suffer or permit a constable or police officer in uniform to be in or remain in the licensed premises of the licensee, unless the constable or police officer is in the execution of his duties.

**82.** No licensee of any of the following classes of licences, that is to say, a beverage room licence, beer vendor's licence, dining lounge licence or lounge licence, and no employee thereof, shall suffer or permit any gambling, to take place on the licensed premises of the licensee.

**83.** No licensee and no person employed in or about any licensed premises shall promote, induce or further or attempt to promote, induce, or further, the sale of any particular kind, class or brand of liquor.

**84.** A person who contravenes a provision of section 45 is guilty of an offence and liable on summary conviction to a fine of not more than one thousand dollars and in default of payment to imprisonment for a period not exceeding one month.

**85.** (1) A person who contravenes any provision of this Act or the regulations is guilty of an offence under this Act whether otherwise so declared or not.

(2) A person who is guilty of an offence against this Act for which no penalty has been specifically provided is liable on summary conviction

- (a) for a first offence to a fine of not more than five hundred dollars and in default of payment to imprisonment for a term not exceeding two months.
- (b) for a second offence to imprisonment for a term not exceeding three months or to a fine of not more than one thousand dollars and in default of payment to imprisonment for a term not exceeding three months, and
- (c) for a third or subsequent offence, to imprisonment for a term not exceeding six months.

(3) Penalties in respect of offences committed by corporations.

**86.** Section 154 (4).

General. This Part provides the procedure whereby electors in a local option area may vote for or against the issuance of any class of licence in the area. There are two types of plebiscites:

1. When the first application for any class of licence is made the electors may petition for a vote (see clause 91). If 60% or more vote in favour the Board may issue that class of licence in the area until a negative vote is held. If less than 60% vote in favour further applications for that class of licence cannot be considered until after a prescribed time (see clause 93). If no petition is received the Board may issue the class of licence until a negative vote is held (see clause 94).
2. When the Board is issuing a class of licence in a local option area a petition may be presented for a vote to determine whether the electors are opposed to the issuance of that class of licence in the area (see clause 96). If 60% or more are opposed, the existing licences are cancelled and no further applications for that class of licence can be considered until after a prescribed time (see clause 99). If less than 60% disapprove the Board may continue to issue the class of licence and no further plebiscite on that class of licence may be held until after a prescribed time (see clause 98).

**87.** Definitions for Part III.

- (3) When the person convicted of an offence mentioned in this section is a corporation, it is liable
- (a) for a first offence to a fine of not more than one thousand dollars, and
  - (b) for a second or subsequent offence to a fine of not less than one thousand dollars nor more than three thousand dollars.

*Identification Permits*

**86.** Where a person who appears to be under twenty-one years of age requests to purchase liquor or beer from a licensee under this Act, or where such a person requests to be given any liquor or beer, the licensee or any other person to whom the request is made, may before acceding to the request, demand that proof of age satisfactory to him be produced by the person making the request, and in any such case an identification permit issued to the person making the request shall be taken to be satisfactory proof of age.

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**PART III**

**LOCAL OPTION**

**Interpretation**

- 87.** In this Part,
- (a) “beer licences” means beverage room licences and beer vendors’ licences or either of them;
  - (b) “elector” means a person over twenty-one years of age who would be entitled to have his name on the list of electors that would be used for the taking of votes at a general election of members to serve in the Legislative Assembly, if such election were being held, in the case of a petition, at the time of the petition, or in the case of a plebiscite, at the time fixed for the plebiscite;
  - (c) “hamlet” means a hamlet within the meaning of the former Act;
  - (d) “hotel licence” means a hotel licence within the meaning of the former Act;



**88.** Designation of local option areas. No applications for licences may be considered in an area that is not a local option area.

**89.** Where under the former Act the Board had the power to issue any class of licence in an area, that area is to be deemed a local option area under this Act and the Board may continue to issue licences until by a vote under this Act the electors vote against the issuance of that class of licence.

**90.** (1) Where an application, in accordance with this Act, is made for a licence in a local option area in which applications for that class of licence have not been previously made the Board is to fix a date for considering the application.

- (e) "liquor licence" means dining lounge licences and lounge licences or either of them;
- (f) "municipality" means a city, town, village, county, municipal district, improvement district or special area.

#### **Local Option Areas**

**88.** (1) Subject to the approval of the Lieutenant Governor in Council and subject to section 89, the Board may designate any municipality or any area thereof as a local option area for the purpose of the issuance of beer licences and liquor licences under this Act.

(2) Subject to section 89, the Board shall not consider an application for a beer licence within any area of the Province that is not designated a local option area or that is not within a local option area.

