



**SUPPLEMENT No. 2**

TO

THE CYPRUS GAZETTE No. 2901 OF 16TH JANUARY, 1941.

LEGISLATION.

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**THE STATUTE LAWS OF CYPRUS**

**No. 2 OF 1941.**

A LAW TO PROHIBIT THE MANUFACTURE OF INTOXICATING  
LIQUOR EXCEPT UNDER LICENCE AND  
TO IMPOSE A DUTY THEREON.

W. D. BATTERSHILL,]  
*Governor.*

[16th January, 1941.

**B**E it enacted by His Excellency the Governor and  
Commander-in-Chief of the Colony of Cyprus as  
follows :—

1. This Law may be cited as the Intoxicating Liquor Short title.  
(Manufacture) Licensing Law, 1941.

Interpre-  
tation.

2. In this Law, unless the context otherwise requires,—

“factory” means any building, premises or place in which intoxicating liquor is or has been manufactured and includes any building, premises or place in which intoxicating liquor is kept or stored by the person who owned or had control of such intoxicating liquor at the time it was manufactured ;

“intoxicating liquor” means spirits and spirituous liquors of all kinds whether mixed with any other ingredient or not and whether coming thereby under some other designation but shall not include denatured or methylated spirits, beer, zivania or wine containing less than forty-two per centum of proof spirit ;

“licence” means a licence issued by the Comptroller under this Law ;

“proof” means the strength of proof as ascertained by Syke’s hydrometer, or by any other means as may be prescribed ;

“still” means any still capable of rectifying spirit other than a pot or village still known as *kazani*.

3.—(1) From and after the 1st day of February, 1941, no person shall—

(a) manufacture or issue from a factory intoxicating liquor except under licence granted by the Comptroller in that behalf ;

(b) manufacture intoxicating liquor except in a building duly approved by the Comptroller in that behalf ; or

(c) have in his possession any still unless he is the holder of a licence to manufacture intoxicating liquor : Provided that nothing in this paragraph shall apply to a still which has been rendered useless, to the satisfaction of the Comptroller, for the production of intoxicating liquor.

(2) Any person who acts in contravention of sub-section (1) of this section shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment not exceeding one year or to both such fine and imprisonment, and any intoxicating liquor or still in his possession or under his control may be forfeited by order of the Court.

4.—(1) An application to the Comptroller for the grant of a licence shall be in the Form “A” set out in the Schedule to this Law.

No person  
to manu-  
-facture  
intoxicating  
liquor except  
under  
licence.

Issue of  
licence.

(2) A licence shall expire on the 31st day of December next following the date of issue and shall be in the Form "B" set out in the Schedule to this Law.

(3) Any person who knowingly makes in any application for a licence a statement false in any material particular shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds or to imprisonment not exceeding six months or to both such fine and imprisonment.

5.—(1) Subject to the provisions of sub-section (2) of this section there shall be paid for every licence a licence duty to be assessed at the rate of two shillings on each proof gallon of spirit contained in intoxicating liquor issued from a factory during the year next preceding the year of issue of such licence, for consumption in the Colony :

Duty for  
licence and  
how to be  
assessed.

Provided that any intoxicating liquor which the Comptroller is satisfied was issued for use as fuel shall not be taken into account in such assessment.

(2) In the case of a person who has not manufactured intoxicating liquor during the year next preceding the year in respect of which a licence is issued, the assessment of the licence duty shall be based on the number of proof gallons of spirit which the stills operated by him could produce in the year in which the assessment is made if such stills are worked to their normal capacity.

(3) The Comptroller may allow the licence duty to be paid in equal monthly instalments, the first instalment to be paid on issue of the licence, and each subsequent instalment on or before the first day of each month.

(4) If any instalment is not paid within seven days after it becomes due, the licence shall become void, but may be restored by the Comptroller on payment of the instalment and of a penalty, to be fixed by the Comptroller, not exceeding one-half of the amount of the instalment.

6.—(1) The amount of duty payable in respect of a licence shall be assessed by the Comptroller who shall forthwith communicate the same to the person concerned and such assessment shall be final and conclusive unless such person appeals to the Governor in Council against the assessment within seven days from the day of the communication thereof to him.

Comptroller  
to make  
assessment  
of duty  
subject to  
appeal to  
Governor  
in Council.

(2) The decision of the Governor in Council on any appeal under sub-section (1) of this section shall be final and conclusive and no appeal shall lie therefrom.

Books to be kept by holder of a licence.

7.—(1) Every licensee shall keep such books and records as may be required by the Comptroller.

(2) Every licensee shall, whenever so requested by the Comptroller or by any person authorized by the Comptroller in that behalf, produce for inspection any books and records relating to, or connected with, the manufacture and disposal by him of intoxicating liquor.

