

LAWS OF BARBADOS

SPIRITS ACT

CHAPTER 90B

(SUBSIDIARY LEGISLATION)

SUBSIDIARY LEGISLATION INDEX

Spirits

1. Regulations, 1984 A 1

Spirits**SPIRITS REGULATIONS, 1984***Arrangement of Regulations*

<i>Regulation</i>	<i>Regulation</i>
<i>Preliminary</i>	PART II
1. Citation	<i>Warehousing</i>
PART I	11. Days and hours of business for warehouses.
<i>Construction of Stills and Removal of Spirits.</i>	12. Comptroller to approve keys and locks for private warehouse.
2. Construction of stills.	13. Responsibility for good conduct in warehouse.
3. Spirits store book.	14. Directions by authorised persons.
4. Removal of spirits from spirits store or warehouse.	15. No entry into a warehouse without permission of an authorised person.
5. Permitting and delivery of spirits.	16. No bags etc. allowed in warehouse.
6. Entries in spirits store book and issue of permits.	17. No smoking in warehouse.
7. Examination and balancing of spirits store book.	18. Powers of search.
8. Calculation of duration of valid permit.	19. No deposit of spirits without bond.
9. Conveyance of spirits under expired permit.	20. Receipt or delivery of goods from warehouse.
10. Comptroller to supply books, instruments and apparatus.	

<i>Regulation</i>	<i>Regulation</i>
21. Permits numbers to be checked.	36. Forfeiture of spirits.
22. Removal of packages from warehouse.	37. Checking of warehouse keeper's stock.
23. Removal of spirits from warehouse.	38. Conditions for the supply of authorised persons to private warehouses.
24. <i>Repealed by 1996/15.</i>	39. Payment of fees etc.
25. <i>Repealed by 1996/15.</i>	
26. Checking of spirits for export.	PART III
27. Verification of quantity of spirits for export.	<i>Rewards for Information</i>
28. Stock accounts.	40. Rewards for information.
29. Vatting and blending.	41. Comptroller may withhold name of informant.
30. Comptroller to approve operations in warehouses.	PART IV
31. Vats to be numbered.	<i>Forms, Duties and Fees</i>
32. Examination etc. of vats by authorised person.	42. Forms.
33. Sampling etc. of vats by authorised person.	43. Fees respecting spirits and licences.
34. Returns to be made by warehouse keeper.	PART V
35. Delivery of empty casks.	<i>Miscellaneous</i>
	44. Offences.
	45. Penalties.

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

Spirits

Cap. 90B.

SPIRITS REGULATIONS, 1984

1984/91.
1984/98.
1996-15.

Authority: These Regulations were made on 21st May, 1984 by the Minister under section 61 of the *Spirits Act*.

Commencement: 1st July, 1984.

Preliminary

1. These Regulations may be cited as the *Spirits Regulations, 1984*. Citation.

PART I

Construction of Stills and Removal of Spirits

2. (1) A still that is to be licensed under the Act shall be constructed in the manner specified in the *First Schedule*. Construction of stills. First Schedule.

(2) A certificate of registration of a still for the purposes of section 6 of the Act must be in Form No. 1 or No. 2, as the case requires, as set out in the *Second Schedule*. Second Schedule.

3. (1) An owner of a licensed still shall, as often as is necessary, obtain a spirits store book, in Form No. 3 as set out in the *Second Schedule*, from the Government Printer. Spirits store book. Second Schedule.

(2) An authorised person must keep a duplicate spirits store book for each distillery under his control.

4. (1) No person shall remove or permit the removal of any spirits from a spirits store or warehouse unless Removal of spirits from spirits store or warehouse.

- (a) the quantity of spirits to be removed
- (i) in the case of a spirits store, is not less than 75 litres; and
- (ii) in the case of a warehouse, is not less than 3.75 litres;

- (b) the quantity of spirits to be removed is ascertained by an authorised person;
- (c) in the case of methylated spirits, the owner or warehouse keeper has painted on each package the words "METHYLATED SPIRITS" and the year the package was filled, and the packages for each year are numbered consecutively in letters of not less than 4 centimetres high; and
- (d) the spirits are removed under a subsisting permit in Form No. 4 as set out in the *Second Schedule*.

