CHAPTER 41

SPIRITS ORDINANCE

To amend the law relating to the manufacture of spirits and to make provision for other purposes connected therewith.

(l5th November, 1911, as regards Parts I to VII and IX to XI)
(lst June, 1937, as regards Part VIII)*

Enacted by ORDINANCE XI of 1911, as amended by Ordinances: VII of 1937, I of 1940; Act VIII of 1949; Emergency Ordinance XIV of 1958; Ordinances: XVI of 1960, XXV of 1962; Legal Notices: 4 of 1963, 46 of 1965; and Acts: XXXVIII and LVIII of 1974, XI of 1977, XV of 1980, XLIX of 1981, XIII of 1983, VIII of 1990 and XVI of 1995; Legal Notice 407 of 2007; and Act V of 2007.

ARRANGEMENT OF ORDINANCE

		Articles
Part I.	Preliminary Provisions	1-3
Part II.	Licence for Distillation of Spirits and for making or selling Stills	4-13
Part III.	Regulation of Distilleries	14-29
Part IV.	Spirits in Store	30-34
Part V.	Colouring Matter	35-36
Part VI.	Spirit Warehouse	37-49
Part VII.	Sale, Removal and Exportation of Spirits	50-59
Part VIII.	Dealers and Retailers	60-66
Part IX.	General Offences	67-73
Part X.	Powers and Procedure	74-96
Part XI.	Supplemental Provisions	97-101

SCHEDULE

See Gov. Not. No. 338 of 2nd November, 1911 and Gov. Not. No. 183 of 18th May, 1937.

PART I

PRELIMINARY PROVISIONS

Short title.

1. This Ordinance may be cited as the Spirits Ordinance.

Definition.
Amended by: XIV.1958.2; XVI.1960.3; XXV.1962.4; L.N. 4 of 1963; XXXVIII.1974.2; XV. 1980.2.

2. In this Ordinance, unless the context otherwise requires,

"Comptroller" means the Comptroller of Customs and includes any person having an express or implied authority to act for the Comptroller of Customs;

"dealer" means a wholesaler dealer in wines, beer and spirituous liquors;

"degrees Gay Lussac (ºG.L.)" means the alcoholic strength by volume of a mixture of water and ethanol expressed as parts of alcohol per 100 parts of the mixture, such alcoholic strength being ascertained by means of an alcohol hydrometer in accordance with International Alcohol Tables;

"distiller" means any person licensed under this Ordinance to have, keep or make use of any distillery apparatus for the purpose of distilling spirits;

"distillery" means any place at or in which any distillery apparatus is situate, and includes any room or other place contiguous or adjacent thereto and used in connection with the manufacture or storage of spirits, and of which entry is required to be made;

"distillery apparatus" means any still or any part of a still, and includes any casks, receptacles, implements, instruments, pipes, cocks, vessels, utensils and fittings of any description, used or capable of being used with a still for the purpose of, or in connection with the distillation of spirit;

"low wines" or "feints" means spirits conveyed into a feints receiver or into the retort of a still, or mixed with wash for re-distillation;

"master of a vessel" means the captain or other person for the time being in charge of such vessel;

"officer" means any officer of Customs or of the Police;

"package" means any cask, barrel, case or other receptacle which contains or is capable of containing any spirits;

"person" includes an association or body of persons;

"proper officer" means the officer charged by lawful authority with the performance of any particular duty under this Ordinance or under the regulations;

"the regulations" mean the regulations made by the Minister responsible for customs under this Ordinance;

"retailer" means a person holding a licence for the retail of wines, beer and spirituous liquors under the law for the time being in force in respect of such licences;

"spirits" mean spirits of any description;

"vessel" means any ship, boat or craft of whatever description;

"wash" means any liquid prepared for the distillation of spirits whether fermentation has taken place or not.

Liabilities of person having wash and a still. *Amended by: XIV.1958.2; XXV.1962.4; L.N. 4 of 1963.*

3. Every person who makes or keeps wash, low wines or feints, and has in his possession or uses a still or any distillery apparatus (not being a still specially licensed by the Minister responsible for customs, as hereinafter provided), shall, as respects the duties, penalties and forfeitures imposed by law on distillers, be deemed to be a distiller.

PART II

LICENCE FOR DISTILLATION OF SPIRITS AND FOR MAKING OR SELLING STILLS

Prohibition of distilling, etc.,without licence.

4. (1) It shall not be lawful for any person to have, keep or make use of any distillery apparatus whatsoever for the purpose of distilling spirits, without having first obtained a licence for that purpose as hereinafter provided.

(2) Persons carrying on such trade or business in partnership, in one and the same house or place, shall not be obliged to take out more than one licence.

(3) The said licence shall not authorize the person or persons to whom the same is granted to have, keep, or make use of any distilling apparatus, or to distil any spirits in any house or place other than that mentioned in such licence.

Application for licence. *Amended by: XVI. 1960.3.*

5. (1) Any person desiring to obtain the licence mentioned in subarticle (1) of the last preceding article, shall furnish the Comptroller with a full description both of the still, setting forth the kind, shape, dimensions and proportions thereof, as well as of the premises in which the still is erected or is intended to be worked, and also with a statement in writing specifying the name and place of residence of himself and of the principal person under whose actual management or superintendence the said trade or business is intended to be carried on, and setting forth further that the applicant is the owner of the still, or the duly authorized representative or agent of the owner or occupier of the premises on, or in which such still is to be worked.

(2) If, at any time while such licence is in force, a change takes place in the ownership of the still, or another person is entrusted with the actual management or superintendence of the said trade or business, a further statement thereof shall be forthwith made in the manner prescribed in subarticle (1).

(3) Every such statement shall be signed or marked by the person making the same, and shall be registered by the Comptroller in a book to be kept for the purpose.

Refusal to issue licence.
Amended by: XIV. 1958.2; XVI. 1960.3; XXV. 1962.4; L.N. 4 of 1963. Substituted by: V. 2007.25.

6. (1) The Comptroller may refuse to grant the said licence to any person applying for it. But in case of refusal the Comptroller shall deliver to such person a statement in writing of the grounds of his refusal.

(2) Any person aggrieved by such refusal may, within fourteen days after receiving the said statement, appeal therefrom to the Administrative Review Tribunal established in terms of article 5 of the Administrative Justice Act and the provision of this Act shall apply to such an appeal.

Cap. 490.

Duration of licence.

7. Every licence granted under the foregoing articles shall expire on the 31st December of the year in which it takes effect.

Penalty on person distilling spirits without licence.
Amended by: XIII. 1983.5; L.N. 407 of 2007.

8. Subject to the provisions of article 11, every person who, not having a licence as hereinbefore required, has, keeps, or makes use of any distillery apparatus or any part thereof, or distils any spirits, shall, unless he be acting for and by the authority and for the benefit of a licensed distiller, and in conformity with the licence granted to such distiller, be liable to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87) and to imprisonment for a term not exceeding eighteen months.

Penalty for erection of distillery apparatus on premises not licensed.
Amended by: XLIX. 1981.4; XIII. 1983.5; L.N. 407 of 2007.

9. Every person who, being a distiller or the manager or the person in charge of a licensed distillery, erects, plants, or works any distillery apparatus upon any premises other than those mentioned in the licence granted for such apparatus, shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94) and to imprisonment for a term not exceeding six months, and such distillery apparatus, and all spirits which may be proved to have been distilled on such premises, shall be liable to be forfeited.

Cancellation or suspension of licence.
Amended by: L. N. 4 of 1963; XVI.1995.23.
Cap. 37.
Cap. 382.

10. If a distiller is convicted of an offence against this Ordinance or against the Customs Ordinance or the Excise Duty Act, the Minister responsible for customs may direct his licence to be cancelled or to be suspended for such time as the Minister responsible for customs may think fit.

Power to grant special licence for purposes of scientific research, etc.
Amended by: XVI.1960.3; L.N. 4 of 1963.

11. (1) The Comptroller may, with the sanction of the Minister responsible for customs and subject to the regulations, grant a special licence to keep and use a still to any person, for the purpose of scientific research, or to any apothecary or other person but only for the preparation, in the exercise of his profession or trade, of medicines or other articles required for medicinal purposes, or as the case may be, of the articles manufactured by such other person.

(2) Any person to whom such special licence is granted shall not be deemed to be a distiller and shall not be subject to the provisions of Parts II to V.

(3) Every such licence shall expire on the 31st December of the year in which it is issued.

(4) The Minister responsible for customs may, at any time, in his discretion, cancel any such licence.

Prohibition of making or keeping wash without licence. *Amended by: XV. 1980.3; XIII. 1983.5; L.N. 407 of 2007.*

12. (1) It shall not be lawful for any person, not being a distiller or the holder of a licence granted under the last preceding article, to make, or keep, or have in his possession any quantity of wash, low wines, or feints or of any two or more of those articles exceeding five litres.

(2) The same rule shall apply to any distiller or holder of a licence granted as aforesaid in respect of any building or place to which his licence does not extend.

(3) Every person making, keeping or having in his possession any wash, low wines or feints in contravention of this article shall be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

Making or repairing stills without a licence. *Amended by: XVI. 1960.3.*

13. (1) No person shall make, or repair, or keep for sale, or sell any still or any part thereof without first obtaining a licence for so doing from the Comptroller.

