

NEW ZEALAND STANDARD

Model general bylaws

CHAPTER 18

BILLIARD ROOMS

Superseding NZS 791, Part 5

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CONTENTS

	PAGE
Committee representation	4
Foreword	4
Related legislation	4
 <i>Clause</i>	
1801 Interpretation	5
1802 Billiard room licence required	5
1803 Billiard room attendant's licence required	5
1804 Certificate of character and contents of application	6
1805 Expiration of licence	6
1806 Annual fee	6
1807 Revocation or suspension of licence	6
1808 Licensee responsible for proper conduct of billiard room	7
1809 Inspection of billiard room	7
1810 Gambling, liquor, drugs, disorderly behaviour, and indecent language not permitted. Hours for opening and days when closed. Youths	7
1811 Sanitary accommodation, and cleanliness of premises	8
1812 Display of bylaws and licence	8
1813 Transfer of licence and provisions in case of loss	8
1814 Duplicate licence	9
1815 Offence	9
 Schedule	 10

COMMITTEE REPRESENTATION

This chapter of the model general bylaws was prepared under the supervision of the Local Government Sectional Committee (92) for the Standards Council established under the Standards Act 1965. The sectional committee consisted of representatives of the following:

Department of Health.
Department of Internal Affairs.
Fire Service Council.
*Municipal Association of New Zealand.
New Zealand Counties Association.
*New Zealand Institute of County Clerks.
New Zealand Institute of County Engineers.
*New Zealand Institute of Town Clerks and Municipal Treasurers.
New Zealand Institution of Engineers (Municipal Division).

The Miscellaneous Bylaws Committee (2/8/13) was responsible for the drafting of this chapter, and consisted of representatives of the organizations marked with an asterisk (*) in the foregoing list.

FOREWORD

NZS 791, Part 5, *Billiard rooms*, was first published in 1952. This chapter of the model general bylaws revises and supersedes that edition.

From the comments received from the circulation of the draft, it was clear that there was widespread concern that this chapter of the model general bylaws did not cover all premises in which billiards is played, other than licensed premises and social clubs. Legal advice was sought as to whether the bylaw could be extended to cover such premises. The opinion given was that there was power to do so under the Municipal Corporations Act 1954 or the Counties Act 1956. The definition of "billiard room" suggested by the legal adviser has therefore been substituted for the definition in NZS 791 Part 5.

"Licensee" and "billiard room attendant" have been separately defined. Separate licences are required for these, and the fees payable are to be fixed by the local authority by resolution.

Clauses 509 to 514 of the previous edition have been deleted for which new clauses 1810 and 1811 have been substituted, and the remaining clauses have been renumbered. No reference is made to Anzac Day in the new subclause 1810.1 (g) as this is covered by the Anzac Day Act 1966.

RELATED LEGISLATION

Anzac Day Act 1966
Counties Act 1969
Drainage and Plumbing Regulations 1959
Municipal Corporations Act 1954
Sale of Liquor Act 1962

Clause reference
herein
Foreword
Foreword
1811.1
Foreword
1801.1

NEW ZEALAND STANDARD
MODEL GENERAL BYLAWS

Chapter 18

BILLIARD ROOMS

1801 Interpretation

1801.1 In this Part of this bylaw, unless inconsistent with the context —

BILLIARD ROOM means and includes (a) any premises to which the public are admitted whether or not for reward and (b) any premises in any club which in either case are used or intended to be used for the purpose of playing the games of billiards, snooker, pool, bagatelle, pyramids, or other games of a like nature but does not include premises for such a game or games in premises licensed under the Sale of Liquor Act 1962 or any amendments thereof or in any club the principal purpose of which is to provide social amenities other than such game or games.

LICENSEE means and includes the proprietor of a billiard room, the person or persons by whom such billiard room is occupied, the person or persons applying for the licence for the billiard room, or the person or persons named in any permitted transfer of the licence.

BILLIARD ROOM ATTENDANT OR ATTENDANT means and includes the person or persons responsible for the control and management of the day-to-day activities of a licensed billiard room.

1802 Billiard room licence required

1802.1 No billiard room shall be occupied or used for the purpose of playing any of the aforesaid games unless licensed in that behalf under this Part of this bylaw.

1802.2 Every application for such licence shall be in the form No. 1 in the Schedule hereto and shall be signed by the applicant.

