

No. 21 OF 1950.

A LAW TO CONTROL AND REGULATE THE MANUFACTURE
OF BEER IN THE COLONY.

O. R. ARTHUR,]

Governor's Deputy.

[*26th September, 1950.*

BE it enacted by His Excellency the Governor and
Commander-in-Chief of the Colony of Cyprus as
follows :—

1. This Law may be cited as the Breweries Law, 1950. Short title.

Interpretation.

2. In this Law, unless the context otherwise requires—

“ beer ” includes ale, porter, stout, black beer and any other description of beer, and any liquor which is made or sold as a description of beer, or as a substitute for beer, and which on analysis of a sample thereof at any time is found to contain more than two per cent of proof spirit ;

“ brewer ” means a person who manufactures beer ;

“ Comptroller ” means the Comptroller of Customs and Excise, and includes any Officer authorized by him to act on his behalf for all or any of the purposes of this Law ;

“ degree of gravity ” shall be taken as equal to the one-thousandth part of the gravity of distilled water at a temperature of 60° by Fahrenheit’s thermometer ;

“ entry ” means a declaration by a brewer of his intention to carry on the trade of a brewer and of the premises, vessels and utensils intended to be used by him in connection with his trade ; and “ entered ” shall be construed accordingly ;

“ gallon ” means an imperial gallon ;

“ licence ” means a licence issued by the Comptroller under this Law ;

“ Officer ” means an officer of Customs and Excise ;

“ original gravity ” in respect of worts means the gravity of such worts before yeast is added thereto ;

“ premises ” means any building or place used by a brewer for the manufacture, storage or sale of beer ;

“ proof spirit ” means ethyl alcohol of such a strength that the specific gravity at a temperature of 60° by Fahrenheit’s thermometer, is .91984.

Brewer’s
licence
and fee.

3.—(1) No person shall carry on the business of a brewer unless he holds a licence in the prescribed form issued by the Comptroller and has given security in such manner as may be prescribed for the due performance of his obligations in connection therewith.

(2) There shall be paid in respect of every licence a fee of twenty-five pounds.

(3) Every applicant for a brewer’s licence shall furnish the Comptroller with a certificate from the Commissioner of Labour or such other person or authority as may be

prescribed that the premises for which the licence is required conform with the Law and regulations in force for the time being for the regulation of trades and industries and such premises shall contain accommodation, to the satisfaction of the Comptroller, for such Officer or Officers as the Comptroller may direct.

(4) Any person who, without such licence—

(a) manufactures beer ; or

(b) has in his possession or keeps, or makes use of any vessels, utensils, apparatus or materials in such circumstances as to indicate that they are kept or used for the manufacture of beer,

is guilty of an offence and is liable to imprisonment not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

4.—(1) A licence shall be personal to the holder and shall be valid only in respect of the premises mentioned therein. Licence to be personal to holder.

(2) A licence shall not be transferable save with the approval of the Comptroller.

5. Every licence shall, unless previously suspended, expire on the thirty-first day of December in the year in which it was issued. Duration of licence.

6. No fee paid in respect of any licence shall be refunded on the ground that the licence has been suspended or revoked. No fee refunded.

7. The holder of a licence shall, at all times, exhibit the licence in a conspicuous place upon the premises and, if he fails so to do, he is guilty of an offence and is liable to a fine not exceeding twenty pounds. Exhibition of licence.

8. The premises shall be maintained at all times in proper repair and condition to the satisfaction of the Comptroller so as to enable the exercise of effective supervision in the interests of Revenue and, if they are not so maintained, the Comptroller may, by notice in writing under his hand, require the licensee to remedy the failure within such period, not being less than ten days, as may be specified in the notice and, if the licensee fails to comply with the requirement, the Comptroller may suspend the licence until the failure is remedied : Premises to be maintained in proper repair and condition.

Provided that the licensee may, within three days from the day of the notification to him of the suspension, appeal to the Governor whose decision thereon shall be final and conclusive :

Provided further that the suspension shall not take effect until after the expiration of three days from the day of its notification as aforesaid and that, where a valid appeal has been made, the suspension shall not have effect unless and until the appeal has been determined and the Governor confirms the suspension.

Securing of doors of premises.

9. The Comptroller may require any of the doors of the premises to be secured by two locks and thereupon such doors shall be so secured ; the key of one lock shall be held by the brewer and the key of the other by an Officer.

Entry and marking of premises and vessels.

10.—(1) Every brewer shall make entry in the prescribed manner of the premises, vessels and utensils intended to be used in his business as a brewer and shall cause them to be marked in such manner, and shall provide such staples and fastenings thereon as may be required and approved by the Comptroller and no alteration of any such premises, vessels or utensils shall be made without the prior approval of the Comptroller.

