CHAPTER 89

METHYLATED SPIRITS ORDINANCE

To regulate the importation, sale and disposal of Methylated Spirits.

(3rd July, 1936)*

ORDINANCE XV of 1936, as amended by Act XXXVII of 1955; Ordinance XVI of 1960; Legal Notice 4 of 1963; Act XIII of 1983; and Legal Notice 408 of 2007.

Short title.

1. The short title of this Ordinance is the Methylated Spirits Ordinance.

Interpretation. *Amended by: XXXVII. 1955.2; XVI.1960.3.*

2. In this Ordinance -

"Industrial Methylated Spirits", "Gummed Methylated Spirits", "Mineralised Methylated Spirits" and "Mineralised Methylated Spirits (Domestic)" mean respectively the different kinds of methylated spirits enumerated in article 3;

"officer" means officer of Customs and Excise or a member of the Police Force;

"prescribed", "approved" and "authorized" mean respectively prescribed, approved and authorized by the Comptroller of Customs.

Industrial Methylated Spirits. *Amended by: XXXVII.1955.3.*

3. (1) Spirits shall be deemed to be Industrial Methylated Spirits if to every ninety parts by volume of spirits, ten parts by volume of wood naphtha have been added and to every one hundred parts of the mixture, one-half of one part of crude pyridine has been added.

Gummed Methylated Spirits.

(2) Spirits shall be deemed to be Gummed Methylated Spirits if to every ten litres of Industrial Methylated Spirits not less than one kilo of shellac or other approved resin has been added.

Mineralised Methylated Spirits.

(3) Spirits shall be deemed to be Mineralised Methylated Spirits if to every ninety parts by volume of spirits, nine and one-half parts by volume of wood naphtha and one-half of one part of crude pyridine have been added: provided, to every hundred litres of the mixture thirty seven and one-half centilitres of mineral naphtha (petroleum oil) and not less than one hundred and fifty-five milligrams of powdered aniline dye (methyl violet) have been added.

Mineralised Methylated Spirits (Domestic).

(4) Mineralised Methylated Spirits (Domestic) shall be deemed to be Mineralised Methylated Spirits as described in subarticle (3) except that the admixture of powdered anyline dye (methyl violet) will have been omitted.

**See* Proclamation No. XVII of the 3rd of July, 1936.

Importation, etc., of Mineralised and Gummed Methylated Spirits not subject to restriction. *Amended by: XXXVII.1955.4.*

4. Saving the provisions of any other law and the provisions of articles 10 and 13, the importation, sale or disposal of Mineralised Methylated Spirits, Mineralised Methylated Spirits (Domestic) and Gummed Methylated Spirits is not subject to any restriction.

Licence required to import, etc., Industrial, Methylated Spirits. *Amended by: XVI. 1960.3.*

5. No person shall import, keep for sale, sell or otherwise dispose of Industrial Methylated Spirits without a licence from the Comptroller of Customs, subject to such conditions as the Comptroller may impose.

Restrictions as to sale.

6. (1) No licensed dealer in Industrial Methylated Spirits shall sell or deliver any such spirits except to persons authorized in writing to receive the same and on production of such written authority.

(2) The authority so produced shall be retained and filed by the seller.

Dealers to keep account of purchases and sales.

7. (1) Every dealer in Industrial Methylated Spirits must keep an account of all purchases and sales of such spirits.

(2) Such accounts shall at all reasonable times be open to inspection by any officer who may take any extract therefrom.

Sale by dispensing chemists for medical etc., purposes. *Amended by: XVI.1960.3.*

8. The Comptroller of Customs may authorize an apothecary, on an application by him in the prescribed form, and subject to such conditions as the Comptroller may prescribe, to sell Industrial Methylated Spirits, in any quantity not exceeding two litres at a time, to any medical practitioner, dentist, veterinary surgeon, or to any hospital on a written order signed by a medical practitioner, dentist or veterinary surgeon.

Persons may be authorised to receive Industrial Methylated Spirits for use in any art, manufacture, etc. *Amended by: XVI. 1960.3.*

9 (1) The Comptroller of Customs may, subject to such conditions as he may impose, authorize any person to receive Industrial Methylated Spirits for use in any art or manufacture or for any other approved purpose.

(2) Application for such authority shall be made in the prescribed form.

Drums, etc., containing methylated spirits to be numbered and marked.

10. Every drum or package containing methylated spirits shall be distinctly numbered and marked with the quantity and description of the methylated spirits contained therein.

Regulations. *Amended by: L.N. 4 of 1963.*

11. The Minister responsible for Customs may, from time to time, make, and when made, vary or repeal regulations for carrying into effect the provisions of this Ordinance, as well as for suspending the operation of this Ordinance, either absolutely or conditionally, in regard to any Industrial Methylated Spirits which may have been released for consumption in Malta before the commencement of this Ordinance.

Fee for and duration of licence under article 5. *Amended by: L.N. 408 of 2007.*

12. (1) A fee of twelve cents (0.12) shall be charged for every licence issued under article 5.

(2) Every such licence expires on the 31st day of December of the year in which it is issued.

Drums, etc., improperly marked etc., liable to forfeiture. *Amended by: XVI. 1960.3.*

13. Every drum or package containing methylated spirits, which is not numbered and marked as provided in article 10, shall, at the discretion of the Comptroller of Customs, be liable to forfeiture together with its contents.

Offences and penalties. *Amended by: XXXVII. 1955.5; XIII. 1983.4,5; L.N. 408 of 2007.*

14. (1) Every person who, in contravention of this Ordinance or of any regulations made thereunder -

(*a*) imports, keeps, sells, retails or otherwise disposes of any Industrial Methylated Spirits without a licence;

(*b*) is in any way knowingly concerned in any evasion or attempt at evasion of the provisions of this Ordinance;

(*c*) obstructs any officer of Customs or other authorized person in the execution of his duty under this Ordinance, or in carrying into effect any provision of this Ordinance or of any regulations made thereunder; or

(*d*) aids, abets or assists in committing any of the foregoing offences,

shall for every such offence be liable to a fine (*multa*) not exceeding two hundred and thirty-two euro and ninety-four cents (232.94) or to pay treble the value of the goods in respect on which the offence is committed including the duty thereon, whichever is the larger sum, and the offender may be detained or prosecuted by summons, in the same manner or form, and subject to all other provisions laid down in the Criminal Code. Cap. 9.

(2) Any person who sells, exposes or keeps for sale or otherwise disposes of any methylated spirit diluted with water or adulterated with any liquid other than those mentioned in article 3(3) and in the proportions therein laid down, shall be guilty of an offence under this Ordinance and shall be liable to a fine (*multa*) of not less than eleven euro and sixty-five cents (11.65) but not exceeding twenty-three euro and twenty-nine cents (23.29) in the case of a first offence under this subarticle and in the case of a second or subsequent offence under this subarticle of not less than twenty-three euro and twenty-nine cents (23.29) but not exceeding one hundred and sixteen euro and forty-seven cents (116.47), or, in either case to a fine (*multa*) equal to three times the current retail price of a quantity of undiluted and unadulterated methylated spirit of the kind to which the offence relates, equal to that ascertained to have formed the object of the offence, whichever is the larger sum.