1802.3 Every such licence shall be in the form No. 2 in the Schedule hereto.

1803 Billiard room attendant's licence required

1803.1 No person shall be employed as an attendant in any billiard room unless he holds a billiard room attendant's licence.

1803.2 The fee for such licence shall be as determined from time to time by resolution of the local authority.

1803.3 Every person desirous of obtaining any such licence shall apply in the form No. 4 in the Schedule hereto, and every such licence shall be in the form No. 5 in the said Schedule.

1804 Certificate of character and contents of application

1804.1 Every application for a billiard room licence or an attendant's licence or renewal thereof shall be accompanied by a certificate from each of two reputable persons as to the good character of the applicant; such certificate shall be in the form No. 3 in the Schedule hereto.

1804.2 In every application for a billiard room licence there shall be set forth truly the full name, place of abode, and occupation of the applicant and the situation of the billiard room sought to be licensed, together with the full name, and occupation of the owners or occupiers of the adjoining rooms, offices, or apartments in the same building as the billiard room sought to be licensed; such situation shall be set forth in the licence when granted.

1804.3 Any person who shall falsely state anything touching any particular stated in such application shall render himself liable to prosecution for an offence against this Part of this bylaw and shall render himself liable to prosecution or to have the licence, if issued, cancelled forthwith by the local authority, or both.

1805 Expiration of licence

1805.1 Every licence issued under clauses 1802 or 1803 hereof shall expire on such day following the date of issue thereof as may from time to time be prescribed by resolution of the local authority, and shall be renewable annually thereafter.

1806 Annual fee

1806.1 There shall be a fee payable in advance for every such licence at the rate to be fixed by the local authority by resolution.

1807 Revocation or suspension of licence

1807.1 Should the licensee or attendant of a billiard room, during the currency of his licence, be convicted of any offence against this Part of this bylaw, or of an offence punishable by imprisonment, then, and in any such case, the local authority may revoke or suspend the licence granted to such licensee or attendant.

1807.2 Should the said licensee or attendant, during the currency of his licence, be convicted of any offence touching his character as such licensee or

attendant, or should it appear to the local authority through the report of the inspector or otherwise that any such licensee or attendant has been guilty of a breach of this Part of this bylaw or has acted or is acting in a manner contrary to the true intent and meaning of this Part of this bylaw or is the owner, occupier, or manager of, or is directly or indirectly concerned in carrying on any gaming, gambling, or wagering room or establishment, then, and in any such case, the local authority may cause a notice to be served on such licensee or attendant calling upon him to appear before the local authority or a committee thereof at a time and place fixed in such notice, such time to be not less than 3 days and not more than 14 days after service, and show cause why his licence should not be cancelled or suspended, and the local authority may, if it considers the matter proved or if there be no appearance by the licensee or attendant either personally or by representation, revoke his licence, or suspend the same for as long as it may think fit.

1807.3 No such licence while suspended or revoked shall be deemed to be of any force or virtue.

1808 Licensee responsible for proper conduct of billiard room

1808.1 From and after the issue of the licence, and while he shall be the licensee of the billiard room the licensee shall be personally responsible for the proper conduct of such billiard room, and shall himself see that all the provisions or requirements of this Part of this bylaw are duly carried out and observed, and any failure by him in this respect shall render him liable to prosecution for an offence against this Part of this bylaw.

1809 Inspection of billiard room

1809.1 Any inspector appointed from time to time by the local authority for the purpose of examining and inspecting billiard rooms shall have full, free, and unrestricted liberty and power of entry and access to every part of such billiard room and premises at all reasonable hours.

1809.2 Any person opposing or obstructing the entrance to, or examination of, any billiard room by such inspector shall render himself liable to prosecution for an offence against this Part of this bylaw.

1810 Gambling, liquor, drugs, disorderly behaviour, and indecent language not permitted. Hours for opening and days when closed. Youths

1810.1 The licensee or the person for the time being in charge of a billiard room on behalf of the licensee shall not —

- (a) Permit any wagering or gambling to be carried on in the billiard room;
- (b) Permit any intoxicating liquor or drug to be brought into, sold, supplied

- or consumed in the billiard room;
- (c) Sell or supply intoxicating liquor or drug in the billiard room;
 - (d) Allow any intoxicated person or any person under the influence of drugs to enter or remain in the billiard room;
 - (e) Permit any person to remain in the billiard room who has behaved or threatens to behave in a disorderly manner therein or has used obscene or indecent language therein;
 - (f) Permit any noisy or disorderly behaviour or any conduct in the billiard room which may cause a nuisance or annoyance to the occupiers of adjoining premises;
 - (g) Permit the billiard room to remain open or be used for the playing of any of the games referred to in clause 1801 hereof at any time between 11 o'clock at night and 8 o'clock in the morning or at any time on a Sunday, Christmas Day, or Good Friday; or
 - (h) Permit any person appearing to be under the age of 16 years to enter or remain in the billiard room.