(2) Such licence shall expire on the 31st December of the year in which it takes effect.

(3) The Comptroller may require any person applying for such licence to state his name and abode and the situation of the place where he carries on his trade, and to furnish such other particulars as the Comptroller may deem fit to require.

(4) The Comptroller may refuse to give such licence without assigning any reason for his refusal.

(5) Every person to whom such licence is granted shall keep a book in which he shall enter the following particulars:

(*a*) the name and address of any person to or for whom any still or part of a still has been sold, made or repaired;

(*b*) the place where such still or part of a still has been sold, made or repaired;

(*c*) the time at which such still or part of a still was delivered to the person to, or for whom it was sold, made or repaired; and

(*d*) the capacity of such still.

(6) Such book shall, at all reasonable times, be open to inspection by any officer.

(7) The provisions of this article shall not apply to any person engaged by a distiller to make any alterations or repairs to or in any still lawfully kept by such distiller.

PART III

REGULATION OF DISTILLERIES

Description of still. Schedule. *Amended by: XVI. 1960.3; XV. 1980.4.*

14. (1) Every still used by a distiller shall be erected and worked in the manner set out in the Schedule hereto, and shall be so constructed that the spirit distilled shall be received in a locked receiver, to which access shall not be obtainable except in the presence of the proper officer.

(2) Every cock or valve kept or used by a distiller must, when the Comptroller so requires, be furnished with a fastening provided by the distiller and approved by the Comptroller, and with a revenue lock, provided by the Comptroller at the expense of the distiller, and such fastening and lock must be affixed to the satisfaction of the proper officer.

(3) No spirit run into the spirit receiver may be removed therefrom without the permission of the proper officer.

(4) Except in the presence of the proper officer, access may not be had to the end of the worm of the still, or to any spirit, from the time of the distillation thereof until it is taken account of in the receiver by the proper officer.

(5) The key of every test case and spirit receiver shall be kept by the proper officer, who alone shall open such test case and receiver. The proper officer shall enter in the distillery record book the quantity of spirits at 57° Gay Lussac contained in such receiver and after such entry the spirits shall, subject to the provisions of this Ordinance, be at the disposal of the distiller.

Mode of making entry of premises, etc. *Amended by: XVI. 1960.3: L.N. 4 of 1963; XV. 1980.5; XIII. 1983.5; L.N. 407 of 2007.*

15. (1) Every distiller must, when applying for a licence to distil spirits, make entry of the premises, vessels, utensils and fittings intended to be used by him, by signing and delivering to the proper officer, for the information of the Comptroller, an account in the prescribed form, setting forth with the prescribed particulars:

(*a*) his name and abode, and situation of the premises intended to be entered; and

(*b*) a true and particular description of every vessel, utensil and fitting, other than buckets and similar vessels and utensils, intended to be used on those premises for the purpose of his business; and

(*c*) the number of litres which every still with its head is capable of containing, or the number of litres of wash per hour which every still is capable of distilling; and

(*d*) the purpose for which each such vessel and utensil is intended to be used; and

(*e*) the number of litres of wash which each wash vat is capable of containing; and

(*f*) every house, room, and place in which any part of his business is to be carried on, or any spirits are to be kept; and

(*g*) the purpose for which each such house, room, or place

is intended to be used.

(2) In the event of any disagreement between a distiller and the proper officer as to the capacity of any vessel for the purposes of this or any other article of this Ordinance, the actual capacity shall be ascertained by filling the vessel and measuring off the contents by such method as shall be authorized by the Minister responsible for customs.

(3) In the account, every vessel, utensil, fitting, house, room, and place must be distinguished by the name and number painted thereon.

(4) No vessel, utensil, fitting, house, room, or place must be described in the account as intended to be used for more than one purpose.

(5) If any vessel, utensil, fitting, house, room or place used by a distiller, for any purpose connected with his business -

(*a*) is not specified in the account required to be delivered on making entry; or

(*b*) is not numbered as so specified; or

(*c*) is in any other place, or used or applied for any other purpose than as so specified; or

(*d*) does not in all respects correspond with the representation thereof as so specified,

the distiller shall be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47), and every such vessel, utensil or fitting, with its contents, and all spirits or materials for distilling spirit found in any such house, room or place, shall be liable to be forfeited.

(6) Where any change is intended to be made in the level of any receiver, the distiller shall give written notice thereof to the Comptroller, at least seven days before such change is made. Any distiller making default in complying with this requirement shall be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

(7) Where any change takes place in respect of any matter or thing mentioned in the account, a memorandum thereof shall be delivered to the Comptroller by the distiller within six days next after the change has taken place; and if the distiller makes default in complying with this requirement, he shall be liable to a fine (*multa*) not exceeding four euros and sixty-six cents (4.66) for every day during which such default continues.

Notice of distilling operations.

16. Every distiller shall give at least two days previous notice in writing to the proper officer of the date when distilling operations will commence and when such distilling operations will cease during each distilling period.

Re-distillation or destruction of refuse or sediment. *Amended by: XV. 1980.6.*

17. (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, provided he shall enter in his stock book the quantity of spirits computed at 57° Gay Lussac contained in such refuse matter or

sediment at the time of removal from such spirit store, and the quantity obtained by re-distillation.

(2) Before any such refuse matter or sediment is re-distilled or destroyed as aforesaid, the distiller must give at least twenty-four hours' notice to the proper officer, and such officer, or any person authorized by him in writing, shall take a sample of such refuse matter or sediment, and submit the same to the government analyst for determination of the proportion of spirits therein.

Re-distillation permitted.

18. (1) If, for any cause, proved to the satisfaction of the proper officer, any spirits require to be re-distilled, the said officer may authorize the distiller to carry out such re-distillation.

(2) In any such case the spirits shall be mixed with wash in the presence of the proper officer before being re-distilled.

Taking of samples of wash.

19. It shall be lawful for any officer of customs, at any time, to take an account of all wash in any licensed distillery, as well as to take such samples of any wash, low wines, feints, or spirits from any vessel as he may think proper, and test the gravity of such samples or submit the same for analysis by the government analyst.

Checking quantity of spirits produced from wash.
Amended by: XVI. 1960.3; L.N. 4 of 1963; XV.1980.7.

20. (1) If at any time it appears to the Comptroller that the quantity of spirits produced by any distillery is less than nine-tenths of a litre of spirits at 57° Gay Lussac in respect of every five degrees of attenuation on every hundred litres of wash distilled, the Minister responsible for customs may cause enquiry to be made, and if the distiller fails to show to his satisfaction that the deficiency in production has legitimately arisen, the Minister responsible for customs may cause an officer to be specially employed to superintend the working of the distillery.

(2) All expenses incurred in connection with the employment of the said officer shall be borne by the distiller:

Provided that, where such officer reports that the deficiency in production is not due to any unlawful act on the part of the distiller, the latter shall not be called upon to pay such expenses.

Prohibition of mixing spirits or low wines with other matters.
Amended by: XVI. 1960.3; XV. 1980.8; XIII. 1983.5; L.N. 407 of 2007.

21. (1) There must not be mixed with or added to any spirits in a distillery any substance which increases the gravity thereof and prevents the true strength thereof from being ascertained by hydrometer, before the proper officer has taken an account of the quantity of such spirits in the manner hereinafter provided.

(2) There must not be mixed with or added to any low wines or feints in a distillery any substance which increases the gravity thereof and prevents the true strength thereof from being ascertained by hydrometer:

Provided that nothing shall prevent the addition, in the retort, of low wines or feints with wash or with such other substance as may be necessary.

(3) For any contravention of the provisions of this article, the distiller shall be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

(4) The government analyst shall, from time to time, determine by analysis the obscuration in any sample of low wines, feints or spirits, submitted to him by the Comptroller for this purpose, and if upon such analysis, any such sample is found to be obscured to a greater extent than two and one-half degrees Gay Lussac, the low wines, feints or spirits shall be deemed to have been fraudulently dealt with, and the distiller shall be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

Record book: particulars to be contained therein. *Amended by: XV. 1980.9; L.N. 407 of 2007.*

22. (1) Every distiller shall provide and keep in his distillery a record book which shall be in the following form and shall contain the following information:

Period from to

WASH ACCOUNT								SPIRIT ACCOUNT							
Wash set up					Wash attenuated			Spirit manufactured							
Date	Number of vat	Number of litres	Density before fermentation	Temperature in degrees Celsius of wash	Density after fermentation	Temperature and degrees Celsius of wash	Number of degrees attenuated	Date	Number of vats distilled	Litres of wash distilled	* Liquid litres from still	*Strength in degrees Gay Lussac	* Number of litres at 57° G.L.	*Average attenuation of wash	* Return of spirits at 57° G.L. per cent of wash per 5 deg. of attenuation

* To be filled in by the proper officer when delivering spirit from receiver to distiller.

(2) The distiller shall make these entries forthwith as the respective operations proceed.

(3) The proper officer shall enter the quantity of spirits found in the receiver and delivered by him to the distiller, and the distiller or his authorized agent shall countersign the entry as acknowledgement of the delivery of such quantity of spirits to him.