Second
Schedule.

(2) Notwithstanding paragraph (1), the owner of a still may, in the event of a fire at his distillery, spirits store or warehouse, remove any spirits contained therein without complying with the requirements of paragraph (1).

Permitting
and delivery
of spirits.

5. (1) An authorised person shall on the occasion of each visit to a spirits store, permit and deliver any spirits that are to be removed from that spirits store.

(2) Before delivery of the spirits is made under paragraph (1), the authorised person shall

- (a) ascertain the volume of the spirits at the observed temperature by means of a meter, weighing machine or other apparatus specified for this purpose by the Barbados National Standards Institution and approved by the Minister;
- (b) ascertain the strength of the spirits;
- (c) ascertain the equivalent volume of spirits at 20° C;
- (d) ascertain the litres of alcohol at 20° C contained in the spirits; and

- (e) complete Form No. 4 as set out in the *Second Schedule* by inserting the following: Second
Schedule.
- (i) the number of packages containing spirits and the year and number on the package;
 - (ii) the quantity of litres of spirits contained in the package; and
 - (iii) the year, month, day and hour of the delivery of those packages.

(3) Where an authorised person delivers spirits from a spirits store or warehouse he must remain there until all the spirits are removed.

6. (1) Where an authorised person delivers spirits from a spirits store or warehouse, he shall make an entry in the spirits store book or warehouse book, as the case may be, and shall issue a permit in the form prescribed in the *Second Schedule* and shall retain a copy of that permit for the official records.

Entries in spirits store book and issue of permits. Second Schedule.

(2) A distiller shall sign the entries made in the spirits store book in accordance with paragraph (1) as confirmation of those entries.

(3) All permits issued must be numbered consecutively and indicate the year of issue.

7. An authorised person must examine and balance all spirits store books at the end of each month so as to enable him to make returns as required by section 28 of the Act.

Examination and balancing of spirits store book.

8. (1) The length of time during which a permit is valid and subsisting must be calculated on the basis of 5 minutes for every kilometer in distance from the distillery, spirits store or warehouse at which the spirits were permitted to the place where they are to be delivered to the purchaser.

Calculation of duration of valid permit.

(2) Notwithstanding paragraph (1) an authorised person may, under special circumstances

- (a) allow a longer period than that permitted under paragraph (1); or
- (b) extend the period during which the permit is deemed to be valid and subsisting when that time expires.

(3) An authorised person may cancel any permit that is issued by another authorised person and in that event may

- (a) allow the spirits permitted under that permit to be restored to the spirits store or warehouse from which they were removed; or
- (b) transfer the permit to a purchaser other than the original purchaser.

THE LAWS OF BARBADOS

Convey-
ance of
spirits
under
expired
permit.

9. (1) A person who conveys spirits under a permit that has ceased to be valid and subsisting while the spirits were being conveyed, may take those spirits to the nearest police station until the time of the permit is extended by the Comptroller or an authorised person.

(2) Spirits conveyed to a police station under paragraph (1) are not liable to seizure while they are being conveyed or while they are at the police station; but the police officer in charge of that station is liable for the safe custody of the spirits while they are there.

Comptroller
to supply
books, in-
struments
and appara-
tus.

10. The Comptroller must supply authorised persons with spirits store books, documents, instruments and apparatus that are necessary for the performance of their duties under the Act and these regulations.

PART II

Warehousing

Days and
hours of
business for
warehouses.

11. (1) The working days of a warehouse are all days except Saturdays, Sundays, and Public Holidays.

(2) The working hours of a warehouse are from 8.15 a.m. to 4.30 p.m. on all working days with a 1 hour lunch break between 11 a.m. and 12 noon.

Comptroller
to approve
keys and
locks for
private
warehouse.