1811 Sanitary accommodation, and cleanliness of premises

1811.1 The licensee shall at all times —

- (a) Provide toilet, urinal, and washing facilities for use by his staff and persons using the billiard room, in accordance with the requirements of the Drainage and Plumbing Regulations 1959; and
- (b) Keep the billiard room and conveniences in good repair, in clean condition, and well ventilated, to the satisfaction of the inspector.

1812 Display of bylaws and of licence

1812.1 The licensee of any billiard room shall, on receiving from the Clerk, for the purposes of exhibiting in such room, a copy or copies of this Part of this bylaw or any bylaws for the time being in force with respect to billiard rooms, display and continue to display such copy or copies in a suitable and conspicuous position in such room.

1812.2 The licensee shall similarly display and continue to display in a prominent position the licence for the billiard room for the time being in force.

1812.3 The licensee shall not at any time conceal, deface, alter, or obliterate any part of such licence or of the contents of such copy or copies of this Part of this bylaw, nor injure or destroy such licence or such copy or copies, nor suffer or permit any other person to injure, obliterate, or destroy the same or any of them.

1813 Transfer of licence and provisions in case of loss

1813.1 Upon the sale, lease, transfer, or other disposition or change of ownership, occupancy, or management of any billiard room, it shall not be

lawful for the purchaser, lessee, transferee, or other person acquiring interest therein as aforesaid to use or cause to be used the billiard room for the purpose of playing therein any of the games aforesaid, until he has made application in writing to the Clerk to have his name endorsed on the licence of the billiard room as the licensee thereof, and paid the transfer fee thereon at the rate to be fixed by the local authority by resolution, and has supplied certificates of character in the manner and in the form set out in clause 1804 hereof, and the Clerk has made such endorsement.

1814 Duplicate licence

1814.1 In the event of the loss of any licence, the Clerk may, on being satisfied of such loss, issue a duplicate of such licence to the person entitled thereto, and there shall be payable therefor to the local authority such fee as may be determined from time to time by resolution of the local authority.

1815 Offence

1815.1 Any person contravening or offending against or committing, permitting, or suffering a breach of any of the foregoing provisions shall be liable to prosecution for an offence against this Part of this bylaw.

SCHEDULE

Form No. 1

..... Council.

APPLICATION FOR LICENCE FOR BILLIARD ROOM

Name of applicant in full:

Present occupation of applicant:

Place of residence:

Situation of billiard room:

Names of owners and superior lessees of building {

Names and occupations of owners or occupancies of other rooms in same building {

I hereby apply for a Billiard Room Licence in respect of the above-mentioned premises, and I declare that the foregoing particulars are true and correct in every detail.

Usual signature of applicant: Date:

Form No. 2

LICENCE FOR BILLIARD ROOM

..... Council.

No.

To
of

I,, Clerk of the do hereby grant you a licence to keep a billiard room at premises situate at until the day of next (subject however in all respects to the provisions of bylaws made in that behalf).

Dated at this day of, 19.....

....., Clerk.

Form No. 3

..... Council.

CERTIFICATE OF CHARACTER

I,, of, do hereby certify that of is well known to me, that he is of good character and reputation, and in my opinion is a fit and proper person to have granted to him a licence for

Signature:

Form No. 4

..... Council.

APPLICATION FOR BILLIARD ROOM ATTENDANT'S LICENCE

To the Clerk,
.....

I,, of, do hereby request that a Billiard Room Attendant's Licence for the period ending, 19....., be issued to me.

Signature:

Form No. 5

..... Council.

No.

BILLIARD ROOM ATTENDANT'S LICENCE

I,, Clerk of the, by and under the authority of the Council, hereby license of to act as a billiard room attendant in the of until the day of, 19.....

Dated at this day of, 19.....

....., Clerk.