(4) The distiller shall keep the record book in some secure place in the spirit store, open to inspection by any officer, and shall

allow such officer to make any entry therein or take any extract therefrom for a period of not less than six months after it is filled up.

(5) If any distiller -

(*a*) fails to keep such book, or to produce the same when required by any officer to do so; or

(*b*) fails to make in such book any entry required to be made therein; or

(*c*) makes any fraudulent entry in such book,

he shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

(6) If any distiller commits an error in making any entry required to be made in the record book, he must not obliterate or erase the incorrect entry, but must cancel the same by drawing a thin line through it, and then make the correct entry. If the distiller contravenes this provision he shall be liable to a fine (*multa*) not exceeding twenty-three euros and twenty-nine cents (23.29).

Stock-book.
Amended by: XV. 1980.10.

23. (1) Every distiller must keep in his distillery a stock-book, which shall be in the following form and shall contain the following information:

Date	Balance from last account	Quantity from spirit receiver				Delivered			
	Litres at 57° G.L.	Liquid litres	Strength in degrees Gay Lussac	Litres at 57° G.L.	Date	Liquid litres	Strength in degrees Gay Lussac	Litres at 57° G.L	To whom sent or for what purpose used.

(2) The stock for revenue purposes may be balanced by the proper officer at any time, but in no case less than once in every month and the details of such account shall be entered in the said book.

Transmission of certified copy of entries in record book
Amended by: XVI. 1960.3.

24. (1) Every distiller must, on or before the sixth day of each month, forward to the Comptroller an abstract, certified by such distiller or by his agent duly authorized in writing for such purpose, of the particulars in respect of the month immediately preceding, contained in the records which such distiller is required to keep under articles 20 and 21.

(2) Such abstract shall show the transactions for each complete distillation period.

(3) "Distillation period" means the period between two successive visits of the proper officer for the purpose of delivering spirits.

Locks and fastenings.
Amended by: XVI. 1960.3.

25. (1) Every store, warehouse, room, place, vessel, utensil or fitting used for any purpose under this Ordinance, shall be secured with proper locks and fastenings, to the satisfaction of the Comptroller.

(2) If the distiller fails so to secure any such store, warehouse, room, place, vessel, utensil or fitting, or fails to keep it secure, the Comptroller may provide the proper locks and fastenings, and the cost thereof shall be paid by the distiller.

Receiver in spirit store.

26. Every distillery must, before it is licensed, be fitted with a sufficient receiver placed between the test case and the vats within the spirit store, and such receiver must be in accordance with the requirements of the Schedule hereto.

Distiller to provide scales, weights and measures.
Amended by: XVI. 1960.3; XIII. 1983.5; L.N. 407 of 2007.

27. (1) Every distiller must provide sufficient and just scales, weights and measures approved by the Comptroller, for the purpose of weighing, measuring and taking an account of the spirits in his possession, and of any packages used for the purpose of containing any such spirits.

(2) The distiller must maintain and keep the scales, weights and measures in such proper and convenient place in his spirit store as the Comptroller directs, and so that the same shall be at all times ready for the inspection and use of any officer.

(3) The distiller must permit any officer to use the scales, weights and measures for the purpose aforesaid, and must, with his servants and workmen, whenever required by any officer, weigh or measure, and assist him in weighing or measuring, as he requires, and in taking account of any such spirits as aforesaid.

(4) If any distiller refuses or neglects to comply with any of the foregoing provisions of this article, he shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

(5) If any distiller -

(*a*) provides, or uses, or permits to be used any false, unjust or insufficient scales or weight or measure for the purpose aforesaid; or

(*b*) practises any device or contrivance by which any officer may be prevented from, or hindered or deceived in taking the just and true quantity, weight or

measure of any spirits or of any package,

he shall be liable to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87), and any such scales, weights and measures, shall be liable to be forfeited.

Marking of packages. *Amended by: XVI.1960.3; XIII.1983.5; L.N. 407 of 2007.*

28. (1) Every distiller must legibly cut, brand, or paint with oil colours on the outside of every movable package on his premises for keeping or delivering spirits, and keep so cut, branded, or painted, the distillery mark, the progressive number of the package and the year, the tare of the package and the capacity of the same.

(2) The distiller must give to the Comptroller a notice in writing of the date when the progressive numbers commence and of the date when they terminate.

(3) If a distiller fails to comply with the requirements of this article he shall be liable to a fine (*multa*) not exceeding twenty-three euros and twenty-nine cents (23.29) and the package, together with any spirits contained therein, shall be liable to be forfeited.

Comptroller shall grant relief in case of loss in certain cases. *Amended by: XVI. 1960.3.*

29. The Comptroller shall grant relief to any distiller who proves actual loss of spirits by reason of accident or malicious destruction of property:

Provided that no such relief shall be granted, unless the distiller has, at the time of such loss, entered the particulars thereof in his stock-book, and has also, within twenty-four hours of the discovery of such loss, given notice thereof to the proper officer.

PART IV

SPIRITS IN STORE

Provision and securing of spirit store. *Amended by: XVI. 1960.3; XIII. 1983.5; L.N. 407 of 2007.*

30. (1) Every distiller must provide in his distillery a spirit store of sufficient size to contain all necessary receivers, and to store all spirits manufactured in his distillery until such spirits are removed to a spirit warehouse or sold to a dealer or retailer.

(2) A part of the spirit store shall be set apart solely for the storage of spirits distilled, of colouring matter, and of packages intended for the removal of spirits. It shall be a secure place approved by the Comptroller.

(3) The spirit store must be kept locked by the proper officer at all times except when he is in attendance.

(4) If a distiller fails to comply with any of the provisions of this article, he shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

(5) If any spirits are found in any part of a distillery other than a spirit receiver or the spirit store, or in any place adjacent to or adjoining a distillery, such spirits shall be liable to be forfeited and the distiller shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

Conveyance of manufactured spirits from the receiver into the spirit store.
Amended by:
XVI. 1960.3;
XV. 1980.11;
XIII. 1983.5;
L.N. 407 of 2007.

31. (1) All the spirits manufactured by a distiller must be conveyed directly from the spirit receiver into the spirit store, and, save as provided in subarticle (4), shall be warehoused in a spirit warehouse provided under this Ordinance, within ten days from the time when such spirits are delivered by the proper officer to the distiller, unless permission to the contrary is given by the Comptroller.

(2) Nevertheless, at the end of a distilling period, it shall be lawful for a distiller to retain in his spirit store a balance of spirits not exceeding four hundred and fifty litres, provided that in such case such spirits shall be warehoused during the next distilling period.

(3) If any distiller fails to comply with the requirements of this article, he shall forthwith pay or cause to be paid to the Comptroller the duty payable in respect of any spirits not warehoused as aforesaid, and, in addition, he shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94) for each such offence.

(4) Distillers may sell to any dealer or retailer any quantity of spirits exceeding one hundred litres direct from the distillery, provided the proper officer shall have full knowledge of the transaction, and provided the duty thereon shall be paid according to his decision as to strength and quantity, and at the rate leviable in accordance with the law for the time being in force.

Storing of spirits.
Amended by:
XVI. 1960.3;
XIII. 1983.5;
L.N. 407 of 2007.

32. (1) Except with the written permission of the Comptroller, no spirits may be brought into a distiller's spirit store unless they have been distilled in his distillery, and run directly from the still into the store or through a locked receiver.

(2) Except with the written permission of the Comptroller, no spirits which have been removed from the store may be brought back into the store.

(3) If any spirits are brought into or found in a distiller's spirit store in contravention of this article, the distiller shall be liable to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87) and the spirits shall be liable to be forfeited.

(4) All spirits in the store must be filled into packages in the prescribed manner.

(5) The capacity of each package shall be ascertained by weighing the same with the spirits contained therein, using the tables prepared, signed and issued by the Comptroller for the purpose, and the quantity ascertained thereby shall be deemed to be the true quantity in accordance with the regulations made for that purpose.

Removal of spirits from store.
Amended by:
XVI. 1960.3;
XV. 1980.12
XIII.1983.5;
L.N. 407 of 2007.

33. (1) Spirits may not be removed from the store in any quantity less than one hundred litres, except with the express sanction of the Comptroller.

(2) Spirits may not be removed from the store except to a spirit warehouse, or for exportation in the manner hereinafter mentioned

or to be conveyed, under permit of the Comptroller and after payment of the duty thereon, to a dealer or retailer. Nevertheless the Comptroller may, on the application in writing of the distiller, permit him to remove spirits from the store for his own consumption on payment of the duty, provided that no such permission shall authorize the removal of less than twenty litres at a time, or of a quantity exceeding two hundred litres in any one year.

(3) The distiller must, not less than twenty-four hours before removing any spirits from the store, give the proper officer a notice in writing, specifying the time of the intended removal and the quantity to be removed.

(4) The proper officer shall re-weigh and examine the strength of the spirits and the contents of at least one package in every five, of each consignment to the spirit warehouse, and endorse on the certificate the number and the marks of the packages examined by him.

(5) In case of emergency, special permission for the removal of spirits may be granted by the Comptroller.

