



TRINIDAD AND TOBAGO.

No. 8—1946.

[L.S.]

I ASSENT,

B. E. H. CLIFFORD,

Governor.

22nd March, 1946

AN ORDINANCE to amend the Spirits and Spirit Compounds Ordinance, Ch. 32. No. 9.

[23rd March, 1946.]

Commence-
ment.

ENACTED by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof.

Enactment.

1. This Ordinance may be cited as the Spirits and Spirit Compounds (Amendment) Ordinance, 1946, and shall be read as one with the Spirits and Spirit Compounds Ordinance, Ch. 32. No. 9. hereinafter referred to as the Principal Ordinance;

Short title.

Section 2 of
Principal
Ordinance
amended.

2. Section 2 of the Principal Ordinance is hereby amended by—

- (a) inserting in the definition of "compounds" the words "medicinal spirits" between the words "or to." and the words "bay rum";
- (b) inserting the following definition immediately after the definition of "gallon"—

"medicinal spirits" means any medicinal preparation containing spirits and prepared in the Colony under the provisions of this Ordinance according to formulae laid down in the British Pharmacopoeia or expressly approved in writing by the Director of Medical Services, but does not include any preparation compounded for the use of a particular person by a licensed druggist in execution of a prescription issued to such person by a medical practitioner or dentist registered

Ch. 12. No. 2. under the Medical Board Ordinance.

- (c) by adding at the end of the definition of "spirits" the words "and medicinal spirits".

New part in-
serted in the
Principal
Ordinance.

3. After Part VIII of the Principal Ordinance, a Part VIIIA shall be inserted and shall contain the following sections :

"PART VIIIA.

Definitions. 78A. In this Part—

"licensee" means any person holding a licence to prepare medicinal spirits granted under this Part of this Ordinance ;

"licensed premises" means any premises described in a licence granted under section 78c of this Ordinance.

Preparation
of medicinal
spirits.

78B. (1) No medicinal spirits intended for sale shall be prepared by any person except under the authority of a licence granted under this Part of this Ordinance, and in accordance with and subject to the provisions in the said Part contained.

(2) If any person contravenes this section he shall for each offence be liable to a fine of nine hundred and sixty dollars, and all spirits, vessels, utensils, and materials in his possession for the preparation of medicinal spirits shall be forfeited.

Licences to
prepare medi-
cinal spirits.

78c. (1) The fee for a licence to prepare medicinal spirits shall be five dollars for a year or part of a year. Any such licence shall expire on the 31st December, in each year.

(2) Licences granted under this section shall be in such form as the Comptroller may from time to time approve and shall be signed by him. Every licence shall contain a description of the premises authorised to be used by the licensee for the purposes of the licence. Licences may contain such conditions as the Comptroller may deem fit to impose in order to ensure compliance with the provisions of this Part of this Ordinance or to safeguard the collection of excise duty or customs duty on spirits.

(3) Applications for licences shall be in such form and shall contain such particulars as the Comptroller may from time to time require. Without prejudice to the generality of the foregoing words, every application shall contain a detailed description of the premises in which it is proposed to carry on the preparation of medicinal spirits and shall specify the medicinal spirits which it is intended to prepare.

(4) No licence shall be issued by the Comptroller under this section—

- (a) unless the Director of Medical Services has signified in writing that he has no objection to such licence being granted ; and
- (b) unless a bond has been given by the applicant with two sufficient sureties, and in such sum as the Comptroller may require, under which such applicant shall forfeit to the Comptroller for the use of the Colony the amount of the bond in case of failure to comply with the provisions of this Part of this Ordinance or any regulations made thereunder or with any condition specified in the licence granted to the applicant under this Part of this Ordinance.

(5) The Comptroller shall have full discretion to refuse to grant a licence or to impose such conditions as he may deem fit when granting a licence, and no decision of the Director of Medical Services under paragraph (a) of subsection (4) of this section shall be questioned in any court.

Licensed premises.

78D. (1) No premises licensed or used for any other purpose under any Excise Ordinance shall be used for the preparation of medicinal spirits.

(2) Any licence granted under section 78C of this Ordinance shall authorise the person to whom it is granted to prepare medicinal spirits only in the set of premises described in the licence, and such premises shall be self-contained: Provided that no licence shall be deemed to extend to any part of such premises not described in the entry made under section 78F of this Ordinance.

Duty on spirits used in preparation of medicinal spirits.

