



TRINIDAD AND TOBAGO

No. 15—1952

[L.S.]

I ASSENT,

H. E. RANCE,

*Governor.*

15th April, 1952.

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

[24th April, 1952.]

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, 1952, 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 the  
Principal  
Ordinance  
amended

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

(a) by substituting the following proviso for the proviso to the definition of “compounds” :—

“Provided that the expression “compounds” shall not include rum made in the Colony which is cured or otherwise treated, but not so as to cause obscuration amounting to more than ten per centum of proof spirit, or to bay rum or perfumed spirits made in accordance with Part VIII of this Ordinance or to medicinal spirits made in accordance with Part VIII A of this Ordinance, or to vinegar made in accordance with Part IX of this Ordinance”;

(b) by substituting the expression “compounds, medicinal spirits and vinegar” for the expression “compounds and medicinal spirits” in the definition of “spirits”;

(c) by adding the following definition immediately after the definition of “still dealer” and “dealer in stills” :—

“vinegar” means any liquid imported or prepared in the Colony under the provisions of this Ordinance and derived wholly from alcoholic and acetous fermentation containing not less than 4 per cent. of acetic acid.

New part  
inserted in the  
Principal  
Ordinance

3. The Principal Ordinance is hereby amended by adding the following Part immediately after Part VIII A :—

#### “PART IX—VINEGAR

Definitions

79A. In this Part of this Ordinance—  
“licensee” means any person holding a licence to manufacture vinegar granted under this Part of this Ordinance;

“licensed premises” means any premises described in a licence granted under section 79C of this Ordinance.

Manufacture of  
vinegar

79B. (1) No vinegar intended for sale shall be manufactured 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 any provision of this section, he shall, for each offence, be liable on summary conviction before a Magistrate to a fine of four hundred and eighty dollars and all spirits, vessels, utensils and materials in his possession for the manufacture of vinegar shall be forfeited.

79C. (1) The fee for a licence to manufacture vinegar for sale shall be,—

(a) in the case of a person using duty free spirits in his process of manufacture—  
\$48.00 per annum;

(b) in any other case—\$5.00 per annum, and the licence, whenever granted, shall expire on the 31st December, next following: Provided that licences may be granted for a proportionate part of a year to persons who have not been licensed during the previous twelve months, upon payment of licence duty computed as follows:—

(a) if the licence is taken out during the second quarter of a year, three-fourths of the full amount of such licence duty;

(b) if the licence is taken out during the third quarter of a year, one-half of the full amount of such licence duty;

(c) if the licence is taken out during the fourth quarter of a year, one-fourth of the full amount of such licence duty.

(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 an exact description of

the site of the premises in which it is proposed to carry on the manufacture of vinegar and shall specify the process by which it is intended to manufacture the vinegar.

(4) No licence shall be issued by the Comptroller under this section until the applicant has furnished a bond, with one sufficient surety, and in such sum as the Comptroller may require, conditioned for the payment by such applicant and his surety of any penalty or sum of money which may be imposed on such person for any offence against this Ordinance or any Regulations made thereunder or for failure to comply with any condition specified in the licence granted to the applicant under this Part of this Ordinance: Provided that a person who is licensed to manufacture vinegar using spirits on which duties have been paid shall not be required to give a bond.

(5) The Comptroller shall have power to refuse to grant a licence or to impose such conditions as he may deem fit when granting a licence.

Licensed premises

79D. (1) No premises licensed or used for any other purpose under any Excise Ordinance shall be used for the manufacture of vinegar.

(2) Any licence granted under subsection(6) of section 79 of this Ordinance shall authorise the person to whom it is granted to manufacture vinegar 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 under section 79F of this Ordinance.

Exemption from duty of spirits used in the manufacture of vinegar

79E. Spirits used in the manufacture of vinegar by persons who have paid the licence fee provided for by paragraph (a) of subsection (1) of section 79C of this Ordinance shall be delivered free of excise duty to the manufacturer.

Entry of premises

79F. (1) Before a person licensed to manufacture vinegar from spirits upon which duty has not been paid may receive any such spirits or prepare any vinegar on the licensed premises, he shall make entry in duplicate of the premises, vessels, utensils and places intended to be used by him, by signing and

delivering to the Comptroller a true and particular description thereof and of the number of gallons each vessel or utensil is capable of containing. An entry may at any time be replaced 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 delivered to the Comptroller 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 to produce or refuses to produce, on the demand of any Officer, the copy of the entry retained by him,

shall be liable on summary conviction before a Magistrate to a fine of four hundred and eighty dollars.