(6) If any spirits are removed from a distiller's spirit store in contravention of this article, the distiller shall be liable to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87) and the spirits shall be liable to be forfeited.

Account of stock and penalty for deficiency. *Amended by: XV. l980.13; XIII. 1983.5; L.N. 407 of 2007.*

34. (1) The proper officer shall from time to time take an account in the prescribed manner of the quantity of spirits in a distiller's spirit store.

(2) Each time an account of the quantity of spirits in a distillery is taken as aforesaid, the proper officer shall take a sample of spirits from each receiver, vat, or other vessel containing coloured spirits, and shall submit all the 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 57° Gay Lussac in such mixed sample.

(3) If the true quantity of spirits computed at 57° Gay Lussac found in the store is less than the quantity which, according to the account so taken, ought to be therein, as shown by the distillery stock-book, the distiller shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94):

Provided that a distiller shall not be liable to any penalty under this article, if the deficiency does not exceed two *per centum* on the balance struck when the account was last taken, together with the quantity manufactured during the distilling operation carried out in the period covered by the notice given under article 16.

PART V

COLOURING MATTER

Use of spirits in fortifying colouring matter. *Amended by: XVI. 1960.3: XV.1980.14; XIII. 1983.5; L.N. 407 of 2007.*

35. (1) Nothing in this Ordinance contained shall prevent a distiller from using spirits in the fortifying of colouring matter, subject to the following rules:

(*a*) spirits shall not be used in the making of the colouring matter;

(*b*) when made, the colouring matter shall be conveyed into the spirit store, and there fortified with spirits;

(*c*) the spirits so drawn for the purpose of the fortification shall be shown in a separate account, both at 57° Gay Lussac and in bulk;

(*d*) if such colouring matter is used in the spirit store for colouring spirits, no duty shall be chargeable on the spirit contained in the colouring matter so used;

(*e*) if such colouring matter is removed to another distillery, no duty shall be chargeable on the spirits so removed, but the colouring matter shall only be removed on a permit issued by the Comptroller. The distiller who delivers out the colouring matter shall make an entry in his stock-book crediting the quantity of spirits at 57° Gay Lussac contained in the colouring matter delivered by him, and the distiller who received the colouring matter shall make an entry in his stock-book debiting the quantity of spirit at 57° Gay Lussac contained in such colouring matter;

(*f*) duty shall be payable on the quantity of spirit at 57° Gay Lussac contained in such colouring matter, at the rate for the time being payable on spirits taken out of bond for consumption in Malta;

(*g*) all colouring matter so removed shall be accompanied by a permit, and such permit shall not be issued until the duty payable thereon, if any, has been paid;

(*h*) notice shall be given to the proper officer as in the case of removal of spirits; and

(*i*) all packages containing colour shall be marked as such.

(2) If a distiller contravenes this article he shall be liable to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87).

Testing of colouring matter. *Amended by: XV.1980.15; XIII. 1983.5; L.N. 407 of 2007.*

36. (1) Any officer of customs may take samples of colouring matter from any package for the purpose of ascertaining the quantity of spirits at 57° Gay Lussac contained therein.

(2) The quantity of spirits at 57° Gay Lussac contained therein shall be ascertained by the government analyst or by the customs testing officer.

(3) If the quantity of spirits at 57° Gay Lussac so found in the

sample is greater or less, to the extent of ten *per centum* than the quantity shown by the stock account to have been used, the distiller shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

PART VI

SPIRIT WAREHOUSE

Power of Minister responsible for customs to appoint spirit warehouse. *Amended by: XVI. 1960.3; L.N. 4 of 1963.*

37. The Minister responsible for customs may, from time to time, by notice in the Government Gazette, appoint any suitable place or building to be a warehouse for the warehousing of spirits without payment of duty, and every such warehouse shall be under the charge of the Comptroller.

Delivery of spirits for consumption not permitted before payment of duty. *Amended by: XIII. 1983.5; L.N. 407 of 2007.*

38. (1) No spirits sold from a distillery for consumption in Malta shall be delivered to the purchaser until the duty thereon is paid according to the quantity and strength of such spirits at the time of removal.

(2) Every person who -

(*a*) delivers any spirits so sold contrary to the provisions of this article; or

(*b*) knowingly causes or permits such spirits to be so delivered on his account for consumption as aforesaid,

shall be liable to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87) and the spirits so delivered shall be liable to be forefeited, together with any conveyance and animals employed in such delivery.

Taking account of spirits on arrival at warehouse. *Amended by XVI. 1960.3; XV. 1980.16; XIII. 1983.5; L.N. 407 of 2007.*

39. (1) On the arrival at a spirit warehouse of any spirits required to be warehoused therein under the provisions of this Ordinance, the officer in charge of such warehouse may take an account of the quantity by weight and strength of such spirits, and may enter such account, together with the mark and number of each package containing the spirits, in a book to be kept by him for that purpose.

(2) The said officer shall give to the distiller or his agent a certificate under his hand, specifying the mark and number of each package and the several particulars ascertained by him, with an indication of the day, month and year when such spirits were warehoused, the date and number of the certificate under which such spirits were received and the name of the distiller who granted the same.

(3) If the quantity of spirits at 57° Gay Lussac in any package received at a spirit warehouse is found to be less than the quantity of spirits at 57° Gay Lussac sent out of a distillery to the spirit warehouse, the distiller shall become chargeable with duty on such deficiency at the rate of duty leviable on spirits taken out of bond for consumption:

Provided that the distiller shall not be liable for such payment of duty, if the deficiency does not exceed the following quantities, that is to say, from the time the spirits are drawn off from the spirit store receivers in a distillery until the spirits are received in a spirit warehouse:

(*a*) two litres of spirits at 57° Gay Lussac *per centum* for the first week;

(*b*) one half litre of spirit at 57° Gay Lussac *per centum* for the next two weeks; and

(*c*) one litre of spirit at 57° Gay Lussac *per centum* per month for the remainder of the period until the spirit is warehoused in the spirit warehouse.

(4) Such duty shall be payable on the demand of the Comptroller.

(5) If such duty remains unpaid for six days after such demand has been made, the distiller shall become liable to a fine (*multa*) not exceeding forty-six euros and fifty-nine cents (46.59), and all the spirits warehoused in the name of such distiller may be retained by the Comptroller in satisfaction of such duty.

Removal of spirits from warehouse. *Amended by: XVI. 1960.3.*

40. If any spirits stored in a spirit warehouse are not removed therefrom within three years from the day on which the same were first warehoused therein, it shall be lawful for the Comptroller, after one month's notice in the Government Gazette, to sell the same by public auction, and to deduct from the proceeds of such sale the amount of storage due in respect of such spirits, and the balance of such proceeds, after payment of the duty due on such spirits, shall be paid to the owner thereof on his application:

Provided that nothing in this article shall prevent the maturing of spirits in a spirit warehouse, under such conditions as may be prescribed by the regulations in that behalf.

Power to permit dealing with spirits in warehouse. *Amended by: XVI. 1960.3.*

41. It shall be lawful for the Comptroller, subject to the regulations, to permit the owner of any spirits stored in a spirit warehouse to strengthen, reduce, colour, skip, or shift into larger or smaller packages, and to bottle, mix or blend, such spirits; but if such spirits are intended for consumption in Malta, an account of the quantity thereof shall be taken in the manner prescribed in the next following article, and duty and storage paid thereon previously to such permission being granted.

Ascertaining liquid quantity on removal from warehouse. *Amended by: XV. 1980.17.*

42. Any spirit removed from a spirit warehouse for consumption in Malta shall be tested, and the liquid quantity in each package ascertained, by taking the wet centimetres of each package, whereby the actual liquid contents of such package at the time of its removal from such warehouse, having regard to the capacity of the package as marked thereon may be ascertained:

Provided that it shall be lawful for the officer in charge of such warehouse to ascertain the quantity of liquid in any such package by actual measurement or by measurement by calipers, whenever such officer has reason to doubt the correctness of the capacity of such package as marked thereon.

Spirits removed from warehouse for exportation.

43. Spirits removed from the spirit warehouse for exportation may be tested, and an account of the quantity thereof taken, at the time of such removal, by any officer, in the manner prescribed in the last preceding article.

Hours of removal from warehouse. *Substituted by: XI. 1977.2.*

44. Spirits may be removed from a spirit warehouse on any day, other than Saturdays and Sundays, between eight in the morning and four in the afternoon.

Payment of duty on spirits for consumption.

45. The duty payable on spirits intended for consumption in Malta shall be paid before such spirits are removed from a spirit warehouse or distillery spirit store, as the case may be.

Procedure for removal of spirits from warehouse. *Amended by: XVI. 1960.3.*

46. (1) The officer in charge of the warehouse or the proper officer shall, on the application of any person desirous of removing spirits from such spirit warehouse, or from a distillery spirit store for consumption in Malta, deliver to such person a form showing the quantity of spirits to be removed, the amount of duty payable thereon, the amount of storage due and the place to which the spirits are intended to be removed.

(2) Such person shall thereupon pay to the Comptroller the amount so stated to be due, and obtain from him a receipt for such payment; and the officer shall, on production to him of such receipt, issue a permit in the prescribed form.

