



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 3550 OF 28TH MARCH, 1951.
SUBSIDIARY LEGISLATION.

No. 150. THE BREWERIES LAW, 1950.

REGULATIONS MADE UNDER SECTION 24.

A. B. WRIGHT,
Governor.

In exercise of the powers vested in me by section 24 of the Breweries Law, 1950, I, the Governor, with the advice of the Executive Council, do hereby make the following regulations:—

1. These regulations may be cited as the Breweries Regulations, 1951, and shall come into operation on the 2nd day of April, 1951. Citation.

2.—(1) That part of the entered premises of a brewer which is used for the storage of beer ready for sale shall be kept locked by the Officer in charge of the premises at all times except when he is in attendance. Brewer's premises.

(2) A brewer or his servant or workman shall not destroy or damage any fastening or any lock, or open or remove any lock or fastening, or improperly obtain access to any premises, room, place, vessel or utensil.

(3) All vessels, pipes and utensils in a brewer's premises shall be so constructed, to the satisfaction of the Comptroller, that the security intended to be obtained by any lock, seal or fastening thereon may not be defeated.

(4) All casks or other vessels containing beer shall be stowed or placed in such manner that access can be easily had to each cask or vessel.

3. Any of the following processes shall be regarded as constituting manufacture of beer:— Processes constituting manufacture.

(a) the steeping of malt grains in hot water;

(b) the steeping of hops in hot water;

(c) the fermentation of any worts or malt liquor;

(d) the preparation of any materials containing starch or sugar in circumstances which indicate that such materials are to be used in the production of beer.

4. The manufacture in any premises of beer shall be deemed to commence, and liability to the ultimate payment of duty thereon shall be incurred at the time the worts are collected in fermenting vessels ready for fermentation. Time of manufacture and liability to payment of duty.

5. No materials for the manufacture of beer shall be kept on the premises of a manufacturer other than those properly used for that purpose. Keeping of certain materials prohibited.

6.—(1) The entry to be made by a brewer shall be in the Form A in the Schedule to these regulations, and the brewer making the entry shall be responsible for the due conduct of the business for which the entry is made. Entry by brewers.

(2) Where the brewer is a corporation or company, the entry shall be under the seal of the corporation or company, and shall be signed by the chairman,

vice-chairman or managing director and the secretary of the corporation or company and, where the brewer is a partnership, the entry shall be made by the partners jointly.

(3) The premises, rooms, vessels and utensils entered shall not be used except for the purposes stated in the entry.

(4) A brewer, on giving notice in writing to the Officer in charge of the premises and on obtaining his permission, may alter or move any entered vessel, utensil or pipe or add a new vessel, utensil or pipe and every such new vessel, utensil or pipe shall be duly entered.

(5) Every entry shall be kept in the office of the Officer in charge of the Customs station where the entered premises of the person making entry are situated.

(6) An entry shall not be withdrawn whilst there remains in any place mentioned therein any vessels or utensils for the manufacture of beer, or there remain in any place, vessel or utensil, any materials prepared for the manufacture of beer, or any beer liable to excise duty.

(7) An entry shall become null and void when the business is discontinued or when the person, other than any person acting on behalf of a corporation or company, who has made entry dies, absconds or transfers his interest in the business to another person. If the business is transferred to and carried on by another person, a new entry shall be made.

Marking of
premises, etc.

7.—(1) Every person making entry of any buildings, place, vessel or utensil shall, in every such entry, distinguish and describe every such building, place, vessel or utensil by a particular letter or number, and shall paint in distinctive oil colours, to the satisfaction of the Officer, such letter or number so that it can be easily seen on some conspicuous part of the outside of the walls or doors of every such building and place, and upon some conspicuous part of the outside of every such vessel and utensil, and shall keep the same so painted.

(2) When more than one vessel, utensil, room or place is used for the same purpose, all such vessels, utensils, rooms or places shall be marked by progressive numbers.

(3) All fixed vats and casks or other fixed vessels in a brewer's premises used for storing beer, shall be duly entered and shall be marked in distinctive oil colours with their full capacity in gallons.

(4) All rolling casks in a brewer's premises used for the purpose of storing or delivering beer shall be marked by cutting, branding or painting with distinctive oil colours and shall be kept so cut, branded or painted with the name of the brewer, the name of the place where his premises are situated, the number of gallons which each cask is capable of containing, and the serial numbers of the casks.

(5) A manufacturer shall not use for deliveries of his own manufacture any cask or container bearing the name of any person other than his own.

Weights, etc.

8.—(1) Every brewer shall provide sufficient and correct weights, measures, scales, lights, ladders and other conveniences as may reasonably be required by the Officer in charge of the premises for the purpose of weighing, measuring and taking an account of the beer, or materials for making beer, in his premises, and of any casks or vessels used for the purpose of containing any such beer, or such materials for the manufacture thereof.