(2) Any brewer who fails to observe, or acts in contravention of, the provisions of sub-section (1) is guilty of an offence and is liable to a fine not exceeding twenty pounds.

No access to premises save with permission.

11.—(1) Subject to any other Law enabling entry to any premises, no person other than the brewer and his employees shall enter, or have access to, the premises of a brewer, save with the permission of an Officer.

(2) Any person who acts in contravention of sub-section (1), is guilty of an offence and is liable to a fine not exceeding twenty-five pounds.

Imposition of excise duty.

12. Upon and after the enactment of this Law, there shall be levied and paid upon beer manufactured and issued for consumption in the Colony an excise duty at the rate of one shilling on each gallon :

Provided that the Governor may, by Order in Council, increase the said rate of excise duty to an amount not exceeding two shillings in the aggregate, on each gallon.

Time when duty payable.

13. The excise duty as prescribed under this Law shall become payable at the time of manufacture and shall be charged and paid before the beer is removed from the premises, unless removed therefrom for exportation as in this Law provided.

Restriction of quantity in deliveries of beer.

14.—(1) No beer shall be delivered from the premises of a brewer in any less quantity than one dozen pint bottles or, if in containers other than bottles, in any less quantity than three gallons, at any one time.

(2) Any person who acts in contravention of sub-section (1) is guilty of an offence and is liable to a fine not exceeding twenty-five pounds and the Court trying the case may order that any beer in respect of which the offence has been committed shall be forfeited.

15.—(1) If any beer on which excise duty has been charged or paid is destroyed by accidental fire or other unavoidable cause, or has become unfit for consumption while on the entered premises, the Comptroller shall, on proof to his satisfaction of such loss or unfitness, remit or repay the duties charged or paid:

Remission of duty in certain cases.

Provided that if unfit for consumption the beer shall be destroyed in the presence of an Officer.

(2) Where beer which has been removed from the entered premises, whether for consumption or otherwise or which, after delivery to another person, has been returned to the brewer as spoilt or otherwise unfit for consumption, the Comptroller, upon proof to his satisfaction that the beer is so spoilt or unfit for consumption and on the destruction thereof in the presence of an Officer, shall remit or repay the duty:

Provided that no claim for such remission or repayment shall be entertained unless made within three months from the date of the payment of duty or the return of the beer, whichever is the later:

Provided further that no claim shall be admissible for repayment of any less sum than ten shillings in respect of any one consignment of beer returned as spoilt or unfit for consumption.

(3) Any person who, for the purpose of obtaining any remission or repayment of duty under this section, knowingly makes any false statement or false representation is guilty of an offence and is liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine and shall in addition pay any amount remitted or refund any amount paid to him, under the provisions of sub-section (1) or (2).

16.—(1) Any person who desires to export any beer from the Colony shall, before such beer is removed from the premises, give notice thereof to the Comptroller specifying the destination of the consignment and containing such other particulars as may be prescribed and the Comptroller may, whenever he deems it necessary, require the exporter, before any beer is removed from the premises, to give security either by a cash deposit of an amount equivalent to the amount of the excise duty which would be chargeable on such beer or by a bond for

Exportation of beer.

such equivalent amount, secured to the satisfaction of the Comptroller, undertaking that such beer shall be exported to, and landed at, the declared destination or an intermediate port in a place outside the Colony in transit for such destination and that the exporter shall be bound to furnish the Comptroller with a certificate from the proper authority at destination, or such intermediate port as aforesaid, of the due arrival and landing thereat of the beer, within such period as to the Comptroller may seem reasonable, and, if such certificate is not furnished within such period, the security given as hereinbefore provided or any part thereof as the Comptroller may deem fit shall, if in cash, be forfeited or, if by bond, be payable forthwith on demand made by the Comptroller addressed to the person or persons who executed such bond.

(2) Any beer exported as in sub-section (1) provided shall be exempt from the payment of excise duty.

Books and records to be kept.

17.—(1) A brewer shall furnish such notices as to his manufacturing operations, and shall keep on his premises a brewing and delivery book and such other books and registers, in such form as may be required and approved by the Comptroller, in which he shall enter true and accurate particulars of the quantity and kind of materials used, and of all beer manufactured and issued and such other particulars as may be prescribed, and such books and registers shall be open at all times to inspection by an Officer who may make any entry therein or take any extracts therefrom as he may deem necessary in connection with his inspection.

(2) Any brewer who—

- (a) fails to observe, or acts in contravention of, any of the provisions of sub-section (1);
- (b) furnishes, under sub-section (1), any notice which is false in any material particular;
- (c) knowingly makes any false entry in any brewing and delivery book or other book or register kept as in sub-section (1) provided,

is guilty of an offence and is liable to imprisonment not exceeding three months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

Balancing stock.