(3) Spirits intended for exportation shall be removed from the spirit warehouse in accordance with the provisions hereinafter contained.

Spirits for ship's stores.

47. Spirits bonded in a spirit warehouse may be issued for ship's stores in such quantities and under such restrictions as may be prescribed by the laws for the time being in force, relating to customs, and by the regulations.

Shipping or clearing for consumption of spirits without bonding.

48. If, on the arrival of any spirits at a spirit warehouse, the owner of such spirits desires to export the same forthwith, or to pay duty thereon for consumption in Malta without actually warehousing the same in the warehouse for which they had been entered and examined, the officer in charge of such warehouse may, after all the formalities of entering and examining such spirits for warehousing have been complied with, permit such spirits to be entered and shipped for exportation or to be entered and delivered for consumption in Malta, on payment of the duty payable thereon, as if such spirits had been actually warehoused in the warehouse; and all spirits so exported, or for which the duty has been so paid, as the case may be, shall be deemed to have been duly cleared from the warehouse.

Books to be kept at spirit warehouse. *Substituted by: XV. 1980.18.*

49. (1) A book to be called "Receipt and Delivery Book" shall be kept at every spirit warehouse in the following form:

	Account for receipt						Account for delivery				Deficiencies	
Date of receipt	No. and mark on cask	Capacity in litres	Wet centimetres	Liquid litres	Strength in degrees Gay Lussac	Litres at 57° Gay Lussac	Date of delivery	Liquid litres	Strength in degrees Gay Lussac	Litres at 57° Gay Lussac	Allowed	Charged with duty

(2) A book to be called "Warrant Book" shall also be kept at every spirit warehouse in the following form:

Receipt Account					Delivery Account							Deficiencies	
Date of warehousing Marks and Nos.	Capacity in litres	Liquid litres	Strength in degrees Gay Lussac	Litres at 57° Gay Lussac	Bung	Wet centimetres	Liquid litres	Temperature in degrees Celsius	Indication in degrees Gay Lussac	Strength in degrees Gay Lussac	Litres at 57° Gay Lussac	Allowed litres at 57° Gay Lussac	Charged litres at 57° Gay Lussac

Date of delivery) .....

(Signature of officer) .....

PART VII

SALE, REMOVAL AND EXPORTATION OF SPIRITS

Minimum quantity of spirits to be sold by distiller.
Amended by: XVI.1960.3; XV. 1980.19; XIII. 1983.5; L.N. 407 of 2007.

50. (1) No distiller shall sell or otherwise dispose of any one package containing a less quantity of spirits than forty litres, for consumption in Malta, or one hundred litres for exportation, except, in the latter case, with the express sanction of the Comptroller.

(2) Every person who contravenes this article shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

Minimum quantity of spirits to be sold by dealers.
Amended by: XV. 1980.20; XIII. 1983.5; L.N. 407 of 2007.

51. (1) A dealer must not, unless he has an additional licence authorizing him so to do, sell, send out, or deliver spirits in any less quantity than ten litres of the same denomination at a time, to or for the same person.

(2) If a dealer contravenes this article, he shall be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

Sale by retail.
Amended by: XV. 1980.21.

52. The sale of spirits of the same denomination in any quantity less than ten litres shall be deemed to be sale by retail.

General provisions relating to permits and certificates.
Amended by: XIII. 1983.5; L.N. 407 of 2007.

53. (1) Permits for the removal of spirits shall be issued only by an officer of customs.

(2) A certificate may be issued by a dealer for the removal of spirits from his duty-paid stock.

(3) No spirits may be sent out or delivered from a distiller's spirit store unless accompanied by a permit.

(4) No spirits may be removed from a spirit warehouse unless accompanied by a permit.

(5) No spirits may be received into the stock of any dealer or retailer without a permit or certificate.

(6) Subject to the provisions of article 51, no spirits may be sold, sent out, delivered, or removed from the stock of a dealer unless accompanied by a certificate.

(7) All spirits found to have been sent out, delivered or removed, or in course of being sent out, delivered or removed, in contravention of this or any other article, together with all horses, or other animals, and vehicles made use of in conveying the same, shall be liable to be forfeited, and every person concerned in the sending out, delivering or removal of such spirits, or in whose possession the same are found, shall be liable to a fine (*multa*) not exceeding five hundred and eighty-two euros and thirty-four cents (582.34).

(8) If any question arises as to the accuracy of the description of spirits in a permit or certificate, the proof that the spirits correspond to the description shall lie on the owner or claimant of the spirits.

Issue and particulars of certificate. *Amended by: XVI. 1960.3; XV. 1980.22.*

54. (1) The Comptroller shall cause certificates to be prepared in duplicate, and such certificates shall be furnished to the Police inspectors in charge of Police divisions to be delivered by them to any distiller or dealer carrying on business in their respective divisions.

(2) A certificate shall be issued by a distiller or dealer or by some person authorized by him in writing.

(3) A permit or certificate shall be issued for such limited time as may suffice to convey the spirits to their destination.

(4) A permit or certificate and its counterfoil shall contain the following particulars:

(*a*) the quantity, both in bulk and litres at 57° Gay Lussac, denomination and strength of the spirits sent out or delivered;

(*b*) the number of packages in which the spirits are contained;

(*c*) the day and hour of sending out or delivery;

(*d*) the name of the person by whom, and of the place from which the spirits are sent or delivered;

(*e*) the name of the person to whom and of the place to which the spirits are to be sent or delivered; and

(*f*) the mode of conveyance, and, if by water, the name and description of the vessel and the name of the master thereof.

(5) The officer receiving the certificate and spirits shall give a receipt for the same in the prescribed form.

(6) Certificates shall be used in the order in which they are numbered.

Dealing with spirits without permit or certificate, etc. *Amended by: XIII. 1983.5; L.N. 407 of 2007.*

55. (1) If any person -

(*a*) sends out, delivers, removes, or receives any spirits required to be accompanied by a permit or certificate; or

(*b*) sends out, delivers, removes, or receives any spirits in quantity greater than, or differing in quality, denomination, or strength from that expressed in the permit or certificate accompanying the same; or

(*c*) having issued a certificate, does not send out therewith the spirits therein described, or deliver the certificate to the proper officer within the time by law required; or

(*d*) uses any permit or certificate, or suffers any permit or certificate to be used, for any purpose other than that of accompanying the removal and delivery of spirits therein described; or

(*e*) produces, or suffers to be produced to any person any permit or certificate as having been received with

spirits other than those therein described; or

(*f*) in any manner uses, or suffers to be used, any permit or certificate so that any account of spirits kept or checked by an officer may be frustrated or evaded,

he shall, in addition to any other penalty or forfeiture, be liable to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87).

(2) Every permit or certificate used for any purpose other than that of accompanying the removal and delivery of the spirits for which it is lawfully granted and as therein expressed, shall be deemed to be a false permit or certificate, and any unlawful use thereof shall, in addition to any other penalty or forfeiture, subject the person using it to the penalties imposed by law upon any person for using a false permit or certificate.

(3) If any distiller or dealer is convicted of an offence against this article, he shall forfeit his licence, and no new licence shall be granted to him for the remainder of the year for which such forfeited licence would have been in force.

Security for removal of spirits from distillery to warehouse. *Amended by: XVI. 1960.3.*

56. (1) The removal of spirits manufactured in any distillery in Malta to any place in which such spirits may be warehoused, shall be carried out in accordance with such regulations and on such security being given as the Comptroller may prescribe.

(2) Such spirits shall be accompanied by a certificate specifying the particulars thereof, and the name of the place and of the warehouse to which the same are intended to be removed.

(3) Such certificate shall moreover contain such other information, and shall be in such form, as the Comptroller shall prescribe.

Giving of bond to cover removal of spirits from distillery to warehouse. *Amended by: XVI. 1960.3.*

57. (1) Before the said spirits are delivered for removal, the person requiring the removal must give a bond, with or without a surety, as the Comptroller may direct, in a sum equal at least to the duty payable on the spirits to be so removed at the rate chargeable on spirits taken out of bond for consumption, for their due conveyance to and warehousing at the place of destination within such time as the Comptroller may fix, and such bond shall not be discharged unless such spirits are duly warehoused at the place of destination within the time allowed for their removal or are otherwise accounted for to the satisfaction of the Comptroller, as the case may be, and until the full duty payable on any deficiency of such spirits not so accounted for is paid.

(2) Nevertheless any person desiring to obtain power for the removal, from time to time, of spirits from the distillery to a spirit warehouse may enter into a general bond, with such sureties, in such amount and under such conditions as the Comptroller may approve, for the due conveyance of the spirits to and their warehousing at the place of destination within such time or times as the Comptroller may direct.

Removal and shipping of spirits for exportation. *Amended by: XVI. 1960.3; XV. 1980.23; XIII. 1983.5; L.N. 407 of 2007.*

58. (1) A distiller, in the case of spirits existing in his spirit store, and the owner of the spirits, in the case of spirits existing in a spirit warehouse for the storage of spirits for exportation, may, on giving due notice and the prescribed bond, remove the spirits for exportation without payment of duty.