12. Keys and locks of a privately owned warehouse must be provided by the owner and all locks and fastenings must be of a type and make approved by the Comptroller.

Responsi-
bility for
good con-
duct in
warehouse.

13. A warehouse keeper is responsible for the good conduct of all persons employed by him in a warehouse.

Directions
by autho-
rised
persons.

14. Every person employed, in any capacity, in a warehouse shall comply with any reasonable direction or order given by an authorised person.

No entry
into a
warehouse
without
permission
of an
authorised
person.

15. No person, except a person employed therein, shall enter a warehouse without the permission of an authorised person; and a person convicted of an offence under the Act or these regulations shall not enter a warehouse.

- 16.** No person shall take into any warehouse any basket, bag, receptacle, piping or other like article or apparatus. No bags etc. allowed in warehouse.
- 17.** No smoking or naked lights shall be allowed in a warehouse, and all persons before entering a warehouse shall deliver to an authorised person all matches, lighters or other combustible materials in his possession or under his control. No smoking in warehouse.
- 18.** (1) Subject to paragraph (2), an authorised person may, upon reasonable suspicion, search any person or any packages which that person has in his possession or under his control when leaving a warehouse. Powers of search.
- (2) A female may only be searched by an authorised person who is a female.
- 19.** No person shall deposit spirits in any privately-owned warehouse unless he has entered into a bond of an appropriate amount for the security of the duties payable and for the proper performance of his obligations. No deposit of spirits without bond.
- 20.** Receipt of goods into or deliveries of goods from a warehouse and all other transactions in a warehouse must only be made in the presence of an authorised person. Receipt or delivery of goods from warehouse.
- 21.** (1) The numbers on all casks of spirits must be checked at the time of receipt, and the contents of the casks gauged and tested by an authorised person as soon as practicable thereafter. Permit numbers to be checked.
- (2) The particulars found on an examination under paragraph (1) shall be entered in the official records, and the particulars so recorded shall form the basis of all future transactions.
- 22.** No package shall be moved in any warehouse or otherwise interfered with, except with permission of an authorised person. Removal of packages from warehouse.
- 23.** (1) Spirits deposited in a warehouse shall not be removed for home consumption unless the excise tax and all other charges are paid. Removal of spirits from warehouse. 1996-15.

1996-15. (2) No spirits may be delivered from any warehouse before the correct excise tax at the current rate is paid; but where the spirits are to be transferred from one warehouse to another or intended for direct shipment for export or for export as ships' stores, the transfer documents or the appropriate export entries must be produced before delivery.

24. *Repealed by 1996-15.*

25. *Repealed by 1996-15.*

Checking
of spirits
for export.

26. When packages containing spirits are delivered for shipment, either for export or as ships' stores, the contents of all such packages must be checked by an authorised person and thereafter conveyed directly to the place of shipment and produced to the authorised person in charge, who must, before shipment thereof, give a receipt for the packages so produced.

Verification
of quantity
of spirits
for export.

27. All casks, cartons of bottles or bottles containing spirits or compounds intended for export must be duly entered by the warehouse keeper and produced to an authorised person, who shall satisfy himself that the actual quantity to be delivered from the warehouse corresponds with the particulars shown on the export entry.

Stock
accounts.

28. Stock accounts showing all particulars in respect of the receipt, warehousing and delivery of spirits from warehouses and of all other transactions shall be kept by all persons who are required to enter into bonds.

Vatting and
blending.

Second
Schedule.

29. (1) Before vatting or blending operations are permitted to commence, the warehouse keeper shall make application for permission in Form No. 5, as set out in the *Second Schedule*.

(2) The operations of vatting and blending and of making into casks or bottling of spirits and compounds may only be permitted in a warehouse approved by the Comptroller for such purposes.

30. All operations in a warehouse approved under regulation 29 are subject to revenue control and supervision, and no operation may be commenced unless the permission of the Comptroller or other authorised person is obtained.

Comptroller to approve operations in warehouses.