78E. In lieu of any other duty of excise, there shall be charged, collected, and paid to the Comptroller for the use of the Colony, in respect of every gallon of spirits distilled in the Colony and taken out of warehouse for use in the preparation of medicinal spirits under this Ordinance, of the strength of proof as ascertained by Sikes's hydrometer, a duty of one dollar and twenty cents, and so in proportion for any greater or less degree of strength, or of any greater or less quantity.

Entry of licensed premises.

78F. (1) Before a licensee receives any spirits, or prepares any medicinal spirits on the licensed premises he shall make with the Officer for the district entry in duplicate signed by him of the licensed premises, of the vessels and utensils he intends to use on the licensed premises for the purposes of the licence and of the number of gallons each vessel or utensil is capable of containing. An entry may at any time be withdrawn or varied, but two entries shall not be in force for the same premises at the same time.

(2) One copy of every such entry shall be given to the Officer by the licensee and the other copy shall be retained by the said licensee and shall be produced by him on the demand of any Officer.

(3) Any person who—

- (a) fails to comply with any of the provisions of subsection (1) of this section; or
 - (b) includes in an entry any part of any premises not *bona fide* occupied by him for the purposes of this Part of this Ordinance; or
 - (c) fails or refuses to produce, on the demand of any Officer, the copy of the entry retained by him,
- shall be liable to a fine of four hundred and eighty dollars.

Spirits for
the prepara-
tion of
medicinal
spirits.

78G. (1) No spirits shall be kept or used on any licensed premises unless they have been obtained directly from a warehouse.

(2) Spirits intended for use in the preparation of medicinal spirits shall not be delivered or removed from a warehouse until the prescribed duty has been paid and a permit issued by the proper officer. During removal, such spirits shall be under the supervision of an officer until they have been lodged in the store-room of the licensed premises mentioned in the permit. The licensee shall, immediately after receiving spirits from a warehouse enter the quantity and strength of the spirits received in the appropriate book and such entry shall be countersigned by the Officer who supervised the removal.

(3) Every licensee shall—

- (a) keep books, accounts and records relating to the business carried on on the licensed premises in the manner prescribed by the Comptroller;
- (b) keep all such books, records and documents in a safe place on the licensed premises and produce them for inspection on demand made by any Officer.

(4) Any spirits brought into the licensed premises shall be stored, until used for the preparation of medicinal spirits, in a store-room approved by an Officer and kept under Crown locks.

No person without lawful authority shall open or gain access to any such store-room except in the presence and with the consent of an Officer.

(5) A person to whom any spirits have been delivered for the preparation of medicinal spirits as herein provided shall not use such spirits save for the preparation of medicinal spirits in accordance with the provisions of this Part of this Ordinance and in accordance with the conditions mentioned in the licence granted to him under this Part of this Ordinance.

(6) No medicinal spirits shall be prepared except in the presence of an Officer and under the supervision of a licensed druggist. The quantity

and strength of the spirits used shall be immediately entered by the licensee in the appropriate book and such entry shall be countersigned by the Officer.

(7) No spirits shall be removed from any licensed premises until converted into medicinal spirits except with the written authority of the Comptroller and subject to such conditions as he may impose.

(8) Medicinal spirits shall not be delivered or removed from any licensed premises except in the presence of an Officer. The quantity and description of the medicinal spirits so removed shall, at the time of removal, be entered in the appropriate book by the licensee, and such entry shall be countersigned by the Officer whose presence is required as aforesaid.

(9) Any contravention of any of the provisions of this section or of any regulation made thereunder shall be punished by a fine of nine hundred and sixty dollars and the spirits and medicinal spirits which are the subject matter of the offence shall become forfeited on conviction.

(10) Appropriate charges for attendance and supervision provided for in subsections (2), (6) and (8) of this section may be made by the Comptroller.

Standard of
quality.

78H. No person shall prepare, sell, or keep or expose for sale, any medicinal spirits unless such spirits conform to such standards as the Director of Medical Services may prescribe, and any person who contravenes any of the provisions of this section shall be liable to a fine of four hundred and eighty dollars and the medicinal spirits which are the subject matter of the offence shall become forfeited on conviction and may be disposed of in such manner as the Comptroller may determine. Provided that if the defendant in any prosecution under this section for selling, keeping, or exposing for sale, any medicinal spirits proves that he purchased the medicinal spirits in question from the manufacturer thereof and with a written warranty to the effect that such spirits conform to the standards prescribed by the Director of Medical Services, and further that he had no reason to believe, and that he had no means of acquiring the knowledge by

reasonable care and diligence, that at the time when he sold such spirits or had possession thereof for the purposes of sale such spirits did not conform to the standards aforesaid, and that he has not done or caused to be done anything to alter the state of such spirits, he shall be discharged from the prosecution.

