

THE SPIRITS ACT

[PRINCIPAL LEGISLATION]

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CHAPTER 222

THE SPIRITS ACT

An Act to make better provisions for controlling the manufacture of spirits and the import, sale, purchase, consumption, storage and use of industrial spirits.

[1st October, 1940]

Ords Nos.

3 of 1940

2 of 1958

[R.L. Cap. 222]

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh222s1]1. Short title

This Act may be cited as the Spirits Act.

[PCh222s2]2. Interpretation

In this Act, unless the context requires otherwise—

"Comptroller of Customs" includes any officer of Customs to whom the Comptroller of Customs has delegated his powers for any of the purposes of this Act.

"industrial spirits" means rectified spirits and any spirits to which has been added methyl alcohol, pyridine, aniline dye, caoutchoucine or any other substance whether of a similar nature to the foregoing or not for the purpose of making the mixture unfit for use as a beverage, whether or not the resultant mixture is in fact capable of being so used or not, and includes power alcohol;

"Minister" means the minister responsible for Industries;

"non-caoutchoucized spirits" means industrial spirits of any description which have not been caoutchoucized in accordance with the provisions of section 3;

"power alcohol" means spirits of one of the kinds enumerated in the First Schedule or of such other kind as the Minister may by order direct;

"rectified spirits" means spirits which have been purified and refined by distillation and contain approximately ninety percent of pure alcohol.

[PCh222s3]3. Caoutchoucized spirits

(1) Caoutchoucized spirits means plain spirits of a strength not lower than fifty degrees over proof which has been caoutchoucized in accordance with the formula prescribed in the Second Schedule to this Act.

(2) The Minister may, by order, alter or amend the formula prescribed in the Second Schedule.

PART II (s 4)

[PCh222s4]4. Repealed

[Repealed by Act No. 5 of 1959 of the E.A.H.C. s. 17(2).]

PART III

IMPORT OF INDUSTRIAL SPIRITS (ss 5-16)

A. General Provisions (ss 5-10)

[PCh222s5]5. Interpretation

In this Part "spirits" means industrial spirits.

[PCh222s6]6. Import of industrial spirits

Industrial spirits shall only be imported in accordance with the provisions of this Part of the Act.

[PCh222s7]7. Purposes for which spirits may be imported

No spirits shall be imported into the United Republic unless they are intended to be used entirely for industrial, medical or scientific purposes.

[PCh222s8]8. Nature and labelling of containers

(1) All spirits imported under this Part shall be imported in such containers as may be prescribed or as may be required by the conditions of any permit issued under the provisions of section 11.

(2) Every container containing spirits shall be clearly labelled or marked with the name of the manufacturer and importer and the nature of the contents.

(3) The label or marks shall indicate the formula to which the spirits conform.

(4) Any such container not so labelled may be confiscated together with the contents thereof by the Comptroller of Customs

(5) The Comptroller may in any case referred to in subsection (4) direct that the contents be analysed at the expense of the importer and, if no other offence under this Act appears to have been committed in respect of the consignment, may allow the container to be labelled or otherwise dealt with according to law.

[PCh222s9]9. Samples may be taken

The Comptroller of Customs may take samples to be taken of any spirits imported under this Part, and any spirits not conforming to any customs declaration under which they are imported, or not conforming to the label or description marked on the container shall be confiscated.

[PCh222s10]10. Non-caoutchoucized spirits may be caoutchoucized

The Comptroller of Customs may, at the request and at the expense of the importer, direct that any non-caoutchoucized spirits be made to conform to the formula prescribed for caoutchoucized spirits and such spirits shall be labelled and dealt with accordingly.

B. Non-caoutchoucized Spirits (other than Power Alcohol) (ss 11-14)

[PCh222s11]11. Ports at which non-caoutchoucized spirits may be imported

(1) Non-caoutchoucized spirits shall be imported only at the ports of Dar-es-Salaam and Tanga and any other port which the Minister may by order published in the Gazette declare to be a permitted port for the purposes of this section and in accordance with the conditions of a permit in writing issued by the Comptroller of Customs.

(2) The Comptroller of Customs may refuse to issue any such permit if he deems fit or may issue a permit subject to such conditions as he may consider expedient.

