

DISTILLATION ACT 1868 AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Commissioner may grant wine-still license.</p> <p>3. Applicant to produce certificate and enter into bond.</p> <p>4. Licensee to keep book and make transcript.</p> <p>5. Spirits to be kept in special store-room.</p> | <p>6. Spirits for fortifying wine, not subject to duty.</p> <p>7. Surplus stock of spirits to be duty-paid or warehoused.</p> <p>8. "Justice of Peace Act, 1882," not to control provisions of "Distillation Act, 1868."</p> <p>9. Incorporation with former Acts.</p> |
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A BILL INTITULED

AN ACT to amend "The Distillation Act, 1868."

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

5 **1.** The Short Title of this Act is "The Distillation Act 1868 Amendment Act, 1889." Short Title.

2. Notwithstanding anything contained in "The Distillation Act, 1868" (hereinafter referred to as "the said Act"), it shall be lawful for the Commissioner of Trade and Customs (hereinafter referred to as "the Commissioner"), on payment to a Collector of Customs of an annual license-fee of ten pounds, to grant to the owner or occupier of any vineyard who shall have in cultivation, and actually planted with vines, a quantity of land not less than two acres, a license to keep and use a still of not less than twenty-five gallons nor more than fifty gallons capacity, for the purpose of distilling spirits from wine or the lees of wine, being the produce of his own vineyard, such spirits (except as hereinafter excepted) to be used only for fortifying the wines produced on the vineyard of the person obtaining such license, so that such wines when so fortified shall not contain more than forty per centum of proof spirit verified, by Sykes's hydrometer; and all wines so fortified which shall be found to contain more than the proportion of spirits herein specified shall be forfeited, and may be seized by a Collector of Customs or other person authorised by the Commissioner.

Commissioner may grant wine-still license.

25 **3.** Before such license shall be granted the person applying for the same shall produce to the Commissioner a certificate, signed by two Justices of the Peace, or a Resident Magistrate, certifying that such person has in cultivation, and actually planted with vines, a quantity of land not less than two acres, and that such person is a fit and proper person to hold such license; and such person shall, together with two good and sufficient sureties, to be approved of by the Commissioner, enter into a bond to Her Majesty in a sum of not less than one hundred pounds nor more than four hundred pounds, in such form and with such conditions as the Commissioner may direct, that he will not use the still in respect of which he is licensed for any other purpose than that which is specified in such license, and that he will not use any spirits distilled by him for any other purpose than that of fortifying his wines as hereinbefore mentioned.

Applicant to produce certificate and enter into bond.

Licensee to keep
book and make
transcript.

4. Every owner or occupier of a vineyard so licensed to distil spirits as aforesaid shall from time to time enter up in a book to be kept for that purpose an account of all spirits made and used, also the quantity in stock at any time, and shall, within ten days of the expiration of each quarter of the calendar year during the term of his license, furnish in duplicate to the nearest Collector of Customs a transcript of such book for the past quarter; and such book and transcript shall be in such form, and kept and declared to in such manner, as the Commissioner may direct; and if any such owner or occupier shall neglect to properly keep such book, or to furnish such transcript, or shall make a false entry therein, he shall be liable to a penalty of not less than *five* pounds nor more than *one hundred* pounds.

Spirits to be kept in
special store-room.

5. Every owner or occupier of a vineyard who shall have obtained a license to distil spirits as hereinbefore provided shall provide upon his premises on the said land a cellar or store-room built of stone or brick, in which said cellar or store-room all spirits produced on the said premises for the purpose authorised by the license shall be deposited and kept securely locked until required for the purpose of fortifying wine as hereinbefore mentioned; and all spirits found in any other place on the said premises than the said cellar or store-room in quantity greater than two gallons shall be forfeited, and the said owner or occupier shall be liable to a penalty of *fifty* pounds, together with an additional penalty of *forty* shillings for every gallon of spirits so found; and all spirits so made shall be conveyed into such cellar or store-room, and shall be secured in such manner as the Commissioner may direct; and any person breaking open or entering such cellar or store-room, except in the presence of or with the permission of a Collector of Customs, shall be liable to a penalty of *one hundred* pounds.

Spirits for fortifying
wine, not subject
to duty.

6. Spirits of wine used for fortifying wines under this Act shall not be subject to the provisions of the said Act.

Surplus stock of
spirits to be duty-
paid or warehoused.

7. If at any time the owner or occupier has in possession more spirit than he requires for fortifying his wines the Commissioner may allow him to sell or dispose of it, in one lot, upon payment of the duty at the time payable on the like spirit, or he may permit or require him to remove it to a bonded warehouse, there to be dealt with under the provisions of the Customs Acts.

"Justice of Peace
Act, 1882," not to
control provisions of
"Distillation Act,
1868."

8. Whenever in the said Act provision has been made as to the period of imprisonment which may be imposed upon or in respect of any information, suit, or action for the recovery of any fines, forfeitures, or penalties under the said Act, such period of imprisonment may be imposed and enforced in accordance therewith, notwithstanding anything contained in the ninety-sixth section of "The Justices of the Peace Act, 1882."

Incorporation with
former Acts.

9. This Act shall be read and construed with "The Distillation Act, 1868," and "The Excise Duties Act, 1874."