(2) If the brewer wishes to use beam scales, a set of standard weights shall be provided to test the accuracy of the scales, to the satisfaction of the Comptroller.

(3) The scales required to be provided by a brewer shall be capable of weighing the largest size of casks of beer delivered from his premises.

(4) The brewer shall maintain and keep the weights, measures, scales, lights, ladders and other conveniences in such proper and suitable place on his premises as may be approved by the Officer so that the same may be available at all times for the use of the Officer.

9. The strength of any spirit contained in beer or in any liquor appearing to be beer shall be determined by analysis by the Government Analyst or such person as may be authorized by him in that behalf. Ascertaining strength of beer.

10. The security to be given by a brewer shall be in the form of a cash deposit or a guarantee of a bank in the sum of fifty pounds. Security by brewer.

11.—(1) The brewing book to be kept by a brewer shall be in such form as may be required and approved by the Comptroller. Books.

(2) The brewer shall enter in the brewing book full particulars of the quantity and description of the materials intended to be used in the manufacture of beer, and such entries shall be made not later than two hours previous to the time when such materials are to be used.

(3) The brewer shall enter in the brewing book an account of the quantity and description of all beer made by him ; such entry shall be made not later than two hours after the time when fermentation has commenced. He shall also enter therein, without unreasonable delay, such further particulars as the Comptroller may require.

(4) There shall also be kept by a brewer stock books in the form approved by the Comptroller in which such particulars shall be entered, without unreasonable delay, as may be required by the Comptroller.

(5) The delivery book to be kept by a brewer shall be in such form as may be required and approved by the Comptroller.

(6) The brewer shall enter in the delivery book before delivery thereof full particulars of each consignment of beer delivered ; the quantity delivered shall be expressed in bulk gallons.

12.—(1) A brewer may, with the consent of the Comptroller, give a general bond with such security and in such amount and under such conditions as the Comptroller may require, in lieu of a separate security for each shipment for exportation. Exportation of beer.

(2) When beer for exportation is allowed to be delivered from a brewer's premises, it shall be conveyed without delay to the port or place of shipment, put aboard the ship and exported to, and landed at, the place specified in the notice ; the beer and the notice for the removal thereof shall be given into the custody of an Officer at the place of shipment and shall remain in his custody until shipped ; on shipment, the Officer shall certify on the back of the notice the date of shipment, the name of the ship, and the quantity of beer shipped and shall send the notice so endorsed to the Officer in charge at the brewer's premises from which the beer was despatched.

(3) The Officer at the place of shipment, in order to ascertain whether the beer produced for shipment has been conveyed from the brewer's premises without alteration or change, may weigh or measure the casks or other containers and may open and examine any package in which the beer is contained, and may also take samples in order to test the strength or gravity thereof.

Remission
or repay-
ment of
duty.

13.—(1) A brewer who claims any remission or repayment of duty on any beer on the ground that same has been accidentally destroyed by fire or other unavoidable cause, whilst on his entered premises, shall make application therefor to the Comptroller containing the following particulars:—

- (a) name of brewer ;
- (b) situation of premises ;
- (c) description and marks and numbers on packages in which the beer was contained ;
- (d) quantity destroyed ;
- (e) date and hour when the destruction was discovered and by whom discovered ;
- (f) whether immediate notice of the accident causing the destruction was given to the Officer in charge of the premises or a named Officer ;
- (g) cause of accident ;
- (h) evidence of accident and names and addresses of witnesses ;
- (i) whether the casks or vessels containing the beer are still on the brewer's premises and if so, in what condition, and, if repaired, in what manner ;
- (j) date of last examination by the brewer of the casks or vessels and by whom examined ;
- (k) any further information available.

(2) No remission or repayment of duty shall be made under paragraph (1) of this regulation unless the brewer satisfies the Comptroller that the destruction was due to accidental fire or other unavoidable cause.

(3) A brewer who claims any remission or repayment of duty on any beer in his premises, on the ground that it has become unfit for consumption, may apply for remission or repayment of duty thereon, and, if the Comptroller is satisfied that the beer—

- (a) is unfit for consumption, and is then destroyed in the presence of an Officer ; and
 - (b) contains no bottoms or waste for which an allowance has been made under regulation 14 (2) (d),
- the duty shall be remitted or repaid.

Deficiencies
allowed in
brewer's
premises and
on removal.

14.—(1) If on balancing the stock in the premises of a brewer, there is any deficiency not duly accounted for, to the satisfaction of the Comptroller, as in paragraph (2) hereof provided, and exceeding one-twelfth of five per centum per month on the balance stored when the account was last taken, together with the quantity since lawfully manufactured, the manufacturer shall pay double the duty on such deficiency.

(2) A deficiency shall be deemed to be duly accounted for if the Comptroller is satisfied that it relates to beer—

- (a) unavoidably lost during fermentation and not exceeding two per centum calculated on the volume of the worts manufactured, before fermentation thereof is effected ;
- (b) delivered for consumption in the Colony ;
- (c) exported ;
- (d) destroyed as bottoms or waste, upon the application of a manufacturer and in the presence of an Officer.