(3) An import permit shall be granted only to the holder of a dealer's licence issued in accordance with Part IV of this Act.

(4) The Comptroller of Customs may subject to such conditions as he may require grant an import permit to any person requiring spirits for use in connection with his profession or business and not for sale.

(5) A copy of every import permit issued shall be forwarded to the licensing authority appointed under the provisions of Part IV.

[PCh222s12]12. Importer of non-caoutchoucized spirits to make a declaration

(1) Every person importing non-caoutchoucized spirits shall, within twenty-four hours of the unloading consignment, make a written declaration to the officer in charge of Customs at the port of entry stating the nature and quantity of spirits imported.

(2) If the spirits are methylated spirits the declaration shall if the Comptroller of Customs shall so require contain a specification of the formula to which the spirits conform.

[PCh222s13]13. How non-caoutchoucized spirits may be released from Customs

Non-caoutchoucized spirits shall not be released from the Customs except with the permission of the Comptroller of Customs.

[PCh222s14]14. Saving in the case of power alcohol.

Nothing in sections 11 to 13 shall apply to power alcohol.

C. Caoutchoucized Spirits and Power Alcohol (ss 15-16)

[PCh222s15]15. Ports at which caoutchoucized spirits may be imported

(1) Caoutchoucized spirits conforming to the formula prescribed in section 3 and power alcohol may be imported only at the ports of Dar-es-Salaam, Tanga and any other port which the Minister may by order published in the Gazette declare to be a permitted port for the purposes of the section:

(2) The spirits manufactured in and imported from Uganda may in addition be imported at the ports of Bukoba, Mwanza, Musoma, Moshi, Arusha and Lindi if accompanied by a certificate issued by the Government of Uganda to the effect that they conform to the prescribed formula.

[PCh222s16]16. Spirits not conforming to formula may be confiscated

(1) Spirits imported as caoutchoucized spirits but not conforming to the formula prescribed by section 3 shall be confiscated or may in the discretion of of the Comptroller of customs be dealt with as provided in section 10

(2) Power alcohol not conforming to the prescribed formulae may be confiscated by the Comptroller of Customs.

PART IV

SALE OF NON-CAOUTCHOUCINIZED SPIRITS (OTHER THAN POWER ALCOHOL) (ss 17-22)

[PCh222s17]17. Appointment of licensing officers

The Minister may by general or special authorisation in writing appoint licensing officers for the purposes of this Part.

[PCh222s18]18. Dealers in non-caoutchoucized spirits to be licensed

No person shall sell non-caoutchoucized spirits other than power alcohol unless he is licensed as a dealer in accordance with the provisions of this Part.

[PCh222s19]19. Issue and duration of licences

(1) The licensing officer may, if he deems fit, issue to any person a licence to deal in non-caoutchoucized spirits other than power alcohol, and shall keep a register of all licences issued under the provisions of this section.

(2) The licensing officer may, at any time, without giving any reason therefor, revoke any such licence.

(3) A licence issued under this section shall expire on the 31st of December next after the date of issue.

(4) Every licence issued under this section shall specify the premises upon which the holder is entitled to sell spirits and the maximum quantity which he may have in his possession at any one time.

(5) Every such licence shall be displayed at a prominent place in the premises concerned.

[PCh222s20]20. Records to be kept by licensed dealers

The holder of a licence issued under section 19 shall keep records, in the English language, showing—

(a) the quantities of spirits imported or purchased, the number and date of the import permit or permit to purchase;

(b) the quantities of spirits sold with the date, name of purchaser and the number and date of the permit under which the purchase was made;

(c) the quantities of spirits used as ingredients in other preparations with the description and quantity of any preparation so made.

[PCh222s21]21. Certain spirits to be purchased only under permit

(1) No person shall sell any non-caoutchoucized spirits other than power alcohol or any potable substance containing spirits on which customs or excise duty has not been paid unless the purchaser produces a permit to buy the same issued under the provisions of this section subject to subsection (5).

(2) A permit to buy such spirits may be issued by a licensing officer and shall state the quantity which may be purchased.

(3) A licensing officer shall not issue a permit to buy such spirits to any person unless he is satisfied that such person requires the same for a lawful use.

