

Assented to in Her Majesty's name this 15th day of February, 1962.

MAURICE H. DORMAN,
Governor-General.

LS

No. 5



1962

Sierra Leone

**An Act to Regulate the Distillation of Spirits
in Sierra Leone**

[, 1962.] Date of
com-
mencement.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Spirits (Distillation and Licensing) Act, 1962, and shall come into operation in such areas and on such dates as the Governor-General shall from time to time by Order appoint: Short title,
application
and com-
mencement.

Provided that the Governor-General may appoint different dates for the coming into operation of different provisions hereof in any area.

Interpretation.

2. In this Act unless the context otherwise requires—
- “Board” means the Licensing Board appointed under section 5;
- “distil” includes “redistil”;
- “licensed company” means a company holding a special licence;
- “Minister” means the Minister responsible for Trade and Industry;
- “omole” means any spirits distilled in Sierra Leone from material grown in Sierra Leone, other than refined spirits distilled under a special licence;
- “omole licence” means a licence to distil omole granted by the Board;
- “refined spirits” means the spirits listed in the Schedule hereto, which may be varied, amended or replaced by an Order of the Minister;
- “special licence” means a licence granted by the Minister to distil refined spirits.

Exemption of omole licence holder from certain legal prohibitions.

3. Notwithstanding any existing legislation to the contrary the holder of an omole licence may without any further licence or authority distil omole in Sierra Leone and sell the same to a licensed company according to the terms of his licence.

Special licences.

4. (1) The Minister shall grant a special licence to the Wellington Distilleries, Limited (being a company in which the Government holds more than fifty per centum of the share capital).

(2) After the expiration of ten years from the passing of this Act the Minister may grant a special licence to any company registered in Sierra Leone in which the Government holds more than fifty per centum of the share capital.

(3) A special licence shall be granted for such period not exceeding ten years as the Minister may determine.

(4) Notwithstanding any existing legislation to the contrary a special licence shall authorise a licensed company without any further licence or authority to distil refined spirits in Sierra Leone and sell the same to the public or any member thereof subject to the condition that such company shall offer to purchase for distillation during every calendar year a quantity of omole to be fixed by the Minister annually:

Provided that nothing in this Act shall compel a licensed company to buy omole of a strength less than thirty-seven per centum of alcohol by volume.

(5) The price to be paid for omole by a licensed company and the conditions of purchase shall be subject to the approval of the Minister and may be varied from time to time with the approval of the Minister.

(6) A special licence shall not cease to be valid by reason of the fact that the Government ceases to hold more than fifty per centum of the share capital of the company to which the licence was granted.

5. The Minister shall by Notice in the *Gazette* appoint a Licensing Board to grant omole licences. The Board shall consist of a Chairman and two members of whom the Chairman and one member shall be public officers.

6. Within thirty days of the grant of a special licence to a company under section 4 the Board by notice in the *Gazette* shall invite applications for omole licences for the supply of omole to such company. Applications shall be in the form prescribed by and shall be submitted to the Board within a period of sixty days from the first publication of such notice.

7. (1) On the expiry of the period for the submission of applications under section 6 the Board shall meet to grant omole licences.

(2) The Board shall invite one representative of a licensed company to attend its meeting as an observer.

(3) In granting or refusing omole licences the Board shall have regard to the following considerations—

(a) the total quantity of omole which a licensed company must offer to purchase under the conditions of its licence;

(b) the price to be paid for omole by a licensed company;

(c) the number of persons associated in any one such application made by a partnership, a registered company or a co-operative society;

(d) the place at which an applicant proposes to distil spirits having regard to the desirability of a fair distribution of such licences throughout Sierra Leone in so far as the economic circumstances permit; and

(e) any other considerations which in the opinion of the Board are relevant to the economic prospects of a particular applicant or of the applicants generally to whom omole licences may be granted.

(4) Every omole licence shall specify the quantity of omole which the holder is required to offer to a licensed company during the following twelve months. Such quantity may exceed but shall not be less than three thousand gallons, and the Board may specify different quantities in different licences.

(5) The total of the quantities of omole specified under subsection (4) in the omole licences issued by the Board in any calendar year for the supply of omole to a licensed company shall not exceed the total quantity of omole which such licensed company is required to offer to purchase in that year.

(6) The Board shall not be required to give its reasons for the grant or refusal of an omole licence, but shall publish in the *Gazette* particulars of such licences granted.