(3) Any person who—

(a) fails to comply with any requirement of the Comptroller under the provisions of sub-section (1) of this section ;

(b) knowingly makes in any book or record relating to, or connected with, the manufacture and disposal of intoxicating liquor any entry which is false in any material particular ;

(c) fails or refuses to produce for inspection any book or record relating to, or connected with, the manufacture and disposal of intoxicating liquor when requested so to do ;

shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds or to imprisonment not exceeding six months or to both such fine and imprisonment.

Excise Officers may be stationed in factories.

8.—(1) The Comptroller may from time to time appoint one or more Excise Officers to be stationed in any factory and the licensee shall provide suitable accommodation for such officer.

(2) Any Excise Officer appointed under the provisions of sub-section (1) of this section shall have the right to search any person who enters or leaves the factory.

(3) Any person who—

(a) fails to provide suitable accommodation for an Excise Officer appointed under the provisions of sub-section (1) of this section ; or

(b) resists search by, or obstructs, an Excise Officer acting under the provisions of sub-section 2 of this section,

shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds or to imprisonment not exceeding six months or to both such fine and imprisonment, and in the case of a person who is convicted of failing to provide suitable accommodation the licence of such person may, in addition to any other penalty, be revoked by order of the Court.

Comptroller may enter any factory..

9. The Comptroller or any person authorized by him in writing in that behalf may without warrant enter any

factory wherein or wherefrom the Comptroller or such person has reasonable ground to believe intoxicating liquor is manufactured or issued contrary to the provisions of this Law.

10.—(1) When any person is reasonably suspected of having committed any offence against this Law or any regulations made thereunder, the Comptroller may compound the offence by accepting from such person a payment in money not exceeding the maximum monetary penalty prescribed for the offence : Power to Comptroller to compound offences.

Provided that the provisions of this sub-section shall not apply to an offence against sections 4 (3) and 7 (3) (b).

(2) In the compounding of any offence by the Comptroller under sub-section (1) of this section the provisions of the Compounding of Offences Law, 1936, shall apply *mutatis mutandis* as if such offence were compounded under the provisions of that Law. 26 of 1936

11.—(1) The Governor in Council may make regulations to be published in the *Gazette* for any of the following purposes— Regulations.

- (a) the procedure to be followed by persons desiring to appeal to the Governor in Council against an assessment made by the Comptroller ;
- (b) the requirements to be complied with by a licensee in respect of a factory ;
- (c) the means for ascertaining the strength of proof ;
- (d) generally for the better carrying out the purposes of this Law.

(2) Any regulations made under this Law may impose penalties for the breach thereof not exceeding a fine of twenty-five pounds or imprisonment for three months or both such fine and imprisonment.

SCHEDULE.  
FORM " A ".  
(SECTION 4 (1).)

APPLICATION FOR A LICENCE:

To the Comptroller of Customs and Inland Revenue,  
I..... of.....

hereby apply for a Licence—

- (1) to manufacture intoxicating liquor in my factory situated at....., and/or
- (2) to issue intoxicating liquor from my factory situated at.....

and submit the following particulars:—

- (a) Intoxicating liquor has been manufactured in the said factory since..... ;

- (b) The manufacture of intoxicating liquor was carried out by the use of *(describe number of stills and their capacity)*.....;
  - (c) During the year next preceding this application there were issued from the said factory a total of.....gallons of intoxicating liquor containing..... proof gallons of spirit, and of this total .....gallons of intoxicating liquor containing..... proof gallons of spirit, were issued for consumption in the Colony of which quantity—
    - (i) ..... gallons of intoxicating liquor containing ..... proof gallons of spirit were issued for use as fuel, and/or
    - (ii) ..... gallons of intoxicating liquor containing ..... proof gallons of spirit were issued in the form of denatured or methylated spirits ;
  - (d) I did not manufacture any intoxicating liquor during the year next preceding this application, but propose to manufacture intoxicating liquor by the use of *(describe number and capacity of stills that it is proposed to operate)*.....
- (Signature).....

Date.....

NOTE : *Strike out any words which are not applicable.*

FORM " B ".  
(SECTION 4 (2).)  
LICENCE.

Licence is hereby granted to.....

- (a) to manufacture intoxicating liquor at the factory situated at.....; and/or
- (b) to issue intoxicating liquor from the factory situated at.....;

subject to the provisions of the Intoxicating Liquor (Manufacture) Licensing Law, 1941, and any Regulations made thereunder.

This licence is not transferable and shall expire on the 31st day of December .....

Fee to be paid £..... payable in..... equal monthly instalments of £.....

.....  
*Comptroller of Customs  
and Inland Revenue.*

Dated.....

NOTE : *Strike out any words not applicable.*

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J. V. W. SHAW,  
*Colonial Secretary.*

16th January, 1941.