(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 total number of litres and the average strength of the spirits contained in such packages, in order that such 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) The bond given by the owner or distiller must be conditioned that the spirits specified in the notice given from time to time shall be conveyed direct to the quay or place where the vessel is lying, and shall be put on board the vessel specified in the notice:

Provided that the Comptroller may authorize the shipment of the spirits on another vessel bound for the same or any other destination than that specified in the notice.

(4) The bond shall remain in full force and effect until a landing certificate, signed by an officer of port, or of the customs at the port of destination, to the effect that the spirits shipped for exportation have been duly landed at that port, is produced to the Comptroller or until the Comptroller is satisfied that it is, from some unavoidable cause, impossible to produce such certificate.

(5) The proper officer may place any prescribed mark or seal, or other fastening on any package removed for exportation.

(6) The spirits must be sent by the distiller or their owner to the quay or place where the vessel is lying, and delivered with the permit or certificate, to the custody of the authorized officer of customs there.

(7) If the spirits or any part thereof cannot be placed on board the vessel before five o'clock in the afternoon, it shall be lawful for the officer of customs either to direct the spirits to be taken to and placed in a spirit warehouse, or to put some proper person in charge of the spirits, at the cost of the distiller or owner thereof, during the night or until the spirits are placed on board the vessel. Every person who refuses or neglects to comply with any such direction shall be liable to a fine (*multa*) not exceeding twenty-three euros and twenty-nine cents (23.29).

(8) The officers of customs may, at any time, examine the spirits and take an account thereof.

(9) On shipment of the spirits, the officer of customs shall certify on the back of the permit or certificate the date of the shipment, the name of the vessel, and, if an account of the spirits has been taken, the quantity thereof, computed at 57° Gay Lussac, and shall thereafter send the permit to the Comptroller.

Manifest of spirits for exportation, to be delivered to the Comptroller. *Amended by: XVI. 1960.3; XIII. 1983.5; L.N. 407 of 2007.*

59. (1) Where on board any vessel about to leave Malta there are any such spirits, the master of such vessel, or, in the case of a steam vessel exceeding two hundred and fifty tons burden, the agent of the master shall, before clearing such vessel at the Custom House, deliver to the Comptroller a manifest specifying the number of packages said to contain such spirits and the gross quantity thereof on board.

(2) The manifest shall be in such form as the Comptroller may, from time to time, prescribe, and shall be signed by the master or the agent, as the case may be, who shall also declare that the particulars stated in the manifest are to the best of his knowledge correct.

(3) If such manifest or declaration is false in any material particular, the person signing the manifest or making the declaration shall be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

PART VIII

DEALERS AND RETAILERS

Dealers and retailers to keep stock-book. *Amended by: VII. 1937.2; XVI.1960.3; XV.1980.24.*

60. (1) Every dealer must keep a stock-book, according to the form prescribed by the Comptroller, and must, on receiving or on delivering any spirits, enter in his stock-book the description of the spirits, the date on which the spirits were received or delivered, the bulk and number of litres of spirits at 57° Gay Lussac by hydrometer received or delivered, and the name and address of the person from whom the spirits were received or to whom they were delivered.

(2) Every retailer must keep a stock-book according to the form prescribed by the Comptroller, and must, on receiving any spirits, enter in his stock-book the date on which the spirits were received, the description of the spirits, the bulk and number of litres of spirits at 57° Gay Lussac by hydrometer received, and the name and address of the person from whom the spirits were received.

(3) Every dealer or retailer must keep the stock-book open to inspection by any officer and must allow any officer to make any entry therein or to take any extract therefrom.

(4) He must keep the stock-book open to such inspection for not less than six months after it is filled up.

Retailer to give information to Comptroller regarding disposal of spirits. *Amended by: VII. 1937.3; XVI.1960.3.*

61. Every retailer shall give, if required to do so by the Comptroller or by any customs officer, any information regarding the disposal of spirits delivered by him to any person.

Marking of quantity and strength of spirits in package in certain cases.
Amended by: XV. 1980.25; XIII. 1983.5; L.N. 407 of 2007.

62. (1) Where the strength of any spirits forming part of the stock of a dealer or retailer cannot be ascertained by hydrometer, the dealer or retailer must, on being so required by an officer, cause the quantity and strength of the spirits to be legibly marked on the outside of the package containing them.

(2) Every package which a dealer or retailer refuses or neglects, on being so required, to mark, or fails to keep so marked, or which is found to be untruly marked, shall be liable to be forfeited, with the contents, and the dealer or retailer shall be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

Taking of account of spirits in stock of dealer or retailer.
Amended by: VII. 1937.4; XVI. 1960.3; XV. 1980.26; XIII. 1983.5; L.N. 407 of 2007.

63. (1) The Comptroller or any officer of customs may at any time take an account of the quantity of spirits in the possession of a dealer or retailer.

(2) If the quantity of spirits computed at 57° Gay Lussac found on taking the account exceeds the quantity which, according to the stock-book of the dealer or retailer, ought to be in his possession, the excess shall be liable to be forfeited, and the dealer or retailer shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94) and to a further fine (*multa*) of twenty-three cents (0.23) for every litre of the excess.

Taking of sample for analysis.
Amended by: XV. 1980.27.

64. The proper officer may at any time take a sample of spirits from the stock of a retailer and submit such sample to the government analyst or customs testing officer, who shall analyse such sample and certify the quantity of spirit at 57° Gay Lussac in such sample.

Offences by dealer or retailer.
Amended by: VII.1937.6; XVI. 1960.3; XIII.1983.5; L.N. 407 of 2007.

65. If a dealer or retailer -

(*a*) fails to keep, or produce a stock-book as by this Ordinance required, or to make in such stock-book any entry required to be made therein; or

(*b*) hinders or obstructs any officer in examining a stock-book, or in making any entry therein or taking any extract therefrom; or

(*c*) cancels, alters, obliterates, or destroys any part of a stock-book or an entry therein; or

(*d*) makes a false entry in a stock-book; or

(*e*) refuses to give information to the Comptroller or to any customs officer regarding the disposal of spirits or knowingly gives false information,

he shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

Correction of errors in stock-book.
Amended by: XIII. 1983.5; L.N. 407 of 2007.

66. (1) If any dealer or retailer, or any person employed by him, commits an error in making any entry required to be made in the stock-book or other document required to be filled up by him, the incorrect entry shall not be obliterated or erased, but shall be cancelled by drawing a thin line through it, and the correct entry shall then be made.

(2) If this article is contravened, the dealer or retailer shall be liable to a fine (*multa*) not exceeding twenty-three euros and twenty-nine cents (23.29).

PART IX

GENERAL OFFENCES

Unlawful possession of spirits.
Amended by: XVI.1960.3; XV. 1980.28; XIII. 1983.5; L.N. 407 of 2007.

67. (1) Every person unlawfully possessing spirits shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94) and to a further fine (*multa*) of twenty-three cents (0.23) for every litre or part of a litre of spirits so possessed, and such spirits may be seized and shall be liable to be forfeited.

Definition of "unlawful possession".

(2) Every person possessing any quantity of spirits exceeding ten litres shall, for the purposes of this article, be deemed to be in unlawful possession thereof, unless -

(*a*) he is a distiller or retailer and such spirits have come legally into his possession as such; or

(*b*) he is in possession of a permit for the removal of such spirits, or having been legally authorized to remove such spirits, he is in possession of the same for the purpose of their removal; or

(*c*) such spirits have been legally sold, delivered or transferred to him under this or any other law, and, if such spirits have been obtained by him in separate packages from a retailer at separate times and not under a permit, he has obtained a receipt in writing for the purchase money paid for the same, showing the quantity of spirits for which and the time at which it was paid; or

(*d*) he is the holder of a special licence granted by the Comptroller to distil spirits in accordance with article 11 of this Ordinance.

(3) If any officer has reasonable cause to suspect that any spirits are in the unlawful possession of any person in any house, building or enclosed place whatsoever, such officer may, upon a warrant issued to him by the Comptroller or the Commissioner of Police, enter, if necessary by force, such house, building or enclosed place and search for, and seize any spirits unlawfully possessed therein and either detain the same or remove them to a place of safe custody, and may also arrest the person unlawfully in possession thereof.

(4) In any prosecution under this article, the proof that any of the exceptions contained in subarticle (2) applies in his case, shall lie on the defendant.

Unlawful removal of wash, etc.
Amended by: XIII. 1983.5; L.N. 407 of 2007.

68. (1) Every person who -

(*a*) removes any wash, low wines, feints, or spirits from the premises of a distiller, contrary to the provisions of this Ordinance; or

(*b*) knowingly buys or receives any wash, low wines, feints or spirits so removed from the premises of a distiller; or

(*c*) removes, throws away, or destroys any wash, low wines, feints or spirits in order to prevent or impede any search for or seizure of the same,

shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

(2) All such wash, low wines, feints, or spirits so removed, shall be liable to be forfeited.

(3) Any officer may arrest any person found committing an offence against this article.

Tampering with distillery apparatus.
Amended by: XVI.1960.3; XIII.1983.5; L.N. 407 of 2007.

