

No. 2.

THE INTOXICATING LIQUOR (MANUFACTURE) LICENSING LAW, 1950.

REGULATIONS UNDER SECTION 40.

A. B. WRIGHT,
Governor.

In exercise of the powers vested in me by section 40 of the Intoxicating Liquor (Manufacture) Licensing Law, 1950, I, the Governor, with the advice of the Executive Council, do hereby make the following regulations :—

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| Citation. | 1. These regulations may be cited as the Intoxicating Liquor (Manufacture) Licensing Regulations, 1950. |
| Definition. | 2. In these regulations—
“the Law” means the Intoxicating Liquor (Manufacture) Licensing Law, 1950. |
| Security by manufacturer. | 3.—(1) The security to be given by a manufacturer shall be in the form of a cash deposit or a guarantee of a bank and shall be in accordance with the following scale :—
<div style="margin-left: 20px;"> <p>(a) in the case of a person commencing manufacture for the first time £100 ;</p> <p>(b) in any other case, when the quantity manufactured in the preceding year—</p> <div style="margin-left: 20px;"> <p>(i) does not exceed 5,000 gallons of proof spirit . . £200 ;</p> <p>(ii) exceeds 5,000 and does not exceed 10,000 gallons of proof spirit £300 ;</p> <p>(iii) exceeds 10,000 and does not exceed 20,000 gallons of proof spirit £400 ;</p> <p>(iv) exceeds 20,000 gallons of proof spirit £500.</p> </div> </div> <p>(2) For the purposes of paragraph (1), the preceding year shall be taken to be the immediately preceding year ending the 31st day of December :
 Provided that, if a licence has not been in force for a full year, the quantity of intoxicating liquor manufactured during the preceding year shall be deemed to be a quantity bearing the same proportion to the quantity actually produced as the whole year bears to the time during which the licence has been in force.</p> |
| Manufacturer's premises. | 4.—(1) A manufacturer 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.
(2) All stills, village stills, vessels or utensils in a manufacturer'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. |
| Alteration, etc., of stills, etc. | 5. A manufacturer, on giving notice in writing to the Officer stationed at his premises and on obtaining his permission may alter or move any entered still, village still, vessel, utensil or pipe or add a new still, village still, vessel, utensil or pipe and every such new still, village still, vessel, utensil or pipe shall be duly entered. |
| Easy access to casks, etc. | 6. All casks or other vessels containing intoxicating liquor, methylated or denatured spirits or zivania shall be stowed or placed in such manner that access can be easily had to each cask or vessel. |
| Keeping of certain materials prohibited. | 7. No materials or substances of a character prejudicial to the health of a consumer, or materials or substances the use of which has been prohibited by the Comptroller, or materials or substances other than those properly used in the manufacture of intoxicating liquor shall be kept on the premises of a manufacturer. |

8. Except when carried out in accordance with the conditions of a permit for a village still under section 28 of the Law, any of the following processes shall be regarded as constituting manufacture of intoxicating liquor—

Processes
constituting
manu-
facture.

- (a) the fermentation of any saccharine liquor, other than of grape juice for the manufacture of wine therefrom ;
- (b) the preparation of any materials containing starch or sugar in circumstances from which it may reasonably be inferred that such materials are to be used in the production of a fermented liquor, other than grape juice for the manufacture of wine therefrom ;
- (c) the production of spirits by the distillation of fermented liquors or other means ;
- (d) the addition of any essence, extract, flavouring agent, colouring matter or other ingredient to intoxicating liquor, or the re-distillation of intoxicating liquor or zivania with or without any of these ingredients ;
- (e) the treatment or attempted treatment of methylated or denatured spirits or any other article containing spirit by any process intended to remove or which removes, either wholly or partially, the methylating or denaturing substances or recovers the spirit contained.

9.—(1) The manufacture in any premises of intoxicating liquor by distillation shall be deemed to commence and liability to ultimate payment of duty thereon shall be incurred at the time the materials are placed in the still or village still ready for distillation.

Time of
manufacture
and liability
to payment
of duty.

(2) With regard to any intoxicating liquor received from another manufacturer or to zivania purchased from any source whatsoever, the liability to ultimate payment of duty thereon shall be incurred immediately such intoxicating liquor or zivania shall appear to have been received into the premises of the receiving manufacturer.

10.—(1) A manufacturer who claims any remission or repayment of duty on any intoxicating liquor or zivania on the ground that same has been accidentally destroyed by fire or other unavoidable cause shall make application therefor to the Comptroller containing the following particulars :—

Remission
or repay-
ment of
duty.