(4) Every such permit shall be retained by the dealer:

(5) No permit shall be required for the purchase of such spirits for medical purposes by a duly qualified medical practitioner, dentist or veterinary surgeon, or in the case of a purchase of such spirits in accordance with a prescription duly given by such person.

[PCh222s22]22. Police officers may enter premises, take samples and examine records

Any police officer of or above the rank of assistant inspector may, without a warrant, at all reasonable times enter and inspect the premises of any person holding a licence under this Part, and may take or cause to be taken samples of any spirits found upon the premises or of any substance which he has reason to believe contains spirits and may call for and examine all records kept by the licence holder under the provisions of this Part.

PART V

GENERAL PROVISIONS (ss 23-26)

[PCh222s23]23. Containers to be labelled

Every container of any description whatsoever containing industrial spirits shall be labelled with a description of the contents and it shall be an offence for any person to be in possession of any such container not so labelled.

[PCh222s24]24. Prohibition of purification of methylated spirits

No person shall except as may be provided by Part II of this Act purify any industrial spirits, attempt to recover the alcohol from any industrial spirits by any process whatsoever, or have in his possession any apparatus of any kind whatsoever for that purpose.

[PCh222s25]25. Penalties

Any person who contravenes any of the provisions of this Act or of any rules or orders made thereunder commits an offence and upon conviction is liable to imprisonment for a term of six months or to a fine not exceeding two thousand shillings, or to both such fine and imprisonment.

[PCh222s26]26. Rules

The Minister may make rules prescribing anything which is to be prescribed under the provisions of this Act, and generally for the better carrying out of the purposes of this Act and, without prejudice to the generality of the foregoing power, for any of the following purposes—

- (a) controlling the manufacture of spirits;
- (b) prescribing the form of permits, applications and other documents to be issued under the Act and the fees to be charged for anything to be done thereunder;
- (c) preventing the consumption of industrial spirits as a beverage;
- (d) making further provision for controlling the import, export, sale, consumption, storage and use of industrial spirits and prescribing any formula in accordance with which such spirits may be imported or sold;

(e) making such further provision as he may consider necessary for the purpose of controlling the trade in industrial spirits.

FIRST SCHEDULE

POWER ALCOHOL

(Section 2)

Power alcohol must conform to one of the following formulae—

1. To every ninety-eight-and-one-half parts by volume of spirits or spirituous mixture there shall be mixed not less than one part by volume of petroleum and not less than one-half of one part by volume of crude pyridine: to this must be added not less than twenty percent by volume of petrol or benzole.

2. Any formula prescribed by the Commissioners of Customs and Excise in the United Kingdom in pursuance of powers conferred upon them by any law for the time being in force.

SECOND SCHEDULE

CAOUTCHOUCINIZED SPIRITS G.N. No. 183 of 1950

(Section 3(2))

Formula

Every two hundred parts by volume must contain either:

(i) at least one part of volume of light caoutchoucine and at least one part by volume of crude pyridine as specified below; or

(ii) at least ten parts by volume of kerosene and at least four parts by volume of castor oil,

and every one hundred gallons of the mixture must contain at least one-fortieth of an ounce of powdered aniline dye (methyl violet).

(1) Nature – By "caoutchoucine" is meant the liquid obtained by the dry distillation of vulcanised rubber. By "light caoutchoucine" is meant the liquid obtained by redistilling "caoutchoucine" and collecting that portion which passes over at or below about 200°C.

(2) The specific gravity of light caoutchoucine – The specific gravity of light caoutchoucine at 60°F should lie between .835 and .860 referred to water as 1.000.

(3) Boiling Test – For the purpose of this test, 100 c.c. of light caoutchoucine should be redistilled in the pyridine testing glass (see specification for pyridine bases). Under these conditions not more than 15 c.c. of distillate should pass over at or below 100°C., whilst a total (including the foregoing) of at least 70 c.c. should pass over at or below 200°C.

(4) Absence of soluble constituents – When 25 c.c. of light caoutchoucine are shaken with an equal volume of water in a stoppered graduated cylinder and due time is allowed for the liquids to separate again into two layers the light caoutchoucine should show no appreciable diminution in volume.

(5) Neutrality – The aqueous layer obtained from test (4) should show no marked acidity or alkalinity when tested with both red and blue litmus paper.