69. Every person who, without the sanction of the Comptroller wilfully breaks, damages, or in any manner whatsoever tampers or interferes with any distillery apparatus, shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

Sale of spirits at a price less than the duty.
Amended by: XIII. 1983.5; L.N. 407 of 2007.

70. Every person, not being a distiller, who at any time sells, or otherwise disposes of spirits at a price lower than the amount of duty payable on such spirits, shall be liable to a fine (*multa*) not exceeding twenty-three euros and twenty-nine cents (23.29), and to the payment of treble the amount of the duty.

Sale of spirits for unlawful purposes.
Amended by: XLIX. 1981.4; XIII. 1983.5; L.N. 407 of 2007.

71. If any person knowingly sells or delivers any spirits, to the end that they may be unlawfully retailed or consumed or carried into consumption, he shall, in addition to any other fine or forfeiture, be liable to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87) and, in addition, to imprisonment for any term not exceeding six months, and the spirits shall be liable to be forfeited.

Unlawful purchase of spirits.
Amended by: XLIX.1981.4; XIII. 1983.5; L.N. 407 of 2007.

72. If any person receives, buys, or procures any spirits from a person not having authority to sell or deliver the same, he shall be liable to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87), and, in addition, to imprisonment for any term not exceeding six months, and the spirits shall be liable to be forfeited.

Possession of spirits on which duty has not been paid.
Amended by: XLIX. l981.4; XIII. 1983.5; L.N. 407 of 2007.

73. If any person knowingly buys or receives, or has in his possession any spirits after they have been removed from the place where they ought to have been charged with duty and before the duty payable thereon has been paid or secured to be paid, or the spirits have been condemned as forfeited, he shall forfeit the spirits and shall be liable to a fine (*multa*) equal to treble the duty and value thereof, and also to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87), and, in addition, to imprisonment for any term not exceeding three months.

PART X

POWERS AND PROCEDURE

Seizure of things subject to forfeiture.

74. (1) Any thing which is liable to be forfeited under this Ordinance may be seized by any officer.

(2) Where any spirits or materials for the manufacture of spirits are forfeited under this Ordinance, all packages, of whatever description, containing the same and any other thing contained therein shall also be forfeited.

Provisions relating to seizures.
Amended by: XVI. 1960.3.

75. (1) Everything seized as liable to be forfeited shall be deemed to be forfeited.

(2) The owner of the thing seized may, within thirty days after the seizure, bring an action for the recovery of such thing.

(3) Such action shall be tried and determined by the competent civil court, regard being had to the value of the thing seized.

(4) The proof that the seizure was illegal shall lie on the person claiming the thing seized.

(5) The Comptroller may order the restoration of anything seized, on a bond being given to answer for the value of the thing seized, if such thing is condemned as forfeited.

Restoration of things detained or seized.
Amended by: L.N.46 of 1965; LVIII.1974.68.

76. Anything detained or seized under this Ordinance may be restored by order of the President of Malta, on such terms as he may think fit to impose.

Mode of effecting sale of things seized.
Amended by: XVI. 1960.3.

77. (1) The sale of things seized under this Ordinance, whatever the cause for which they are to be sold, shall be conducted by such persons as shall be appointed by the Comptroller.

(2) Any spirits so offered for sale shall not be sold for less than the amount of duty payable thereon.

Power of entry and search by officer

78. Any officer may, at any time, either by day or by night, enter any part of the premises of, or house or place whatsoever belonging to, or made use of by a distiller, and search for, examine, gauge, and take an account of any distillery apparatus therein, and also any spirits or materials for the manufacture of spirits therein.

Power to search for pipes, etc.

79. Any officer may, at any time, either by day or by night, search for any pipe, cock, conveyance, or utensil on the premises of any distiller, and may break up or cut away any such pipe or conveyance, and turn any such cock, and examine whether any such pipe or conveyance conveys or conceals any spirits, or any materials for the manufacture of spirits, so as to prevent a true account thereof from being taken.

Power to enter and search for distillery apparatus and spirits.
Amended by: I.1940.2; XVI. 1960.3; XIII. 1983.5; L.N. 407 of 2007.

80. (1) If any officer has reasonable cause to suspect that any distillery apparatus, spirits or materials for the manufacture of spirits is or are unlawfully kept or deposited in any house or place he may, upon a warrant issued by the Comptroller or the Commissioner of Police, authorizing the officer to search the house or place, at any time, either by day or by night, but at night only in the presence of a Police officer not below the rank of sub-inspector if such officer is not himself a sub-inspector, enter, if necessary by force, any such house or place and seize any distillery apparatus, spirits or materials for the manufacture of spirits found therein, and either detain the same or remove them to a place of safe custody.

(2) Every distillery apparatus, and all spirits and materials for the manufacture of spirits so seized shall be absolutely forfeited, and the owner of any such distillery apparatus, spirits or materials or the person in whose custody the same is or are found, shall be liable to a fine (*multa*) not exceeding four hundred and sixty-five euros and eighty-seven cents (465.87) and to imprisonment for a term not exceeding eighteen months.

(3) Any person found in any house or place where any such distillery apparatus, spirits or materials is or are found, or within the appurtenances or precincts of such house or place, shall, unless he proves the contrary, be deemed to be the owner or person in charge of such distillery apparatus, spirits or materials.

Power to board vessel and take account of spirits.
Amended by: XIII. 1983.5; L.N. 407 of 2007.

81. (1) Any officer may, at any time, go on board any vessel, lying in any part of Malta or within the limits of the territorial waters thereof, and take an account of any spirits found on board such vessel and demand and examine the permit or certificate for the removal of the same; and if any spirits are found to have been shipped without a permit or certificate, or not to correspond with the particulars set forth in the permit or certificate, the same shall be liable to be forfeited and the master of the vessel shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

(2) Any such officer may also in like manner go on board any such vessel and search for any distillery apparatus thereon, and if any such distillery apparatus is found on board, otherwise than in the course of lawful conveyance, the same shall be liable to be forfeited and the master of the vessel shall be liable to a fine (*multa*) not exceeding two hundred and thirty-two euros and ninety-four cents (232.94).

Power to detain suspected persons.
Amended by: XV. 1980.29; XIII. 1983.5; L.N. 407 of 2007.

82. (1) If any officer has reason to suspect that any person is conveying spirits from or to any place without a permit or certificate, such officer may stop such person and examine the package which he suspects to contain spirits, and if he discovers that such package contains more than ten litres of spirits, then, in the event of such person not being able, or refusing to produce a permit or certificate, the said officer shall seize such spirits and the package containing the same together with the cart, or other conveyance, and any animals employed in removing the same, and may arrest the person carrying or removing such spirits, or concerned in the carrying or removing of such spirits.

(2) Every person driving, conducting or being in charge of any such cart or other conveyance who refuses to stop when requested by any such officer to do so, shall be liable to a fine (*multa*) not exceeding forty-six euros and fifty-nine cents (46.59).

Power to enter premises of retailers and inspect spirits. *Amended by: XVI.1960.3.*

83. Any officer may, with the authority in writing of the Comptroller, or, as the case may be, of the Commissioner of Police, enter at any time, either by day or by night, the premises of any retailer, and inspect, examine, and take an account of the spirits in his stock or possession, and take samples of any such spirits, paying a reasonable price for any sample so taken.

Duty of distiller to assist officer. *Amended by: XIII. 1983.5; L.N. 407 of 2007.*

84. Every distiller, dealer, retailer or master of a vessel must, when required by an officer, assist such officer by a sufficient number of servants in taking account of the spirits in his stock or possession or in taking samples of such spirits, and shall for any refusal or neglect so to assist, be liable to a fine (*multa*) not exceeding one hundred and sixteen euros and forty-seven cents (116.47).

Procedure on taking sample for analysis.

85. Where an officer takes a sample of any substance for analysis, he shall forthwith, in the presence of the owner thereof or his agent, divide the sample so taken into three parts, each part to be marked and sealed or fastened up in such manner as the nature of such substance permits; he shall then deliver one of such parts to the owner or his agent, and another part to the government analyst or Custom House testing officer, and shall keep the third part for future comparison and production in court, if the need shall arise.

Power of officer exercisable either alone or in conjunction with persons acting in his aid.

86. Any power which is, by this Ordinance, given to any officer, may be exercised by such officer either alone or in conjunction with any other person whom he calls to his assistance.

Arrest without warrant.

87. If any officer has reasonable cause to suspect that a person has become liable to any punishment under articles 8, 71, 72, 73, 80 and 81, he may arrest such person without the necessity of any warrant.

Offences against this Ordinance to be considered as crimes. *Amended by: XLIX. 1981.6; XIII. 1983.5; L.N. 407 of 2007.* Cap. 9.

88. (1) Every offence under this Ordinance shall, to all legal intents and purposes, be considered as a crime within the meaning of the Criminal Code and shall, subject to the special provisions of this Ordinance, be dealt with as such.

(2) The provisions of the Criminal Code relating to the award and execution of the punishments thereby imposed shall apply to the corresponding punishments laid down in this Ordinance:

Provided that in default of payment, the fine (*multa*) shall be converted into imprisonment at the rate of one day for every eleven euros and sixty-five cents (11.65); and the provisions of article 11(3) and article 17(*g*) of the said Code, relating to the duration of the imprisonment in the case of conversion thereinto of a pecuniary penalty, shall not apply.