- (a) name of manufacturer ;
- (b) situation of premises ;
- (c) description of liquor/zivania and marks and numbers on packages, if any ;
- (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 intoxicating liquor/zivania are still on the manufacturer's premises and, if so, in what condition and, if repaired, in what manner ;
- (j) date of last examination by the manufacturer 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 manufacturer satisfies the Comptroller that the destruction was due to accidental fire or other unavoidable cause.

(3) A manufacturer, who claims any remission or repayment of duty on any intoxicating liquor in his premises on the ground that it has become

unfit for consumption and does not intend to distill it, may apply for remission or repayment of duty thereon, and, if the Comptroller is satisfied that the liquor—

- (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 11 (2) (f),
- the duty shall be remitted or repaid.

Deficiencies
in manu-
facturer's
premises.

11.—(1) If, on balancing the stock in the premises of a manufacturer, 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 store when the account was last taken, together with the quantity since lawfully manufactured or received, the manufacturer shall pay double the duty of such deficiency.

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

- (a) unavoidably lost during distillation and not exceeding—
 - (i) ten per centum on each distillation, calculated on the proof spirit content of wine when distilled into zivania; and
 - (ii) five per centum on each distillation, calculated on the proof spirit content of spirits when distilled;
- (b) delivered for consumption in the Colony;
- (c) exported;
- (d) issued under the proviso to section 12 (1) of the Law;
- (e) removed to the premises of another manufacturer; or
- (f) 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 intoxicating liquor or zivania on a manufacturer's premises, the Comptroller may require immediate payment of the duty on the quantity originally stored in the cask or vessel and the manufacturer shall pay such duty on a written demand being made by an Officer, and no intoxicating liquor or zivania shall be received into or removed from his premises until such duty is paid.

(4) When any intoxicating liquor for exportation is removed from the premises of a manufacturer in wooden casks, a deficiency, not exceeding one per cent 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, either in the course of delivery from a manufacturer's premises for shipment for export, or in or during removal to the premises of another manufacturer or other authorized receiver, any intoxicating liquor has been lost or destroyed, such liquor may, for revenue purposes, be deemed to have been duly accounted for.

Entry by
manu-
facturers.

12.—(1) The entry to be made by a manufacturer shall be in the form set out in the Schedule to these regulations and the manufacturer making the entry shall be responsible for the due conduct of the business for which the entry is made.

(2) Where the manufacturer of intoxicating liquor 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 manufacturer is a partnership, the entry shall be made by the partners jointly.

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

(4) 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.

(5) An entry shall not be withdrawn whilst there remains in any place mentioned therein any still, village still, or vessels for the manufacture of intoxicating liquor or there remain in any place, still, village still, vessel or utensil mentioned therein any materials prepared for the manufacture of intoxicating liquor or any intoxicating liquor or zivania liable to excise duty.

(6) 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.

13.—(1) Every person making entry of any building, place, still, village still, vessel or utensil shall, in every such entry, distinguish and describe every such building, place, still, village still, 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 still, village still, vessel and utensil, and shall keep the same so painted. Marking of stills, etc.

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

(3) All fixed vats and casks or other fixed vessels in a manufacturer's premises used for storing intoxicating liquor, methylated or denatured spirits or zivania, shall be duly entered and shall be marked in distinctive oil colours with their full capacity in gallons. The date and year in which any intoxicating liquor contained in such vats, casks or other vessels were manufactured, and the description of intoxicating liquor or zivania therein contained shall also, if required by the Comptroller, be marked legibly by other means.

(4) All rolling casks in a manufacturer's premises used for the purpose of storing or delivering intoxicating liquors 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 manufacturer, 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.

14.—(1) Every manufacturer shall provide sufficient and correct weights, measures, scales, lights, ladders and other conveniences as may reasonably Weights, etc. be required by the Officer in charge of the premises for the purpose of weighing, measuring and taking an account of the intoxicating liquor, methylated or denatured spirits, zivania or materials for making intoxicating liquor, in his premises and of any casks or vessels used for the purpose of containing any such intoxicating liquor, methylated or denatured spirits, zivania, or other materials for the manufacture of intoxicating liquor.

(2) If the manufacturer 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 manufacturer shall be capable of weighing the largest size of cask of intoxicating liquor or methylated or denatured spirit delivered from his premises.

(4) The manufacturer 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 and so that the same may be available at all times for the use of the Officer.

Exportation
of intoxi-
cating liquor

15.—(1) A manufacturer 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.

(2) When intoxicating liquors for exportation are allowed to be delivered from a manufacturer's premises, they 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 intoxicating liquors 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 intoxicating liquor shipped and shall send the notice so endorsed to the Officer in charge at the manufacturer's premises from which the liquor was despatched.