31. All vats used for vatting and blending must be numbered consecutively, and the numbers on each vat must be painted in conspicuous figures.

Vats to be numbered.

32. Where permission for a vatting operation is granted, the authorised person in charge of the operation must examine the vat, check the numbers on the casks to be used, regauge and test their contents and ensure that the casks are emptied into the vat.

Examination etc. of vats by authorised person.

33. After the vatting is completed, the authorised person in charge of the operations must take the strength of a representative sample and enter into the official records the dip of vat, ascertain the volume of spirits strength, equivalent volume of spirits at 20° C and the quantity, in litres, of alcohol at 20° C contained in the spirits.

Sampling etc. of vats by authorised person.

34. At the close of business on the last working day of each month, the warehouse keeper shall make a return to the authorised person in charge of vatting operations showing the number of each vat and its condition, the dip, volume of spirits, strength and quantity, in litres, of alcohol at 20° C contained in each vat.

Returns to be made by warehouse keeper. 1996-15.

35. All empty casks before being delivered out of any warehouse must be rolled with bungs and opened in the presence of an authorised person, who must satisfy himself that they are empty and record the particulars of each cask.

Delivery of empty casks.

36. Where spirits

Forfeiture of spirits.

(a) entered to be warehoused are not warehoused; or

(b) being warehoused

(i) are in any way concealed in, or removed therefrom; or

(ii) are abstracted from any package or transferred from one package to another,

without the permission of an authorised person; or

(c) being warehoused, are in any way interfered with for the purpose of illegal mixing, removal or concealment,

those spirits shall be forfeited.

Checking of
warehouse
keeper's
stock.
1996-15.

37. (1) A warehouse keeper's stock in a warehouse must be checked at least once in every month by an authorised person and compared with the official records.

(2) A warehouse keeper, his agent or servant shall render any assistance or give any information which an authorised person may require when taking stock.

Conditions
for the
supply of
authorised
persons
to private
warehouses.

38 (1) Where the Comptroller considers that it is necessary to provide one or more full-time authorised persons for any privately-owned warehouse, the owner thereof shall pay to the Comptroller a fee not less than the salaries of the authorised persons so employed, or as determined by the Comptroller.

(2) In the case of any privately-owned warehouse which is not required to be opened all day, the Comptroller may provide one or more part-time authorised persons; and in any such case the owner of such warehouse shall pay to the Comptroller the fee of \$3 for each hour or part thereof during which the warehouse is kept open.

(3) Where a warehouse keeper requires the services of an authorised person at a warehouse on a Saturday, Sunday, Public Holiday, before 8.15 a.m. on any working day or after 4.30 p.m. on any other working day, he shall pay to the Comptroller in respect of the services of and on behalf of such authorised person the fees prescribed under the *Customs Regulations, 1963* and any reasonable fee claimed by the Comptroller in respect of subsistence allowance.

L.N. 63/
1963.

(4) In addition to the sums specified in paragraphs (1), (2) and (3), a warehouse keeper shall pay to the Comptroller any reasonable sum claimed by the Comptroller in respect of transportation expenses incurred by an authorised person; but a warehouse keeper shall not be required to pay any such transportation expenses if he provides suitable transport.

39. All fees and sums payable for attendance under paragraphs (1) and (2) of regulation 38 shall be paid or made payable to the Comptroller, who shall pay the same into the Consolidated Fund. Payment of fees etc.

PART III

Rewards for Information

40. Where information is given to the Comptroller or an authorised person that leads to a conviction under the Act or these Regulations, the Comptroller may make a reward to that person in an amount approved by the Minister. Rewards for information.

41. The Comptroller may refuse to disclose the name of a person who gives information if he is satisfied that the disclosure of the name of that person would be detrimental having regard to all the circumstances of that person. Comptroller may withhold name of informant.

PART IV

Forms, Duties and Fees

42. The forms prescribed for the purposes of the Act and these Regulations are set out in the *Second Schedule* and must be used for the purposes to which they relate. Forms. Second Schedule.