18. The stock of beer shall be balanced at any time the Comptroller may direct and if any increase or deficiency is found in stock in excess of that prescribed, the brewer, unless he duly accounts for the same to the satisfaction of the Comptroller, shall, upon the demand of the Comptroller, pay double the amount of duty on such excess.

19.—(1) A brewer shall provide and maintain on his premises such scales, weights and measures, lights, ladders and other conveniences as may be prescribed and shall give such assistance in their use by an Officer as may be required by such Officer.

Scales,
measures,
etc.

(2) Any brewer who provides or uses, or has on his premises any device or contrivance by which an Officer may be prevented, hindered or deceived in taking the just and true quantity of beer or the gauge or measurement of any vessel or utensil, is guilty of an offence and is liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds, or to both such imprisonment and fine and, in addition, the Court trying the offence may order the person concerned to pay double the amount of excise duty which shall appear to have been undercharged by reason of such device or contrivance.

20.—(1) No brewer shall—

- (a) for the purpose of manufacturing any beer, use any materials or substance of a character prejudicial to the health of the consumer or deliver any beer containing any such materials or substance ;
- (b) brew any beer of which the original gravity of the worts shall exceed that laid down from time to time by the Comptroller.

Materials
used for
brewing.

(2) The Comptroller may prohibit the use, in the manufacture of beer, of any material or substance which he considers to be prejudicial to the interests of the Revenue.

(3) Subject to the provisions of this section, a brewer may vat, blend, rack or carry on such operations in the manufacture of beer as are not prohibited by the Comptroller.

(4) For the purposes of this section but without prejudice to the generality of the provisions of paragraph (a) of sub-section (1)—

- (a) the use in the manufacture of beer of any material or substance containing arsenic (as arsenious oxide) in excess of the following limits, that is to say :—
 - (i) material or substance one hundredth of one
in solid form, grain per pound
weight ;
 - (ii) material or substance one hundredth of one
in liquid form, grain per gallon ; or

- (b) the delivery of beer containing arsenic (as arsenious oxide) in excess of one hundredth of one grain per gallon,

shall, without further proof, be deemed to be prejudicial to the health of the consumer.

(5) Any brewer who fails to observe, or acts in contravention of, any of the provisions of sub-sections (1) and (4) or uses in the manufacture of beer any material or substance prohibited under the provisions of sub-section (2), is guilty of an offence and is liable to imprisonment not exceeding one year or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine, and any material, substance or beer in respect of which the offence has been committed shall be forfeited.

Misdescription of substances as beer.

21.—(1) No person shall—

- (a) for the purpose of selling any substance which contains two per cent or less than two per cent of proof spirit, describe the substance (whether in any notice or advertisement, or on any label, or in any other manner whatsoever) by any name or words which is or are calculated to indicate that the substance is, or is a substitute for, or bears any resemblance to, beer, or any description of beer; or shall sell, or offer or expose for sale, or permit to be sold, or have in his possession for the purpose of sale, any such substance so described:

Provided that the name “ginger beer” or “ginger ale” shall not in itself be taken to be calculated to give any such indication as aforesaid;

- (b) after delivery from a brewer's premises, dilute, or adulterate any beer by the addition thereto of water, colouring or flavouring matter, or any other thing whatsoever, or by any wilful means change its original character.

(2) Any person who fails to observe, or acts in contravention of the provisions of, sub-section (1) is guilty of an offence and is liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine and on his conviction any thing by means of, or in relation to, which the offence has been committed may be ordered by the Court to be forfeited.

22.—(1) A licence shall authorize the brewer to sell at his licensed and entered premises beer of his own manufacture, being not less than one dozen pint bottles or, if in containers other than bottles, being not less than three gallons, at any one time without further licence under the provisions of the Sale of Intoxicating Liquors Law, 1943.

Sale of beer
in licensee's
premises.

20 of 1943.

(2) A retailer's licence under the provisions of the Sale of Intoxicating Liquors Law, 1943, shall not be granted to the holder of a licence under this Law in respect of any place within half a mile of the premises in which he is licensed to carry on manufacture.

23.—(1) Any Officer may, in any premises, take any gauge or measurement of any vessel or container used in the manufacture or for the purpose of delivery of beer, and samples of beer or of any materials used in the manufacture of beer, for the purposes of examination or analysis, and no payment shall be made therefor.

Taking
samples,
entry and
search.