(3) The Officer at the place of shipment, in order to ascertain whether the intoxicating liquors produced for shipment have been conveyed from the manufacturer'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 liquors are contained, and may also take samples in order to test the strength thereof.

Books.

16.—(1) There shall be kept by a manufacturer a stock book in such form as may be required and approved by the Comptroller.

(2) The manufacturer shall enter in the stock book particulars of the quantity and description of all such materials as contain spirits, sugar, or starch intended to be used in the manufacture of intoxicating liquor and such entries shall be made not later than two hours previous to the time when such materials are to be used.

(3) The manufacturer shall enter in the stock book an account of the quantity and description of all intoxicating liquors made by him; such entry, in the case of intoxicating liquors other than plain spirits, shall be made not later than two hours after the time when manufacture has commenced and, in the case of the manufacture of plain spirits, not later than two hours after the time when the distillation of the contents of any fermenting vessel has commenced or, when redistillation of spirits (including zivania), is to be effected—not later than two hours after the redistillation thereof has been completed; the manufacturer shall also enter in his stock book particulars of all intoxicating liquors received by him from any other manufacturer.

(4) The manufacturer shall, on the day on which the stock book is first used, enter therein the particulars of the stocks on his premises; intoxicating liquors, zivania, and methylated or denatured spirits shall be entered under the appropriate headings in bulk gallons and equivalents in gallons of proof spirit.

(5) There shall be also kept by a manufacturer a delivery book in such form as may be required and approved by the Comptroller.

(6) The manufacturer shall enter in the delivery book, at the time of delivery, full particulars of each consignment of intoxicating liquors, methylated or denatured spirits or zivania delivered; the quantity delivered shall be expressed in bulk and proof gallons.

Tests and
readings of
hydrometers.

17.—(1) Hydrometers shall be tested by the Government Analyst at such intervals as he may consider convenient and only those which are found by him to be accurate shall be used by Officers.

(2) The hydrometer reading shall be taken at the intersection of the level liquid surface with the marked scale of the hydrometer; if the level is between

two divisions, the lower division shall be taken ; the resulting strength shall be expressed to the nearest tenth of one per centum and shall be deemed to be the true strength of the spirits, unless analysis by the Government Analyst or person authorized by him in that behalf shall determine otherwise.

18. In charging excise duty on intoxicating liquors delivered from a manufacturer's premises, fractions less than one thirty-second of a gallon shall be disregarded. The quantity delivered shall be calculated to the one thirty-second part of a gallon and, in the case of fractions of a piastre resulting in the charge for duty, it shall be charged to the nearest and next higher piastre.

Fractions to be disregarded in calculating duty.

19. Before the delivery of any intoxicating liquors for consumption in the Colony, the manufacturer 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 liquors ; the Officer shall examine the liquors 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 manufacturer who shall take them to the Collector of Customs or Officer in charge of the Customs station in which the manufacturer'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 manufacturer's premises either by the manufacturer or his representative, or by post ; the Officer at the manufacturer's premises shall deliver the triplicate to the manufacturer and authorize delivery of the intoxicating liquors therein specified for consumption in the Colony.

Warrants for home consumption.

20.—(1) When transactions are numerous, a manufacturer 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 manufacturer 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 manufacturer may require to make under the payment, he shall prepare 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 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 manufacturer.

(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 manufacturer, the Officer shall allow the manufacturer to deliver, for consumption in the Colony, such quantity of intoxicating liquors as shall not exceed, in terms of excise duty, the amount of the gross payment made, together with any balance then standing to the manufacturer's credit.

21. Methylation or denaturing of spirits shall only take place in licensed premises and under the supervision of an Officer.

Restrictions on methylating or denaturing spirits.

Stills and
village
stills in
premises
where
licence has
expired.

Appeals.

Penalty.

Commence-
ment.

22. In cases where a manufacturer's licence expires, and a new licence is not issued or the entry concerning the premises becomes null and void any still or village still in the premises shall be sealed or otherwise effectively rendered incapable of producing spirit, to the satisfaction of the Comptroller and shall not be moved or interfered with, except by the authority of the Comptroller, until such time as a new licence is obtained.

23. Any person aggrieved by the refusal of the Comptroller to issue a licence or permit may, within ten days from the date of the communication to him of such refusal, appeal to the Governor in Council, whose decision thereon shall be final and conclusive.

24. 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.

25. These regulations shall be deemed to have come into operation on the 1st day of January, 1951.

SCHEDULE.

(Regulation 12).

THE INTOXICATING LIQUOR (MANUFACTURE) LICENSING LAW, 1950. MANUFACTURER'S ENTRY.

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

(Sign.).....

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

Place.....

Date.....

.....
(Sign.) 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.

Made this 30th day of December, 1950.

(M.P. 1240/50.)

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