(7) Any applicant aggrieved by a decision of the Board may appeal to the Minister whose decision shall be final.

(8) An omole licence shall be in the prescribed form and shall be issued on payment of the sum of twenty pounds:

Provided that if the first of such licences issued after the coming into operation of the Act are issued in the second quarter of the year the fee for that year shall be fifteen pounds only and if in the third or fourth quarters of the year shall be ten pounds and five pounds respectively.

8. (1) An omole licence shall expire on the 31st December next following the date of issue.

Expiry and renewal of licences and grant of additional omole licences.

(2) The Board shall meet annually in November or December to grant omole licences for the following calendar year and shall be advised by the Minister of the minimum quantity of omole to be purchased by licensed companies during that calendar year and of the price to be paid for it.

(3) A licensed company shall purchase from the holder of each omole licence granted for the supply of omole to that company the annual quantity shown on the licence. If a licensed company can purchase more than the total quantity which it is required to buy under the terms of a special licence it shall notify the Board and the Minister of the additional quantities which it is prepared to purchase. Such notifications shall be made quarterly and shall take account of any quantities outstanding from omole licence holders.

(4) If in the opinion of the Board the supply of omole to any licensed company falls short of its requirements, the Board with the prior approval of the Minister may grant additional omole licences at any time during a calendar year. Such additional licences may be granted either to the holders of existing omole licences or to any other person at the discretion of the Board and the fee for such licences shall be calculated by the method set out in subsection (8) of section 7.

(5) Where appropriate the provisions of sections 6 and 7 shall apply to the grant of annual and additional omole licences.

9. The holder of an omole licence shall keep records in such form and manner as the Board in writing may direct.

Omole licence holder to keep records.

10. A special licence may be revoked by the Minister if a licensed company ceases to operate a distillery or to purchase omole in accordance with the conditions of the special licence, or fails to observe any other conditions of such licence.

Revocation of special licence.

11. An omole licence may be revoked by the Minister if the licence holder— Revocation of omole licence.

- (a) fails to supply a licensed company with the quantity of omole specified in such licence; or
- (b) fails to observe any other condition of such licence; or
- (c) is convicted of a criminal offence under this Act.

12. (1) Any person producing or in any way connected with the production or sale of spirits in Sierra Leone shall comply with all lawful directions given him from time to time by any Government medical officer and shall do all things necessary to protect such spirits from contamination. Medical requirements.

(2) For the purposes of this section any Government medical officer or any person authorised in writing by the Board may enter at all reasonable times upon premises where spirits are being produced or are capable of being produced and inspect the state and condition of the premises and may take samples of spirits for analysis.

13. The failure without lawful excuse—

Offences.

- (a) to comply with the requirements of this Act as to licence; or
- (b) to comply with any lawful direction given by a Government medical officer shall constitute an offence against the Liquor Act and render any person guilty thereof liable to punishment in accordance with the provisions of section 8 of that Act. Cap. 237.

14. (1) The Minister may make Regulations generally for all or any of the purposes of this Act. Regulations.

(2) Regulations made under this section shall be laid before the House of Representatives as soon as possible after being made. If within twenty days, beginning with the date on which the Regulations are so laid, the House resolves that the Regulations shall be annulled the Regulations shall be deemed to be revoked but without prejudice to the validity of anything previously done thereunder or to the making of further Regulations.

15. All moneys payable under this Act shall when received be paid into the Consolidated Revenue Fund.

Moneys to be paid into Consolidated Revenue Fund.

16. (1) The last paragraph of the proviso to section 5 of the Liquor Act is hereby amended by the insertion immediately after the words "such licence" in the second line thereof of the words "or any licence granted under the provisions of the Spirits (Distillation and Licensing) Act, 1962." Amendment of sections 5 and 6 of Cap. 237.

(2) Paragraph (3) of the proviso to section 6 of the Liquor Act is hereby amended by the substitution in the second and third lines thereof for the words "the last preceding section" of the words "the Spirits (Distillation and Licensing) Act, 1962, or section 5 of this Act."

THE SCHEDULE

(Section 2)

Whiskey

Gin

Rum

Brandy

Vermouth

Vodka

Schnapps.

Passed in the House of Representatives this *12th* day of *January*, in the year of our Lord one thousand nine hundred and sixty-two.

S. V. WRIGHT,
Clerk of the House of Representatives.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed the House of Representatives and found by me to be a true and correctly printed copy of the said Bill.

S. V. WRIGHT,
Clerk of the House of Representatives.