

ORDINANCE No. 15 OF 1911.

A.D. 1911. AN ORDINANCE to amend the Spirits Ordinance, 1905.

[2nd August, 1911.]

BE it enacted by the Governor of British Guiana, with the advice and consent of the Court of Policy thereof, as follows:—

1. Section nineteen of the Spirits Ordinance, 1905 (hereinafter referred to as the Principal Ordinance) is hereby amended as follows:—

(1) Sub-clause (h) of sub-section (1) shall be construed and have effect as if the words "Chief Commissary" were inserted therein at the end instead of the word "Governor."

(2) Sub-section (5) is hereby repealed and the following sub-section shall be deemed to be inserted in lieu thereof:—

(5) Where any change is intended to be made in the level of any spirits receiver, or vat, or when any repairs or alterations are intended to be made to any spirits receiver or vat, the distiller shall give written notice thereof to the Commissary at least seven days before such change is made: Provided that no such notice shall be necessary in order to effect the repair of any spirits receiver, vat or other vessel or utensil damaged by unavoidable accident, or found defective under circumstances that could not be foreseen, but the Commissary is to be notified forthwith of any such repairs that may be made. Any distiller making default in complying with this requirement shall be liable to a penalty not exceeding one hundred dollars.

2. Sub-section (4) of section twenty-three of the Principal Ordinance is hereby repealed and the following sub-section shall be deemed to be inserted in the said section in lieu thereof:—

(4) If, upon analysis by the Government Analyst who shall from time to time determine by analysis the obscuration in any sample of low wines, feints, or spirits from a distillery, any such sample submitted by the Chief Commissary for the purpose is found to be obscured to a greater extent than four degrees of strength as indicated by Sikes' Hydrometer, such low wines, feints or spirits shall be deemed to have been fraudulently dealt with, and the distiller shall be liable to a penalty not exceeding two hundred dollars: Provided that compounds prepared by a distiller holding a licence under the Bitters and Cordials Ordinance, 1890, shall not be subject to the provisions of this sub-section.

3. The "record book" required to be kept by a distiller under section twenty-four of the Principal Ordinance shall hereafter be called the "charge book."

4. The words "such abstract shall show the transactions for each completed distillation period" in sub-section (1) and the whole of sub-section (2) of section twenty-six of the Principal Ordinance are hereby repealed.

Amendment
of Section 19
of Ord. 1 of
1905.

Amendment
of Section 23
of Ord. 1 of
1905.

Charge book.

Amendment
of Section 26
of Ord. 1 of
1905.

5. Section twenty-seven of the Principal Ordinance is hereby amended as follows:—

Amendment
of Section 27
of Ord. 1 of
1905.

(1) The following proviso shall be added at the end of sub-section (1):—

Provided that at end of a distilling period a balance of spirits being not sufficient in quantity to fill a puncheon of the ordinary capacity may be retained by a distiller in his spirit store.

(2) The following shall be inserted as sub-section (2), and sub-sections (2) and (3) shall be re-numbered (3) and (4):—

(2) No further distilling period shall be commenced until all spirits from the previous distilling period have been drawn off into casks and the weighing account taken.

6. Sub-section (2) of section thirty-seven of the Principal Ordinance is hereby repealed and the following sub-section shall be deemed to be inserted in the said section in lieu thereof:—

Amendment
of Section 27
of Ord. 1 of
1905.

(2) Spirits which have been removed from the store may be brought back into store for re-distillation, or, for such other purpose and under such conditions as the Chief Commissary may approve.

7. Sub-section (2) of section thirty-nine of the Principal Ordinance is hereby repealed and the following sub-section shall be deemed to be inserted in the said section in lieu thereof:—

Amendment
of Section 39
of Ord. 1 of
1905.

(2) Each time the stock of a distiller is taken as aforesaid, the Commissary shall take a sample of spirits from such receivers, vats, or other vessels containing coloured spirits as he may think fit, and shall submit all such samples taken at one time from a distillery, mixed together, to the Government Analyst, in order that he may determine by analysis and certify the apparent and the true quantity of spirits at proof in such mixed sample.

8. Sub-section (1) of section forty is hereby repealed and the following sub-section shall be deemed to be inserted in the said section in lieu thereof:—

Amendment
of Section 40
of Ord. 1 of
1905.

(1) It shall be lawful for a distiller to re-distil or destroy any refuse matter or sediment removed by him from his spirit store, receivers and vats, and the Commissary shall enter in the distillery stock book the quantity of spirits computed at proof contained in such refuse matter or sediment at the time of removal from such receivers or vats.

9. Section forty-two of the Principal Ordinance shall be construed and have effect as if the following words were added at the end thereof:—

Amendment
of Section 42
of Ord. 1 of
1905.

“and goods warehoused in such warehouses shall be subject to the same rules and regulations that govern goods warehoused in any warehouse approved of under the Customs Ordinance, 1884, or any Ordinance amending the same.”