(2) Any Officer or police officer may, in order to prevent or detect the violation of any of the provisions of this Law or any regulations made thereunder, enter any building or place wherein he has reason to believe that any beer, vessels, utensils or materials for the manufacture or adulteration of beer are unlawfully kept, deposited or used and any such Officer or police officer may break open and forcibly enter any such building or place and search and examine and take any gauge, measurement, samples, or account of any such beer, vessels, utensils or materials found in such building or place, and seize and carry away any such beer, vessels, utensils or materials which appear to be evidence of the commission of an offence:

Provided that nothing in this sub-section shall apply to any pot or village still commonly known as "kazani":

Provided further that the right to enter, search, and seize shall not be exercised in respect of a dwelling house unless a search warrant has been obtained therefor.

(3) Any person who refuses or fails to admit, or obstructs or assaults an Officer or police officer in the execution of his duty under this section is guilty of an offence and is liable to imprisonment not exceeding three months or to a fine not exceeding twenty-five pounds or to both such imprisonment and fine.

(4) Any beer, vessel or utensil, and any materials seized under sub-section (2) may, upon the conviction of the offender, be forfeited by the order of the Court.

Power to
make regula-
tions.

24.—(1) The Governor in Council may make regulations to be published in the *Gazette* for all or any of the following purposes, that is to say:—

- (a) to regulate the management of places in which beer is manufactured and the proper custody of the beer manufactured ;
- (b) to define the processes which will be regarded as constituting manufacture ;
- (c) to define the point at which manufacture in connection with assessment of duty is deemed to commence ;
- (d) to regulate the processes and materials to be used in the manufacture of beer ;
- (e) to regulate the form and manner of making entry, the mode of registering and preserving entries, and the conditions on which entries shall be deemed null and void ;
- (f) to regulate the marking of premises, vessels and utensils ;
- (g) to specify the weights, measures and scales, lights, ladders and other conveniences to be provided by a brewer ;
- (h) to authorize the use of any method for ascertaining the spirituous content of beer ;
- (i) to regulate the security required from a brewer for the performance of his obligations ;
- (j) to regulate the form of books which shall be kept by brewers, the particulars to be entered therein, and the manner in which such books shall be kept ;
- (k) to regulate the removal of beer for export ;
- (l) to regulate the conditions under which excise duty will be repaid or remitted on beer which has been destroyed by accidental fire or other unavoidable cause or has become unfit for consumption whilst on the premises of a brewer or elsewhere ;
- (m) to define any other conditions under which remission or repayment of duty may be claimed ;
- (n) to regulate the method of dealing with deficiencies ;
- (o) to regulate the disposal of forfeited goods ;
- (p) to prescribe anything which under this Law is to be prescribed ;
- (q) generally, for the better carrying out of the purposes of this Law.

(2) Any regulations made under sub-section (1) may prescribe a penalty of a fine not exceeding twenty-five pounds for any breach thereof.

25. Where any person, not being a licensed brewer, is convicted of an offence under this Law, the Court may, in addition to any other penalty, order any beer, and any vessels, utensils, and materials used or appearing to be intended for use in the manufacture, dilution or adulteration of beer which are found in his possession, to be forfeited.

Forfeiture of beer, vessels, etc., when offence committed.

26. Any articles liable to forfeiture under this Law may be seized by any Officer or by any police officer and shall be placed for safe custody in the nearest Customs House or police station.

Seizure of articles liable to forfeiture.

27. Upon the conviction of the holder of a licence for any offence against this Law, the Court may, in addition to any other penalty, order that the licence shall be cancelled or that it shall be suspended for such period as the Court may direct.

Cancellation or suspension of licence.

28. The provisions of Chapter V of the Cyprus Criminal Code, 1928 to 1948 (relating to parties to offences), which continues to have the force of Law under the Criminal Code (Continuance of Provisions) Law, 1949, shall apply to an offence committed under the provisions of this Law.

Chapter V of the Criminal Code to apply. 12 of 1949

29. The Comptroller may compound any offence or act committed or reasonably suspected to have been committed by any person against or in contravention of the provisions of this Law or any regulations made thereunder on such terms and conditions as he, in his discretion thinks proper, with full power to accept from such persons a payment in money not exceeding the penalty incurred or alleged to have been incurred under this Law or any regulations made thereunder for such offence or act without any proceedings brought or commenced for the recovery thereof, and such compounding may include the forfeiture of any articles which are liable to forfeiture under this Law.

Comptroller may compound offences.

30. The Governor may order to be paid, in respect of the detection of any offence under this Law, or any regulations made thereunder, to the person or persons making the seizure or giving the information which led to the detection, such reward as he may think fit.

Rewards.

Date of
coming into
operation.

31. This Law shall come into operation on a date to be fixed by the Governor by notice in the *Gazette*.

26th September, 1950.

O. R. ARTHUR,
Acting Colonial Secretary.