(6) Limit of saturated hydrocarbons – At least seventy percent, of the light caoutchoucine should be soluble in concentrated sulphuric acid. For testing this 25 cc.

should be measured off into a tapped and stoppered separating cylinder of suitable capacity and sulphuric acid should be added, at first with great care and very small quantities. After each addition of acid, the cylinder should be shaken and cooled to avoid loss of volatile constituents. Sufficient acid must be used (usually about 50 c.c.) for the high coloured layer to become quite fluid so that it can separate readily from the upper layer of unattacked constituents. After a final thorough shaking and cooling, the cylinder should be left for about three hours to thorough shaking and cooling, the cylinder should be left for about three hours to effect complete separation of the two layers and the lower layer should be then tapped off. The almost colourless upper layer should be again shaken with strong sulphuric acid until it appears free from soluble constituents (as judged by the colour imparted to the sulphuric acid), and separated as before after standing. It should finally measure not more than 7 c.c. The acid used should be of specific gravity 1.84 and may be of commercial quality.

(7) Freedom from water – Light caoutchoucine should not contain any appreciable amount of water. Any officer engaged in drawing samples for test should certify on the bottle that he has drawn the sample from the bottom of the containing vessel where the water, if present, will be found. For this purpose he should employ a syphon tube of which the shorter limb reaches to the floor of the containing vessel. He should also assure himself that the sample is collected in a bottle free of moisture.

Laboratory Tests to Ascertain the Suitability of Pyridine Bases for Denaturing Alcohol

I. Colour – The colour must not ordinarily be darker than that given by two cubic centimetres of decinormal iodine solution dissolved in one litre of distilled water.

II. Miscibility – The pyridine bases should mix readily and completely with spirit and should give a clear or only slightly opalescent solution when mixed with twice their volume of water.

III. Amount of water present – From 20 c.c. of the pyridine base mixed with 20 c.c. of caustic soda solution (density 1.4) at least 18.5 of the bases should separate, after having been repeatedly shaken together and allowed to stand.

IV. Titration – Dissolve 1 c.c. of the pyridine bases in 9.5 c.c. of distilled water. Titrate with normal sulphuric acid until a drop of the mixture gives a definite blue spot on congo-red paper (the blue colour should at once disappear). At least 9.5 c.c. of the normal sulphuric acid should be required to produce this re-action. (To prepare the congo-red paper dissolve one gram of congo-red in one litre of distilled water. Soak filter paper in this and then dry).

V. Cadmium chloride reaction – Vigorously shake together 10 c.c. of a solution of 1 c.c. of pyridine bases in 100 c.c. of distilled water with 5 c.c. of a five percent solution of dry fused cadmium chloride. A distinct crystalline precipitate should immediately result and there should be an abundant separation of crystals within ten minutes. Another 10 c.c. of the above one percent, aqueous solution should give a white precipitate when mixed with 5 c.c. of Nessler's reagent.

VI. Boiling point – Distil 100 c.c. of the pyridine bases in the manner described below. At least 50 c.c. should distil over at or under 140°C, and a total of 90 c.c. at or under 160°C.

Method – 100 c.c. of pyridine bases are placed in a short necked copper flask of about 200 c.c. capacity. The flask is arranged on an asbestos card which has a circular hole of 30 mm. diameter cut in it. To the flask is attached a fractionating column (consisting of a tube 13 mm. wide and 170 mm. long provided with one bulb) of which the side-tube (issuing 1 c.m. above the bulb) joins a Liebig's condenser of which the cooled part is at least 400 mm. long. A standard thermometer is placed in the head of the column so that its bulb occupies the centre of the bulb of the column.

The speed of distillation is adjusted to 5 c.c. per minute, the distillate being received in a graduated glass cylinder. At least 50 c.c. should distil over at or under 140°C. and 90 c.c. at or under 160°C. at a barometric pressure of 760 mm.

If the barometer varies from 760 mm. a correction of 0.1°C. for each 3 mm. variation of pressure should be applied (e.g., under a barometric pressure of 770 mm. 50 c.c. of distillate should come over at or under 140.3°C., whilst at a pressure of 750 mm. the same amount of distillate should come over at 139.7°C.).