(3) If, at any time, any deficiency beyond that which can be accounted for by natural waste or other legitimate cause is found in any cask or other vessel containing beer on a brewer's premises, the Comptroller may require immediate payment of the duty on the quantity originally stored in the cask or vessel and the brewer shall pay such duty on a written demand being made by an Officer, and no beer shall be removed from his premises until such duty is paid.

(4) When any beer for exportation is removed from the premises of a brewer in wooden casks, a deficiency not exceeding one per centum by weight on the quantity despatched in each cask may be allowed, in the discretion of the Comptroller, on arrival at the port or place of shipment.

(5) If it is proved to the satisfaction of the Comptroller that by unavoidable accident, in the course of delivery from a brewer's premises for shipment for export, beer has been lost or destroyed, such beer may, for revenue purposes, be deemed to have been duly accounted for.

15. Every licence to manufacture beer shall be in the Form B in the Schedule to these regulations. Form of licence.

16. Before the delivery of any beer for consumption in the Colony, the brewer shall present to the Officer in charge of his premises a home consumption warrant in triplicate, in the form approved by the Comptroller, with a full description of the beer; the Officer shall examine the beer and insert such additional particulars on all copies of the warrant as may be necessary; and shall reckon up the charge for duty and hand all copies to the brewer who shall take them to the Collector of Customs or Officer in charge of the Customs station in which the brewer's premises are situated and there pay the duty. The Collector of Customs or Officer in charge shall give a receipt for the duty paid, sign, stamp and number all copies of the warrant, retain the original and forward the duplicate and triplicate to the Officer at the brewer's premises either by the brewer or his representative, or by post; the Officer at the brewer's premises shall deliver the triplicate to the brewer and authorize the delivery of the beer therein specified for consumption in the Colony. Warrants for home consumption.

17.—(1) When transactions are numerous, a brewer may be allowed to make gross payments of excise duty and, for this purpose, he shall apply to the Collector of Customs or Officer in charge of the Customs station in which the premises are situated, for permission to make gross payments which shall, on each occasion, be a sum not less than that fixed from time to time by the Comptroller; the Collector of Customs or Officer in charge of the Customs station shall issue a receipt for each gross payment and inform the Officer at the premises of the brewer making such payment of the amount paid and the number and date of the receipt issued in respect thereof. Gross payments of duty.

(2) For any deliveries which the brewer may require to make under the payment, he shall prepare or cause to be prepared on his behalf an invoice or way-bill stating the quantity thereof, and shall present the same to an Officer; and no removal shall take place unless and until the permission of such Officer, to be signified by signing the invoice or way-bill and stamping the same with a Customs stamp, is first obtained. The brewer shall also prepare or cause to be prepared on his behalf on the fifteenth and last day of each month a home consumption warrant in triplicate and hand it to the Officer at a convenient time, and not later than the morning of the next working day following such fifteenth day or last day of the month. The Officer shall check and certify each copy, send the original to the Collector of Customs or Officer in charge of the Customs Station, retain the duplicate and deliver the triplicate to the brewer.

(3) Upon receipt of advice from the Collector of Customs or Officer in charge of the Customs station that a gross payment has been made by a brewer, the Officer shall allow the brewer to deliver, for consumption in the Colony, such quantity of beer as shall not exceed, in terms of excise duty, the amount of the gross payment made, together with any balance then standing to the brewer's credit.

18. Any person omitting or failing to comply with any of the provisions of these regulations shall be guilty of an offence and shall be liable to a fine not exceeding twenty-five pounds. Penalty.

SCHEDULE.

FORM A—(Regulation 6).

The Breweries Law, 1950.

BREWER'S ENTRY.

I/We..... of.....
do hereby make entry of the following premises, rooms, places, vessels and
utensils intended to be used by me/us at..... for the
purpose of the manufacture, storage and sale of beer :

.....
.....
.....

(Sign.).....

Signed in my presence, this..... day of....., 19.....

Place..... (Sign.).....

Date.....

Officer.

Visited and examined the premises this..... day of....., 19.....,
and found them (a)

.....
.....

.....
Signature of superior Officer.

(a) as described, if this is so.

FORM B—(Regulation 15).

The Breweries Law, 1950.

LICENCE TO MANUFACTURE BEER.

Licence is hereby granted to.....of.....
to manufacture beer at the factory situated at.....
subject to the provisions of the Breweries Law, 1950, and any regulations
made thereunder in force for the time being.

This Licence is not transferable save with the approval of the Comptroller
and shall expire on the 31st day of December, 19.....

Fee paid £25.

Date.....

Comptroller of Customs and Excise.

Made in Council, this 19th day of March, 1951.

(M.P. 2036/50.)

D. A. SHEPHERD,
Clerk of the Executive Council.