(3) The Board shall not consider an application for a liquor licence within any area of the Province that is not designated a local option area or that is not within a local option area.

**89.** (1) Where pursuant to Part III of the former Act, a hotel licence had been issued in any area following an affirmative vote upon a plebiscite under the former Act, the area in which the vote was taken shall be deemed to be designated a local option area for the purposes of this Act in respect of beer licences, until such time as by a vote under this Act that area has voted against the issuance of beer licences therein.

(2) Where pursuant to the authority vested in the Board under the former Act, a hotel licence had been issued in any city, town, village or hamlet without a plebiscite having been held in respect thereof, the city, town, village or hamlet shall be deemed to be designated a local option area for the purposes of this Act in respect of beer licences therein, until such time as by a vote under this Act that city, town, village or hamlet has voted against the issuance of beer licences therein.

(3) Where pursuant to this section an area or municipality or a part thereof is deemed to be designated a local option area in respect of beer licences the Board has authority to issue beer licences in that area, municipality or part, until such time as by a vote under this Act the area, municipality or part thereof votes against the issue of any beer licence therein, but nothing in this subsection shall be construed to require the Board to issue any such licence therein after the commencement of this Act.

#### **Vote on First Applications**

- 90.** (1) Where an application is first made to the Board
- (a) for a beer licence for premises in a local option area within which no beer licence has been previously issued by the Board under this Act or no hotel

(2) Where an application in accordance with this Act, is made in a local option area that has previously voted against the issuance of that class of licence, the Board is to fix a date for considering the application.

(3) A stipulated number of electors must indicate their approval of the application.

(4) The Board must publish a notice stating it is going to consider the application.

(5) The notice must be published twice not less than 30 days before the date fixed.

licence under the former Act had been issued prior to the commencement of this Act,

- (b) for a liquor licence for premises in a local option area within which no liquor licence has been previously issued by the Board under this Act, or
- (c) for a beer licence and liquor licence for premises in a local option area within which no beer licence or liquor licence has been previously issued by the Board under this Act, and no hotel licence under the former Act had been issued prior to the commencement of this Act,

if the application complies in all respects with the requirements of this Act and the regulations and is supported by an approval as required by subsection (3), the Board shall fix a date on which applications shall be considered by the Board.

(2) Where an application for a beer licence or liquor licence is first made to the Board after the expiration of the required number of years from the date of a plebiscite under Part III of the former Act or section 92 or 97 of this Act disapproving of the issuance, in the local option area in respect of which the application is made, of hotel licences or beer licences or liquor licences, as the case may be, if the application complies in all respects with the requirements of this Act and the regulations, and is supported by an approval as required by subsection (3), the Board shall fix a date on which the application shall be considered by the Board.

(3) An approval in support of an application shall be in the prescribed form and addressed to the Board and signed by at least one hundred electors of the local option area or twenty-five per cent of the number of persons named on the latest lists of electors for an election of a member or members to the Legislative Assembly from the area comprising the local option area, whichever is the lesser number.

(4) An application and supporting approval shall be reviewed by the Board or such officer as may be designated therefor by the Lieutenant Governor in Council and if the application meets with the approval of the Board or officer, as the case may be, the Board shall publish a notice

- (a) giving a description of the local option area,
- (b) giving the date fixed for the consideration of applications by the Board, and
- (c) stating that unless the Board receives a petition in accordance with section 91 before the stated date the Board will on that date consider applications for the class of licence applied for.

(5) The Board shall cause the notice under subsection (4) to be published twice in the newspaper published and having a general circulation within the local option area or where no newspaper is published within the local option area, in a newspaper having a general circulation in

**91.** (1) Before the date fixed for considering the application the electors may petition for a vote on the issuance of the class of licence applied for.

(2) Number of signatures on petition.

(3) On receipt of petition the Board is to adjourn the consideration of applications and refer the petition for review.

(4) If petition in order a notice is to be published that the consideration of applications is adjourned until after a plebiscite.

(5) Time re re-submitting a petition defective in form.

**92.** (1) A vote on the issuance of the class of licence applied for is to be held.

that area, and the publications shall be at least five days apart, and the second of the publications shall be not less than thirty clear days before the date fixed for the consideration of applications by the Board.

**91.** (1) Subject to this section, any electors within the local option area may, at any time before the date fixed by the Board pursuant to section 90 for considering applications for the issuance of a beer or liquor licence, as the case may be, petition the Board requesting that the Lieutenant Governor in Council submit to a vote of the electors of the local option area a question in respect of the class of licence applied for.

(2) A petition under this section shall be in the prescribed form and addressed to the Board and signed by five hundred electors of the local option area or twenty-five per cent of the number of persons named on the latest lists of electors for an election of a member or members to the Legislative Assembly from the area comprising the local option area, whichever is the lesser number.

