

Assented to in Her Majesty's name this 22nd day of January, 1958.

J. W. ROBERTSON,
Governor-General

(L.S.)

No. 49

1957



Federation of Nigeria

IN THE SIXTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN ELIZABETH II

SIR JAMES WILSON ROBERTSON, G.C.M.G., G.C.V.O., K.B.E.

Governor-General and Commander-in-Chief

AN ORDINANCE TO MAKE PROVISION FOR CONTROL OF THE DISTILLATION OF SPIRITS IN NIGERIA, FOR THE PURPOSE OF LEVYING AN EXCISE DUTY ON SUCH SPIRITS, AND FOR PURPOSES ANCILLARY THERETO.

Title.

[24th July, 1958]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria as follows—

Enactment.

1. This Ordinance may be cited as the Distillation of Spirits Ordinance, 1957.

Short title.

Interpretation.
Cap. 65.

2. In this Ordinance the expression "spirits" shall have the meaning from time to time assigned thereto by regulations made under section 83 of the Excise Ordinance.

Restriction
as to
distillation,
possession,
etc., of
spirits.

3. (1) No person shall distil any spirits, and no person shall possess, sell or dispose of any spirits distilled in Nigeria, except in accordance with the provisions of the Excise Ordinance and regulations thereunder.

(2) The importation, distribution, sale, disposal and possession of stills, and of all apparatus or portions of apparatus suitable for the distillation of alcohol or the rectification or re-distillation of spirits, are prohibited except in accordance with the provisions of the Excise Ordinance and regulations thereunder.

(3) In any proceedings under this section upon proof that the person charged possessed, sold or disposed of any spirits which are certified by a person carrying out the duties of government chemist in the public service of the Federation or of a Region, to be a liquid having the characteristics of locally and crudely prepared spirits, the burden of proof that such spirits were not illicitly distilled in Nigeria shall lie upon the person so charged.

Stills
permitted
for certain
purposes.

4. Notwithstanding the provisions of section 3, the Governor of a Region, and the Commissioner of the Southern Cameroons in respect of the Southern Cameroons, may grant a licence with or without conditions to authorise the importation, distribution, sale, disposal, and possession for use of apparatus of the nature set out in the Schedule.

Schedule.

Penalties.

5. Any person who commits an offence under section 3 shall be liable in respect of a first offence to a fine of five hundred pounds and in default of payment to imprisonment for three years, and in respect of any second or subsequent offence to a fine of five hundred pounds and in default of payment to imprisonment for three years or to imprisonment for two years without such fine, or to both of such penalties.

Scope of
regulations
under
Excise
Ordinance.

6. Regulations made under section 83 of the Excise Ordinance may make provision for the method of collection of any excise duty on spirits that may from time to time be imposed and for the control of distilling operations necessary to ensure the proper collection of such duties, and may prescribe the interpretation to be placed upon the terms "spirits", "still", "proof gallon", and such other terms as may be necessary to be interpreted for the purposes of this Ordinance and the Excise Ordinance.

Application
of
section 8 of
Cap. 114
in Regions.

7. (1) Section 8 of the Liquor Ordinance shall cease to be operative in any Region upon the publication in the Regional Gazette of a notice that the Governor of the Region has declared that this section shall have effect, and in the Southern Cameroons shall cease to be operative upon publication in the *Southern Cameroons Gazette* of a notice that the Commissioner of the Cameroons has declared that this section shall have effect.

(2) Section 8 of the Liquor Ordinance is repealed in respect of the Federal Territory of Lagos.

SCHEDULE

(Section 4)

1. Testing stills, that is to say, small apparatus in general use for laboratory experiments which is employed intermittently, is not fitted with any rectifying head and in respect of which the capacity of any retort does not exceed one litre.

2. Apparatus, or parts of apparatus, required for experiments in scientific institutions.

3. Apparatus, or parts of apparatus, employed for specific purposes other than the production of alcohol, by qualified pharmacists and by persons who can show good cause for the possession of such apparatus.

This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives, and is found by me to be a true and correctly printed copy of the said Bill.

B. ADE, MANUWA,
Clerk of the House of Representatives