43. The fees payable under the Act and these Regulations for a licence to export or distil spirits are set out in the *Third Schedule*. Fees respecting spirits and licences. Third Schedule. 1996-15.

PART V

Miscellaneous

- Offences. **44.** (1) A person
1996-15. (a) who contravenes regulation 15, 16, 17, 22 or 23; or
 (b) who refuses or fails to comply with any reasonable direction
 or order given by an authorised person under regulation 14; or
 (c) who being in a warehouse, fails or refuses to stop when called
 upon to do so by an authorised person; or
 (d) who, being in a warehouse, refuses to permit an authorised
 person to search him or any package in his possession or under
 his control,

is guilty of an offence.

(2) A warehouse keeper, his servant or agent who refuses to render assistance or give information when requested so to do by an authorised person under regulation 37(2) is guilty of an offence.

- Penalties. **45.** A person who is guilty of an offence under these regulations is liable on summary conviction to a fine of \$1 000 or imprisonment for one year.

FIRST SCHEDULE

(Regulation 2(1))

1. (1) The following vessels must be erected before a still is licensed and must thereafter be kept during the continuance of the licence:

- (a) one spirits receiver; and
(b) one low wines receiver;

but an owner of a still may provide, in addition, as many more receivers for spirits or low wines as he may desire.

(2) Where the construction and mode of working of a still are such that low wines are not collected in a separate receiver, in lieu of a receiver, the still must be provided with such fastenings, receptacles, locked and otherwise, apparatus, connections and contrivances as may be directed by the Comptroller or an authorised person.

2. A low wines receiver must be connected with the safe at the end of the worm of the still by one close metal pipe, attached to and leading directly from the safe in such manner that all low wines running from the safe into the pipe can be immediately discharged into the receiver and must have fixed to it a pump or discharge cock, that is securely fastened; and every such receiver must also have fixed to it a gauge glass to denote the quantity of low wines therein.

3. A spirits receiver

- (a) must be connected with the safe at the end of the worm of the still by one close metal pipe attached to and leading directly from the safe in such manner that all spirits running from the safe into the pipe can be immediately discharged into the receiver;
- (b) must have fixed in it either a pump or proper discharge cock for drawing off the spirits from it, which shall be securely fastened; and
- (c) must have fixed to it a gauge glass to denote the quantity of spirits therein.

4. Every low wines receiver must be a close covered vessel and, except as specified in paragraph 3 must not have any opening or communication with any other vessel or utensil, except with another receiver with which it can be connected by a close metal pipe.

5. The receiver or receivers must be capable of containing the low wines or spirits, as the case may be, produced by 3 days of distillation.

6. The end of the worm must be enclosed and secured in a safe in the manner directed by an authorised person.

7. There must be fixed to every still a discharge cock, not more than 3 feet distant from the body of the still, and firmly attached to the still by a close metal pipe; and such discharge cock must be so placed as to be easily accessible to an authorised person.

8. Every spirits receiver must be made, placed and fixed to the satisfaction of an authorised person.

9. Every pipe used by the distiller must, unless used exclusively for the discharge of water and spent wash, be so fixed and placed as to be capable of being examined for the whole of its length.

10. Every cock and valve kept or used by the owner must be constructed in the manner directed by an authorised person.

11. Every receiver must have a sufficient hole cut in it in the manner and form as directed by an authorised person.

12. Each hole in a spirits receiver or low wines receiver must be secured and kept secured to the satisfaction of an authorised person.

13. No alteration may be made in the hole or level of any vessel or utensil without the written permission of an authorised person.

14. All low wines and spirits running from the worm of the still must run directly into the safe at the end of the worm.

15. All low wines must be conveyed directly from the safe into the low wines receiver and thence directly into the still for re-distillation or the low wines may be mixed with wash or be left in custody of the distiller for distillation.

16. All spirits must be conveyed directly from the safe into the spirits receiver.

17. No spirits conveyed into the spirits receiver may be redistilled or removed from that receiver except into the spirits store.