(3) Where the Board receives a petition under this section within the time limited in subsection (1), the Board shall adjourn the date fixed for the consideration of applications for the issuance of the class of licence applied for, and shall refer the petition for review and report thereon.

(4) If the Board or the official designated by the Lieutenant Governor in Council to review petitions, as the case may be, finds that the petition is complete and regular, the Board shall thereupon submit the petition to the Lieutenant Governor in Council and, by notice published in a newspaper published and having a general circulation in the local option area or where no newspaper is published in the local option area in a newspaper having a general circulation in that area, give notice that the date for considering applications for that class of licence has been postponed until after a vote has been taken by the electors of the local option area under *The Liquor Plebiscites Act*.

(5) Notwithstanding the provisions of this Part, the Lieutenant Governor in Council where it is deemed in the public interest to do so and no licence has been issued, may by order extend the time within which the petition may be made when the petitioners are unable within the time limited by subsection (1) to correct the petition that has been submitted but found to be defective as to form.

**92.** (1) Upon the receipt of a petition under section 91 the Lieutenant Governor in Council shall within sixty days thereafter submit a question in respect of the class of licence applied for to a vote of the electors of the local option area.

(2) The Lieutenant Governor in Council may also require a vote on the issuance of other classes of licences.

**93.** (1). If 60% vote in favour the Board may issue the class of licence voted upon until such time as there is a negative vote (see clauses 96 and 97).

(2) If less than 60% vote in favour there can be no further vote on that class of licences for 3 years.

**94.** When no petition or an insufficient petition is received the Board may, in its discretion, issue the class of licence applied for until a disapproving vote is held.

**95.** Form of the questions to be voted upon. Since the Board cannot have authority to issue lounge licences unless it has authority to issue dining lounge licences the use of questions is governed by subclauses (2) and (3) so that an affirmative vote on lounge licences will not occur with a negative vote on dining lounge licences.

(2) Subject to this Part the Lieutenant Governor in Council on the recommendation of the Board may at the same time a question is submitted to a vote pursuant to subsection (1) submit to the vote a question in respect of any other class of licence.

**93.** (1) Where under section 92 a question is submitted to a vote of the electors of a local option area to determine whether the electors approve or disapprove of the issuance of a class of licence in the local option area, if at least sixty per cent of the electors voting vote in the affirmative the Board has authority thereafter, in its discretion and in accordance with this Act, to issue that class of licence in the area until such time as by vote under this Part the electors vote against the issuance of that class of licence.

(2) If less than sixty per cent of the electors voting vote in the affirmative the Board shall not consider the application or any further application for the class of licence voted upon before the expiration of three years after the date of the vote.

**94.** Where the Board does not receive a petition under section 91 within the time limited under subsection (1) of that section, or where a petition presented within that time does not contain the required number of signatures or is incomplete or irregular in the opinion of the Board or officer designated by the Lieutenant Governor in Council, as the case may be, and no further petition is presented within the time limited, the Board has authority thereafter to issue in its discretion and in accordance with this Act,

- (a) beer licences, if the application was made for a beer licence,
- (b) dining lounge licences, if the application was made for a dining lounge licence, or
- (c) lounge licences, if the application was made for a lounge licence,

until such time as by a vote under this Part the electors of the local option area disapprove of the issuance of beer licences, dining lounge licences or lounge licences therein, as the case may be.

#### **Questions**

**95.** (1) The questions that may be submitted under this Part to a vote of the electors of a local option area are as follows:

- (a) Are you in favour of the sale of beer for consumption on licensed premises?
- (b) Are you in favour of the sale of liquor (including beer and wine) for consumption with meals under a dining lounge licence?
- (c) Are you in favour of the sale of liquor (including beer and wine) for consumption with or without meals under a lounge licence?



**96.** (1) Where licences are being issued in a local option area a petition for a negative vote may be made.

(2) Number of signatures required.

(3) Submission of petition.

(4) Self-explanatory.

**97.** The Lieutenant Governor in Council may submit the question and in his discretion (subject to the time limits) any other question to a vote.

(d) If you are in favour of the sale of liquor for consumption with meals are you also in favour of the sale of liquor (including beer and wine) for consumption with or without meals under a lounge licence?

(2) The question set out in clause (d) of subsection (1) shall only be submitted to the electors when the question set out in clause (b) of subsection (1) is to be submitted.

(3) The question set out in clause (c) of subsection (1) shall only be submitted to the electors when at the time it is submitted the Board has authority under this Act to issue dining lounge licences in the local option area.

(4) Each question submitted under this Part shall be on a separate ballot paper of a different colour.