Officer may
take stock,
etc.

78I. (1) Any Officer may at any time enter and examine the licensed premises of a licensee, and take an account of the quantity and strength of the spirits in the stock or possession of the licensee.

If any person hinders or obstructs an Officer in the exercise of the powers conferred by this subsection from entering any licensed premises, or examining or taking account of the stock therein, he shall be liable to a fine of nine hundred and sixty dollars.

(2) If, after making allowance for the spirits received at and the medicinal spirits removed from any licensed premises since the last account taken of the stock of a licensee, any Officer shall find that the quantity of spirits and medicinal spirits computed at proof remaining in the stock, custody, or possession of such licensee exceeds the quantity computed at proof which ought to be on hand according to the books or accounts kept by the licensee and the Comptroller, whether such credit has arisen from what was on hand at the last preceding account taken or from what may have been legally received subsequently thereto, such excess shall be deemed to be spirits illegally received and a quantity of spirits or medicinal spirits computed at proof equal to such excess shall be forfeited and may be seized out of any part of the stock of the licensee by any Officer and the licensee shall be liable to a fine of ten dollars for every proof gallon of such excess, without prejudice to any other penalty to which he may be liable under this Ordinance. If the Officer, proceeding as aforesaid, shall find that the quantity of spirits and medicinal spirits computed at proof found in the stock, custody or possession of a licensee is less than the quantity computed at proof which ought to be on hand, such deficit shall

be deemed to be spirits illegally disposed of, and the licensee shall be liable to a fine of ten dollars for every proof gallon of such deficit without prejudice to any other penalty to which he may be liable under this Ordinance : Provided that a licensee shall not be liable to the aforesaid fine of ten dollars for every proof gallon if the deficit is shown to the satisfaction of the Comptroller to be due to evaporation, accidental leakage or other unavoidable cause.

Officer may
take samples.

78J. Any Officer may from time to time, and at all times in the day-time, after request, enter into any house, warehouse, store-room, room, shop, cellar, vault or other place made use of by any person preparing, keeping or exposing any medicinal spirits for sale, and, by testing, gauging, or otherwise, take an account of the quantity and quality and strength of any such spirits, and such Officer may take at any time or times a sample or samples of any such spirits, paying for the same the usual price thereof if demanded.

Any person hindering or obstructing an Officer in the exercise of his powers under this section shall be liable to a fine of two hundred and forty dollars.

Liability of
licensee.

78K. A licensee shall be deemed guilty of any offence against any of the provisions in this Part of this Ordinance contained when such offence is committed by any person employed by him, or authorised or allowed by him to act, for or in connection with, the preparation of medicinal spirits : Provided that a licensee shall not be deemed guilty under this section if he establishes that he had taken proper precautions to prevent the commission of such offence and had reported it to the Comptroller as soon as he discovered that such offence had been committed.

Cancellation
of licence.

78L. Where a licensee is convicted of an offence against any of the provisions in the said Part contained, the licence held by him may be cancelled by the court on conviction.

Cases where a
licence is
cancelled or
lapses.

78M. Whenever a licence granted under this Part of this Ordinance is cancelled, or lapses and is not renewed, any spirits which are on the licensed premises shall be safeguarded and disposed of as prescribed by the Comptroller.

Regulations.

78N. Any matter which may be prescribed by the Comptroller or by the Director of Medical Services under the provisions of this Part of this Ordinance shall be contained in regulations made by the Comptroller or the Director of Medical Services, as the case may be. No such regulation shall have effect unless approved by the Governor in Council.

Exemption.

78o. The provisions of this Part of this Ordinance shall not apply to any Government Department required to prepare medicinal spirits."

4. Subsection (1) of section 87 of the Principal Ordinance is hereby repealed and replaced by the following subsection :—

"(1) It shall not be lawful to use any spirits for the purpose of methylation in the Colony other than spirits manufactured in the Colony."

Section 87 (1)
of Principal
Ordinance
repealed and
replaced.

Passed in Council this fifteenth day of March, in the year of Our Lord one thousand nine hundred and forty-six.

W. J. BOOS,

Clerk of the Council