

Every officer of police, not below the rank of sergeant, is, by virtue of his office, an Inspector. He may at all times during business hours, and after such hours for reasonable cause, enter on any premises licensed under the Licensing Act or registered under the Distillation Act and take samples of liquor. In addition, any Inspector or constable may, for the purpose of preventing or detecting the violation of any of the provisions of the Licensing Act which it is his duty to enforce, at all times, enter on any licensed premises (section 226) or, pursuant to search warrant, on any unlicensed premises (section 228). These powers are now extended by Regulation 7 of the Licensing Emergency Act Regulations 1943/122. Furthermore, special Inspectors, not being officers of police, may be appointed by the Governor-General under section 237 for the purpose of preventing and detecting violations of the Licensing Act and the sale of adulterated liquor. The powers conferred (a) by the Licensing Act upon officers of police, and (b) by the Sale of Food and Drugs Act, 1908, upon officers and analysts thereunder may both be exercised by such special inspectors.

71. Regulations were made in 1897 to enable special Inspectors to carry out their duties (*N.Z. Gazette*, 1897, p. 884), but none has been appointed. Regulation 5 states that the standard strength to which spirituous liquors may be reduced by an admixture of pure water without being deemed to be adulterated is 25 degrees under proof for brandy, whisky, or rum, and 35 degrees under proof for gin. This regulation is inconsistent with Regulation 83 of the Regulations under the Sale of Food and Drugs Act, 1908 (*N.Z. Gazette*, 1924, p. 1543), which provides that the standard strength for brandy, whisky, rum, or gin shall be not more than 35 degrees under proof (see, *infra*, para. 389).

72. *Prosecution*.—The institution of legal proceedings in respect of all licenses under the Licensing Act is at the discretion of the police, with the exception of proceedings against a chartered club, which will be dealt with hereafter.

73. *Forfeiture of Licenses under the Licensing Act*.—The Licensing Act contains some provision for the compulsory forfeiture of a license upon the conviction of a licensee for particular offences—*e.g.*, if he is sentenced to imprisonment for any indictable offence (section 180), or is convicted of keeping a brothel (section 186), or is twice convicted of selling liquor at an unauthorized place (section 195), or of making an internal communication with unlicensed premises which are used for public entertainments or resort or as a refreshment house (section 199), or if three convictions have been endorsed on his license and noted in Part I of the register within three years, he shall lose his license (section 248 (1)), but it is provided that an endorsement shall lapse if a further endorsement is not made within two years (section 249).

74. There are other provisions which provide for forfeiture at the discretion of the Court—*e.g.*, if the licensee is at least twice convicted of the offence of adulteration of liquor. In this case also the premises may be disqualified for not less than two or more than five years and the offender's name may be published (sections 234–236). If the licensee is twice convicted of any offence against the Licensing Act within a period of six months, his license may be forfeited (section 253). If a licensee is convicted of a failure to comply with his duties in respect of selling any liquor to or for delivery to a resident in a no-license district thrice within five years, his license may be forfeited (section 147 (e)).

75. If three endorsements are made in Part II of the register within three years, the license may be cancelled and the licensee permanently disqualified from holding a license (section 248 (2)).

76. These provisions seem very strong, but they are of little practical importance. Many licensees are tenants, and the statute requires that notice of the record of any conviction endorsed on a license shall be sent to the owner or lessor by the Clerk of the Licensing Committee (section 250). The owner is then entitled to treat the licensee's lease as forfeited and to retake possession of the premises and to evict the licensee (section