#### Other Petitions

**96.** (1) Where the Board has authority under this Part to issue any class of licence in a local option area, a petition may be presented to the Board requesting that the Lieutenant Governor in Council submit a question to a vote of the electors of the local option area to determine whether the electors approve or disapprove of the issuance of that class of licence.

(2) A petition under this section shall be in the prescribed form and addressed to the Board and signed by two thousand electors of the local option area or twenty-five per cent of the number of persons named on the latest lists of electors for an election of a member or members to the Legislative Assembly from the area comprising the local option area, whichever is the lesser number.

(3) The Board shall refer the petition for review and report thereon and if the Board or the officer designated by the Lieutenant Governor in Council to review the petitions, as the case may be, finds that the petition is complete and regular, the Board shall thereupon submit the petition to the Lieutenant Governor in Council.

(4) A petition under this section

(a) shall not be presented to the Board more than thirty days before the date that pursuant to section 98 the plebiscite may be held, and

(b) shall be signed by all the petitioners in the calendar year in which it is presented.

**97.** Upon the receipt of a petition under section 96, the Lieutenant Governor in Council may at such time as he deems advisable submit to a vote of the electors of the local option area

(a) the question requested by the petition, and

(b) subject to this Part, a question in respect of any other class of licence.

**98.** (1) Time when a plebiscite may be held under clause 97.

(2) Where no plebiscite was requested or held on an original application for a class of licence a plebiscite on that class of licence may not be held for 3 years.

(3) The Board cannot have authority to issue lounge licences unless it has authority to issue dining lounge licences. This clause therefore provides that lounge licences will stand or fall with dining lounge licences on votes.

**99.** Effect of a negative vote at a plebiscite under clause 97.

**100.** (1) Applies the provisions of sections 108 to 132 of the proposed Liquor Control Act to offences and prosecutions under this Act, whether so expressed or not.

(2) Construing provision.

**101.** Transitional provision.

### Limitation on Voting

**98.** (1) Where in a plebiscite under section 92, or under section 97, sixty per cent or more of the electors voting vote in the affirmative no further question in respect of the class of licence voted upon may be submitted to a vote of the electors before the expiration of three years after the date of the plebiscite.

(2) Where under the authority of section 94, the Board may issue any class of licence in a local option area no question in respect of that class of licence may be submitted to a vote of the electors before the expiration of three years from the date when the Board considered the first application.

(3) Where the electors of a local option area voting on the approval or disapproval of the issuance of dining lounge licences vote against the issuance of that class of licence, no lounge licence shall be issued in that local option area irrespective of the fact that a separate vote on the issuance of a lounge licence was in the affirmative, and any lounge licence authorized and issued prior to the negative vote on dining lounge licences shall be cancelled under section 99 as though there had been a vote in the negative upon the issuance of lounge licences in that local option area.

### Negative Vote After Issue

**99.** Where in a plebiscite under section 97, sixty per cent or more of the electors voting vote in the negative

- (a) all licences of the class voted upon that are in force in the local option area shall be cancelled within sixty days of the date of the plebiscite,
- (b) all liquor purchased under the licence and still in the possession of the licensee on the date the licence is cancelled shall be returned to the Board within ten days thereafter, and
- (c) no application for a licence of the class voted upon shall be considered by the Board before the expiration of three years after the date of the plebiscite.

## PART IV

### MISCELLANEOUS

**100.** (1) The provisions of *The Liquor Control Act, 1958*, relating to prosecution, evidence, search and seizure, procedure and appeals apply, *mutatis mutandis*, to a prosecution of an offence under this Act or in respect of an offence under this Act, whether or not the provision is in that Act made expressly applicable to offences or prosecutions under this Act.

(2) This Act shall be read and construed with *The Liquor Control Act, 1958*, and in the case of conflict between the provisions of this Act and *The Liquor Control Act, 1958*, the provisions of that Act prevail.

**101.** (1) A hotel beer licence or club or canteen licence issued pursuant to the former Act and subsisting im-

**102.** Commencement of Act.

mediately before the commencement of this Act continues in force, subject to the terms of the licence and unless sooner cancelled or suspended under this Act, until midnight on the thirty-first day of **March 1959**.

(2) A licence continued in force under this section is subject to all the provisions of this Act in respect of the class of licence under this Act that replaces the hotel beer licence, club licence or canteen licence issued under the former Act and continued hereunder, except as otherwise prescribed by the Board.

**102.** This Act comes into force on the first day of **May, 1958**.

No. 86

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FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

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**BILL**

An Act to Provide for the Establishment and Licensing of Beer and Liquor Outlets Subject to Local Option and to Provide for Matters Incidental Thereto.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. COLBORNE

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