

*Cancellation of Publicans' Licenses.*

8. Any Superintendent or Inspector of Police may, with the approval of the Commissioner of Police, make application to a Magistrate, in the form No. 1 in the Schedule hereto, for the cancellation of any publican's license on any of the grounds following, namely:—

- (a) That the licensee has committed a breach of the Licensing Act, 1908, or of these regulations, or that he has committed a breach of any of the conditions of his license; or
- (b) That he has permitted the licensed premises to be frequented by disorderly or disreputable persons; or
- (c) That he has failed to conduct the licensed premises in a proper manner, or that drunkenness is permitted therein; or
- (d) That he has permitted the licensed premises to be used for the illegal sale of liquor at unauthorized times, or has allowed unauthorized persons to frequent the premises during a period when such premises are required to be closed; or
- (e) That for any other reason (to be specified in the application) the licensee is not a fit and proper person to be the holder of such license.

9. (1) The applicant shall serve upon the licensee a notice, in the form No. 2 in the Schedule hereto, calling upon him to appear before the Magistrate at the time and place specified in the said notice to show cause why his license should not be cancelled on the ground or on any of the grounds specified in the notice. A copy of such notice shall also be served upon the owner of the licensed premises, who shall be deemed to be a party to the proceedings.

(2) Not less than ten clear days' notice in writing shall be given to the licensee and the owner of the time and place fixed for the hearing of the application.

(3) Every application under Regulation 8 hereof shall be deemed to be an originating application within the meaning of the Rules of Court relating to originating applications and, subject to these regulations, those rules shall apply accordingly.

10. Upon the conclusion of the hearing of the application, the Magistrate may, on all or any of the grounds stated in the application, if in his opinion it is advisable so to do in the public interest make an order,—

- (a) Cancelling the license in respect of which the application is made;
- (b) That no license shall thereafter be granted in respect of the premises held under the license for such period not exceeding two years as he may direct.

11. (1) Any party may appeal to the Supreme Court against any order made under Regulation 10 hereof:

Provided that the appellant gives notice of the appeal within seven days after the making of the order.

(2) Notice of appeal shall be in writing and shall be filed in the Supreme Court. A copy of the notice of appeal shall be served on each of the other parties to the application, and a copy of the notice of appeal shall be left with the Clerk of the Magistrate's Court where the order appealed from was made. It shall not be necessary to state in the notice of appeal the grounds of appeal.

(3) The operation of the order appealed from shall be suspended until the final determination of the appeal.

(4) Every appeal under this regulation shall be by way of a rehearing of the original proceedings, in like manner as if the proceedings had been properly and duly commenced in the Supreme Court, and that Court may confirm, modify, or revoke the order appealed from.

(5) If the appellant does not prosecute his appeal with due diligence any other party to the proceedings may apply to the Supreme Court for the dismissal of the appeal.

12. (1) On the cancellation of a license under Regulation 10 hereof the Chairman and any two members of the appropriate Licensing Committee, with the approval of the owner of the licensed premises and of the Superintendent or Inspector of Police, shall, unless an order has been made disqualifying the premises from receiving a license for any period, grant a temporary license in respect of the premises to some fit and proper person to hold the same until the next succeeding quarterly meeting of the Committee; and at that meeting, or as soon as possible thereafter, the Committee shall consider and dispose of any application for a new license in respect of the premises and shall not fail to grant a new license in respect thereof if any applicant therefor is approved for the purpose by the owner of the premises and the Superintendent or Inspector of Police.

(2) If an order is made under Regulation 10 hereof disqualifying any premises from receiving a license for any period, the license cancelled by the Magistrate shall not until the expiration of the period of disqualification be deemed for the purposes of section 30 of the Licensing Amendment Act, 1910, to have been forfeited, or not to have been renewed, or to have otherwise ceased to exist.