18. All spirits on removal from a receiver must be immediately conveyed into the spirits store in the presence of an authorised person.

19. Except after notice to, or in the presence of, an authorised person, access may not be had to the end of the worm of any still or to any low wines or spirits from the time of the extraction or distillation thereof in the still until they are accounted for in the proper receiver by that authorised person.

20. Except as permitted or required by the Act or these regulations, there must be no pipe leading directly or indirectly to or from a still with no opening into or out of a still or the worm of a still.

21. All pipes must be painted in distinguishing colours along their entire lengths in accordance with the directions of the Comptroller.

SECOND SCHEDULE

(Regulation 42)

**BARBADOS
CUSTOMS AND EXCISE DEPARTMENT**

Form No. 1

(Regulation 2(2))

The Spirits Act, Cap. 90B

CERTIFICATE OF REGISTRATION OF STILL

No:

Date:

I do hereby certify that
owner of registered still No.situate at
.....in the parish of
having paid the Accountant General the sum of \$500 is licensed to use such
still for the manufacture of spirits until 31st day of December, 19.....
inclusive.

Comptroller of Customs

BARBADOS

MINISTRY OF FINANCE AND PLANNING

Form No. 2

(Regulation 2(2))

The Spirits Act, Cap. 90B

CERTIFICATE OF SPECIAL REGISTRATION OF A STILL

No:

Date:

I do hereby certify thatowner
of registered still situate atin
the parish of is licensed to use such still
for the distillation of spirits for the purpose of scientific research until 31st day
of December, 19 inclusive.

Minister of Finance

SPIRITS STORE BOOK

Form No. 3

1984/98.

(Regulation 3(1))

The Spirits Act, Cap. 90B

RECEIPTS				DISPOSALS								
Date	Balance on hand at end of last month	Product of Stills	Total	Signature of Authorized person	Quantity Permitted			Total permitted	Deficiency	Balance at end of the month	Signature of Distiller or agent	Signature of Authorized Person
					for warehousing	for redistillation	for export					

Form No. 4

(Regulations 4(1)(d), 5(2)(e), and 6(1))

1984/98.

The Spirits Act, Cap. 90B

PERMIT TO *REDISTIL/WAREHOUSE SPIRITS

Permit No:

Date:

Time:

Valid until:

No. of Packages (In Words):

Seller:

Buyer:

Package No.	Liquid Quantity	Volume at 20° C	Strength	Litres of Alcohol
Total				

*Delete whichever inapplicable

Received at Warehouse.

Authorised Person

Form No. 5

(Regulation 29(1))

The Spirits Act, Cap. 90B

**APPLICATION FOR PERMISSION TO PREPARE SPIRITS
IN WAREHOUSE**

No. of Permission

Folio in Permission Book:

Date:

TO THE COMPTROLLER OF CUSTOMS:

Please grant permission to transfer to my/our Vat No and prepare the undermentioned packages of spirits, the original gauges and tests of which are set out under 'A' below:

This Vat is now empty

Certified Correct

Warehouse Keeper

Per

Authorised Person

TO THE EXCISE OFFICER

Please check the particulars set out under 'A'

Checked and found correct

Signed

Officer, Excise Office

Customs Officer I,

Excise Division

Date:.....19.....

Date:.....19.....

BARBADOS

CUSTOMS AND EXCISE DEPARTMENT

Form No. 6

(Section 26 and regulation 42)

The Spirits Act, Cap. 90B

LICENCE TO EXPORT COMPOUNDS

No:

Date:

Received fromowner of
warehouse situate at in the parish
ofthe sum of as licence fee to
export compounds until 15th January, 20 inclusive.

Comptroller of Customs

1984/98.

THIRD SCHEDULE

(Regulation 43)

Fees

\$ ¢

Fee for the issue of a licence to						
export compounds	...	...	...	...	...	48.00
Fee for the issue of a licence to						
distil spirits	...	...	...	...	...	500.00