(4) If any vessel or utensil shall be used on the premises of a vinegar manufacturer for the purpose of his business, or if any part of such premises shall be used, without entry having been made thereof as aforesaid, or for any purpose other than that specified in the entry, the manufacturer shall be liable on summary conviction before a Magistrate to a fine of four hundred and eighty dollars, and every such vessel or utensil with its contents and all spirits or materials for manufacturing vinegar found in any such premises shall be forfeited.

Spirits for  
the manufacture  
of vinegar

79G. (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 manufacture of vinegar shall not be delivered or removed from a warehouse until a permit has been issued by the proper Officer. During the removal such spirits shall be under the supervision of an Officer until they

have been lodged in the storeroom 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 manufacture of vinegar, in a storeroom approved by an Officer and kept under Crown locks; and no person without lawful authority shall open or gain access to any such storeroom except in the presence and with the consent of an Officer.

(5) A person to whom any spirits have been delivered for the manufacture of vinegar as herein provided, shall not use such spirits save for the manufacture of vinegar 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 vinegar manufactured from duty free spirits shall be so manufactured except in the presence of an Officer. 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, who shall supervise the diluting and denaturing of such spirits and the transferring of the resultant mixture into acetifiers.

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

(8) Any person who contravenes any of the provisions of this section or fails to comply with any requirement of the Comptroller relating to any matter contained in this section shall be liable on summary conviction before a Magistrate to a penalty of nine hundred and sixty dollars and the spirits and the vinegar which are the subject matter of the offence shall become forfeited on conviction.

(9) Appropriate charges for the attendance and supervision provided for in subsections (2), (6) and (7) of this section may be made by the Comptroller.

Standard of  
quality

Ch. 12. No. 5.

79H. No person shall prepare, sell, keep, or expose for sale any vinegar unless such vinegar conforms to such standards as may be prescribed in accordance with the provisions of the Food and Drugs Ordinance, and any person who contravenes any of the provisions of this section shall be liable on summary conviction before a Magistrate to a fine of two hundred and forty dollars, and the vinegar which is 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 vinegar proves that he purchased the vinegar in question from the manufacturer thereof and with a written warranty to the effect that such vinegar conforms to the standards prescribed in accordance with the provisions of the Food and Drugs Ordinance, and further that he had no reason to believe, that he had no means of acquiring the knowledge by reasonable care and diligence, that at the time when he sold such vinegar or had possession thereof for the purpose of sale, such vinegar 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 vinegar, he shall be discharged from the prosecution.

Exemption  
from  
excise duty

79I. Vinegar manufactured under the provisions of this Ordinance shall be exempt from the payment of excise duty.

Return of  
vinegar  
manufactured

79J. Every manufacturer shall within ten days of the close of each month deliver to the Comptroller an account of all materials in, or received into, his factory for the manufacture, of vinegar, the amount used or

otherwise disposed of in the process of manufacture, and the quantity of vinegar produced. He shall also subscribe a declaration that all the particulars contained in the account are true.

Officers may  
take stock, &c.

79K. (1) Any Officer may at any time enter and examine the licensed premises of a licensee and take an account of the vinegar and 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 on summary conviction before a Magistrate to a fine of nine hundred and sixty dollars.

(2) If, after making allowance for the spirits received at any licensed premises and used in the manufacture of vinegar at such licensed premises since the last account taken of the stock of a licensee, any Officer shall find that the quantity of 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 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 on summary conviction before a Magistrate 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 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 on summary conviction before a Magistrate to a fine of ten dollars for each 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

79L. Any Officer may from time to time, and at all times in the day time, after request, enter into any house, warehouse, storeroom, room, shop, cellar, vault, or other place made use of by any person preparing, keeping or exposing any vinegar, for sale, and take an account of the quantity and quality of any such vinegar, and such Officer may take at any time or times a sample or samples of any such vinegar, 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 on summary conviction before a Magistrate to a fine of two hundred and forty dollars.

Liability of  
licensee

79M. A licensee shall be deemed guilty of any offence against any of the provisions of 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 manufacture of vinegar: 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

79N. 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

79O. 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

79P. Any matter which may be prescribed by the Comptroller under the provisions of this Part of this Ordinance shall be contained in regulations made by the Comptroller. No such regulation shall have effect unless approved by the Governor in Council."

Part IX of  
Principal  
Ordinance  
re-numbered

Part IX of the Principal Ordinance is hereby renumbered  
as Part IX A.

Passed in Council this fourth day of April in the year of  
Our Lord one thousand nine hundred and fifty-two.

**T. F. FARRELL**  
*Clerk of the Council.*