Proceedings to be instituted before Court of Magistrates. *Amended by: VIII. 1990.3.* Cap. 9.

89. All proceedings in connection with offences against this Ordinance shall be instituted before the Court of Magistrates, as a court of criminal judicature and shall be subject to appeal in the same manner as provided by the said Code for appeals from the decisions of the said court.

Power of President of Malta to waive proceedings, etc. *Amended by: L.N. 46 of 1965; LVIII. 1974.68.*

90. When any penalty of forfeiture has been incurred under this Ordinance, the President of Malta may waive proceedings, or mitigate or remit such penalty or forfeiture on such terms and conditions as he may think fit to prescribe.

Proceedings to be instituted in the name of Comptroller. *Amended by: XVI. 1960.3.*

91. All proceedings under this Ordinance shall be instituted by, or in the name of, the Comptroller.

Proceedings to be instituted within two years from the day on which offence was committed.

92. All proceedings for the punishment of offences against this Ordinance must be instituted within two years from the day on which the offence was committed.

Liability of distiller, etc., for act, default, or omission of servant.

93. Where a distiller, dealer or retailer is by this Ordinance made liable to any penalty or forfeiture for any act or omission, such liability shall attach to such distiller, dealer or retailer, whether such act or omission is done or made by such distiller, dealer or retailer personally, or by some person employed by him for the purposes of his business; provided, in the latter case, it appears that such act or omission was done or made with the knowledge of such distiller, dealer or retailer, or that presumably such distiller, dealer or retailer has derived benefit therefrom.

Minimum of penalty.

94. In any proceedings for an offence under this Ordinance, the court may not award a punishment less than one-fourth of the punishment imposed by such Ordinance.

Onus of proof.

95. In any proceedings under this Ordinance relating to spirits, it shall not be necessary for the prosecution to prove that the spirits were manufactured in Malta: the onus of proving the contrary shall lie on the defendant.

Special procedure.

96. (1) Where under this Ordinance or under the regulations, a distiller, dealer or retailer is liable to punishment in respect of any act or omission, and a charge is brought against such distiller, dealer or retailer, proceedings may be taken as stated hereunder:

Service of summons.

(*a*) the summons may be served either in the ordinary manner in which service is now made according to law, or by leaving a copy thereof with any person, being apparently a clerk or servant, found on the premises for which the licence is granted, or if no such person can be found, by posting the same upon a conspicuous part of the outer door or outer wall of such premises;

Agent may appear in certain cases.

(*b*) where the distiller, dealer or retailer is absent from Malta, his agent may appear on his behalf;

Non-appearance of defendant.

(*c*) where the distiller, dealer or retailer is absent from Malta at the time when the summons is served, the court, on being satisfied that the summons has been served in any of the modes aforementioned, shall proceed to investigate the matter of the charge, whether an agent appears on behalf of the defendant or not, and, if the act or omission is proved, the court may adjudge upon such charge and may order that any fine (multa) awarded be levied on the goods and other property of the distiller, dealer or retailer, by the process established for the enforcement of judgments in civil matters; but the court may not award against the distiller, dealer or retailer any punishment restrictive of personal liberty unless it is proved that he left Malta in order to avoid prosecution.

(2) For the purpose of recovering any such fine, any distillery apparatus used by a distiller and all spirits and materials for the manufacture of spirits in the possession of a distiller, dealer or retailer, shall be deemed to be his property, whether the fact is so or not.

PART XI

SUPPLEMENTAL PROVISIONS

Duty referred to in this Ordinance. *Substituted by: XVI.1995.23.* Cap. 382.

97. The duty referred to in this Ordinance shall be the duty leviable on spirits manufactured in Malta in accordance with the provisions of the Excise Duty Act, on spirits manufactured or produced in Malta.

Reward of informers. *Amended by: L.N. 46 of 1965; LVIII. 1974.68; XIII. 1983.5; L.N. 407 of 2007.*

98. (1) The President of Malta may award to any officer arresting any individual liable to arrest under this Ordinance, and to any person giving such information as may lead to the conviction of any such individual, such reward as he may think fit, not exceeding in each case two hundred and thirty-two euros and ninety-four cents (232.94), provided the said individual is actually convicted.

(2) The President of Malta may also order to be paid in respect of any seizure made under this Ordinance, to the person or persons making the same and to any person or persons through whose information or means such seizure shall have been made, such reward as he thinks fit, having regard to the value of the things seized and the amount of revenue endangered.

99. (1) The Minister responsible for customs may, from time to time, make, alter or revoke regulations for the better carrying out of all or any of the provisions of this Ordinance.

Power of Minister responsible for customs to make regulations. *Amended by: VIII. 1949.2; XIV. 1958.2; XXV. 1962.4; L.N. 4 of 1963; XXXVIII. 1974.3; XIII. 1983.5; L.N. 407 of 2007.*

(2) Without prejudice to the generality of the powers in subarticle (1), the said regulations may in particular make provision for controlling or otherwise concerning the manufacturing, blending, bottling, labelling or sale or distribution of alcoholic beverages.

(3) The Minister responsible for customs may by regulations provide the penalties to which any person who contravenes or fails to comply with any regulations made under this Ordinance may be liable, and such penalties shall not exceed imprisonment for a term of more than three months or a fine (*multa*) of more than one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69), or both such imprisonment and fine.

100. Where an offence against the provisions of this Ordinance or of any regulations made thereunder is committed by an association or body of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such association or body of persons, or was purporting to act in any such capacity, shall be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

Offences by body of persons. *Added by: XXXVIII. 1974.4.*

101. Any regulations made by the Minister responsible for customs under this Ordinance shall be published in the Government Gazette and shall have the same effect as if they were part of this Ordinance. A copy of such regulations shall, as soon as practicable, be laid on the Table of the House of Representatives.

Publication of regulations in Government Gazette. *Amended by: XIV. 1958.2; XXV. 1962.4; L.N. 4 of 1963; L.N. 46 of 1965.*

SCHEDULE

Amended by: XVI. 1960.3; XV. 1980.30.

(Articles 14 & 26)

The following vessels must be erected to the satisfaction of the Comptroller of Customs before a licence to keep a still is obtained and must thereafter be kept to the like satisfaction during the continuance of the licence:

One test case,

One spirit receiver,

One low wines or feints receiver.

But a distiller may provide in addition as many more receivers for spirits or for low wines or feints as he may desire.

The vessels must be erected in accordance with the following requirements:

I. The test case must be connected with the worm of the condenser of the still in such a manner that all spirits, low wines or

feints, running from such worm shall pass through the test case.

2. (*a*) The test case may be fitted with a discharge pipe connected by a two-way cock or by two separate cocks of a bore as prescribed by the Comptroller, with close metal pipes leading to the spirit receiver and to the low wines or feints receiver.

(*b*) The Comptroller may require any test case to be fitted with an overflow pipe of not less than 7.6 centimetres bore leading directly to the low wines or feints receiver.

(*c*) Samples may be taken by means of a two-way cock attached to the test case or to the pipe leading from the worm of the still to the test case and constructed to the satisfaction of the Comptroller in such a manner that a duplicate of each sample taken is deposited in a locked vessel the key of which shall be kept by the proper officer.

3. The spirit receiver or receivers must be of sufficient capacity to contain not less than the produce of four days' distillation of spirit; but, where the Comptroller considers it desirable, he may require them to be of a greater capacity, or permit them to be of a lesser capacity.

4. Every spirit receiver must be a close covered vessel, and, except as hereafter specified, must not have any opening, or communication with any other vessel or utensil, except other receivers with which it must be connected with a close metal overflow pipe.

5. Every receiver must have a hole cut in its cover, of the form and size prescribed by the Comptroller and such hole must be supplied with a cover secured and kept secure to his satisfaction.

6. Every receiver may have fixed to it a graduated gauge glass; the glass and its fittings must be securely and completely enclosed in a metal or wooden case with a properly protected glass front.

7. Every test case and receiver must be made, placed and fixed to the satisfaction of the Comptroller.

8. Every cock, valve or pump attached to any part of the still, test case, or receiver or to any pipe in connection therewith, must be constructed in the manner prescribed by the Comptroller.

9. All spirits must run through close metal pipes directly from the test case into the spirit receiver.

10. Low wines or feints must run through close metal pipes directly from the still or test case into the low wines or feints receiver, and from there all low wines or feints must run directly through close metal pipes into a locked receptacle or into the still for re-distillation.

11. Samples may be taken by means of a two-way cock attached to the receiver constructed to the satisfaction of the Comptroller in such a manner that a duplicate of each sample taken is deposited in a locked vessel the key of which shall be kept by the proper officer.

12. The retort of every still must be fitted with a discharge pipe leading directly to the body of the still or to a locked receptacle.

13. Except as specially authorized by the Comptroller in the case of every still, there must be no pipe leading directly or indirectly to or from the worm of a still. Every man-hole, discharge pipe, cock, or valve of any still must be constructed and secured to the satisfaction of the Comptroller.