

in 1915, one to 911; in 1937, one to 1360; and in 1945, one to 1542. In general, the field of business for each licensed house has substantially expanded since 1905. This observation does not apply, of course, where the population has moved from any particular licensed locality. Other localities have then benefited to a proportionate degree.

CHAPTER 4.—POWERS OF INSPECTION AND ENFORCEMENT OF THE LAW IN RELATION TO LICENSEES AND LICENSED PREMISES

60. The operation of the licensees in conducting their businesses within the framework of licensing are subject to inspection for the purpose of ensuring that they comply with the law. Breaches may be visited by penalties, or by the loss of a license, or by the disqualification of premises. The last two consequences are very rare. We refer now to the most important of these matters, but we omit here reference to inspections under the Sale of Food and Drugs Act, 1908.

(1) AS TO A BREWERY LICENSE AND PREMISES

61. *Inspection.*—Premises subject to a brewery license are not subject to inspection under the Licensing Act or the Distillation Act. They are subject to the control and inspection of the Customs Department under Part III of the Finance Act, 1915. An officer of Customs may enter a brewery or any premises where beer is stored, kept, or sold, and every hotel or premises in which beer is sold retail, and every store or cellar attached thereto (sections 62 and 63 of the Finance Act, 1915). Under a Customs Warrant the officer may search any premises in which he has cause to suspect there are goods in respect of which an offence has been committed, or any books or other documents concerning them (section 176 of the Customs Act, 1913). In making a search under either the Finance Act or the Customs Act the officer of Customs may have the assistance of the police, if he thinks fit. Otherwise the police have no right to search brewery premises in respect of offences against the Finance Act or the Customs Act, and this imposes a heavy responsibility on the Customs Department. Furthermore, a Licensing Committee has no power of control over breweries.

62. *Prosecution.*—The decision whether to prosecute the holder of a brewery license for a breach of the law in respect of the Customs Acts (of which is Part III of the Finance Act, 1915), depends on the decision of the Minister of Customs. If any person admits in writing that he has committed an offence against any of the Customs Acts, the Minister may, under section 244 of the Customs Act, 1913, whether legal proceedings have been commenced or not, accept from him in satisfaction of the penalty or fine incurred by him such sum as the Minister thinks fit, and the sum so accepted may be less than the penalty or fine provided for the offence. The Minister may cause publication in the *Gazette* of a notice of the particulars of any settlement made by him in pursuance of the section. Powers similar to these exist in Australia and in England. The same provisions apply to all persons included in the definition of a brewer in section 33 of the Finance Act, 1915—viz., any person acting or apparently acting in the general management, control, or working of any brewery where the owner is not personally conducting the same. These persons, comprising, for example, an agent, superintendent, manager, or foreman, are to be distinguished from the holder of a brewer's license, although he is also a brewer within the definition.

63. *Forfeiture.*—Although the function of the Customs Department is primarily the collection of revenue, the Minister of Customs has also the duty of deciding whether a brewer's license shall be cancelled or suspended for six months or not renewed, if the Minister is satisfied that the holder of such license is not a person of good character and reputation or that it is in the public interest to refuse the issue of a license (section 48 of the Finance Act, 1917, which gives a right of appeal from the Minister's decision to the Licensing Committee of the district, and section 21 of the Customs Acts Amendment Act, 1931). The Minister of Customs may also cancel or suspend a license for six months