10. In sub-section (3) of section forty-four of the Principal Ordinance the paragraphs numbered (a), (b) and (c) at the end thereof

Amendment
of Section 44
of Ord. 1 of
1905.

are hereby repealed and the following table shall be deemed to be inserted at the end of the said section in lieu thereof⁽¹⁾:—

For periods not exceeding	Ordinary Loss.	Special Loss.
One Week	1 per cent.	1 per cent.
Three Weeks	1½ per cent.	1 per cent.
One Month	2 per cent.	1 per cent.
Two Months	2½ per cent.	1½ per cent.

Repeal of Section 47 of Ord. 1 of 1905 and other provisions made.

Limitation of period for storage in warehouse.

11. Section forty-seven of the Principal Ordinance is hereby repealed and the following section shall be deemed to be inserted in the said Ordinance in lieu thereof:—

47. If any spirits stored in a spirit warehouse are not removed within two years from the date on which the same were first deposited therein, it shall be lawful for the Comptroller or Chief Commissary after one month's notice in the *Official Gazette*, to sell the same by public auction, and to deduct from the proceeds of such sale the amount of storage due for the same, and the balance of such proceeds, after payment of the duty due upon such spirits, shall be paid to the owner thereof on his application: Provided that no such action shall be taken if the spirits that have been two years in a spirit warehouse are re-warehoused by the proprietor of the goods at the termination of each biennial period and provided any duties due on excessive deficiencies, rent, or other charges demanded by the Comptroller or Chief Commissary or other proper officer are duly paid at the time of such re-warehousing.

Amendment of Section 62 of Ord. 1 of 1905.

Repeal of Section 63 of Ord. 1 of 1905, and other provisions made.

Removal and shipping of spirits for exportation.

12. The provisio at the end of section sixty-two of the Principal Ordinance is hereby repealed.

13. Section sixty-three of the Principal Ordinance is hereby repealed and the following section shall be deemed to be inserted in the said Ordinance in lieu thereof:—

- 63.—(1) A distiller in the case of spirits in his spirit store, and the owner of the spirits in a spirit warehouse for the storage of spirits intended for exportation, may, on giving due notice and executing a bond, remove the spirits for exportation without payment of duty thereon, and all such spirits shall be removed in accordance with the provisions of any law or regulation for the time being in force relating to customs.
- (2) The notice must be delivered to the proper officer before the time when the spirits are to be removed, and must specify the number of packages intended to be shipped, the gross number of gallons and the average strength of the spirits contained in such packages, in order that these particulars may be verified by the record of the spirits bonded, the time and place of the intended shipment, and the name, description and destination of the vessel.
- (3) Nothing in this Ordinance contained shall prevent the Governor-in-Council from appointing stations for the re-examination of spirits in transit from a distillery to an exporting

¹ New Table inserted by Section 2 of Ordinance No. 18 of 1917.

ship under such regulations as may be made from time to time for that purpose.

14. Sub-section two of section ninety-three of the Principal Ordinance is hereby repealed and the following sub-section shall be deemed to be inserted in the said Ordinance in lieu thereof:—

Amendment of Section 93 of Ord. 1 of 1905.

(2) Every person possessing spirits exceeding in quantity a pint shall, for the purposes of this section, be deemed to be in unlawful possession thereof, unless—

(a) He is a distiller, compounder, or authorized methylator or retailer, and it has come legally into his possession as such; or

(b) He is in possession under permit for its removal, or having been legally empowered to remove it, is in possession thereof for the purpose of such removal; or

(c) Such spirits have been legally sold, delivered or disposed of to him under section seventeen of the Wine, etc., Licences Ordinance, 1868, or under sub-section (2) of section thirty-eight of this Ordinance; and if such spirits have been obtained in separate quarts from any retailer at separate times and not under a permit, the purchaser has obtained a receipt in writing for the purchase money paid for the same, and showing the quantity of spirits for which and the time when it was paid; or

(d) He is the holder of a special licence from the Governor-in-Council to distil spirits in accordance with section fifteen of this Ordinance.

15. In this Ordinance and in the Principal Ordinance, all references to weights and measures shall be deemed to be references to the standard weights and measures specified in the Weights and Measures Ordinance, 1851. ⁽¹⁾

Standard weights and measures to be used.

16. Every entry required by this Ordinance to be made in any book, return or record shall be made in ink or other indelible material.

17. In the Principal Ordinance sections forty-four, forty-seven, forty-eight, fifty-five, fifty-eight and ninety-two shall be construed and have effect as if after the word "Comptroller" the words "or Chief Commissary" were added in each instance.

Amendment of Sections 44, 47, 48, 55, 58 and 92 of Ord. 1 of 1905.

18. In this Ordinance and in the Principal Ordinance, unless the context otherwise requires:—

Interpretation of terms.

"Spirits Warehouse" includes any Colonial Bonded Warehouse appointed under Customs law.

"Still" means any pot, cauldron, boiler, copper or other vessel or receptacle whatever used or capable of being used for the heating of wash in order to distil spirits.

"Distilling period" means the time from which the notice required under section twenty is given to begin distilling operations until the notice required under the same section terminating the period is given.

"Receiver" includes vat.

19. This Ordinance may be cited as the Spirits Ordinance, 1905, Amendment Ordinance, 1911, and shall be read as one with the Spirits Ordinance, 1905.

Short title and construction

¹ See under "Weights and Measures."