

**THE RUM (ETHER CONTROL) ACT**

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## THE RUM (ETHER CONTROL) ACT

Cap. 347.

[20th December, 1934.]

1. This Act may be cited as the Rum (Ether Control) Act. Short title.

2. In this Act—

“rum” has the same meaning assigned to that expression by the Excise Duty Act;

Interpreta-  
tion.

“ether content” means the number of grams of total esters, calculated as ethyl acetate, in every hundred litres of absolute ethyl alcohol contained in rum at a temperature of sixty degrees by Fahrenheit’s thermometer.

3. No person shall manufacture rum in this Island with a higher ether content than that fixed from time to time by order under this Act. Manu-  
facture  
of rum  
controlled.

4.—(1) It shall be lawful for the Minister from time to time by order published in the *Gazette* to fix the maximum ether content of rum manufactured in this Island. The Minister may from time to time by like order vary the maximum ether content so fixed and may revoke or amend any such order previously made. Order  
to fix  
ether con-  
tent of  
rum.

(2) The ether content of rum shall be ascertained and calculated in manner prescribed from time to time by regulations made under this Act.

5. Any person who—

(a) by himself, his servants or agents, manufactures or aids or abets any person to manufacture or in

Offences  
and  
penalty.

*RUM (ETHER CONTROL)*

any manner whatsoever is concerned in the manufacture of any rum; or

(b) buys, sells, offers for sale or has in his custody or possession any rum manufactured; or

(c) exports or attempts to export from this Island any rum manufactured

contrary to the provisions of this Act or of any order or regulation made thereunder shall be guilty of an offence and shall on summary conviction by a Resident Magistrate be liable to a penalty not exceeding ten dollars for every gallon of rum so manufactured, bought, sold, offered for sale, exported or attempted to be exported or of which such person shall have custody or possession and in default of payment such person, or in the case of a company the manager or agent in this Island of such company, shall be liable to imprisonment with or without hard labour for a period not exceeding three months.

Appoint-  
ment of  
inspectors.

6. The Minister may from time to time appoint such person or persons as he may deem fit to inspect any rum held by any manufacturer, dealer or exporter wherever the same may be found and on inspection the Inspector may take samples of such rum for the purpose of having the same tested.

Seizure of  
rum unlaw-  
fully manu-  
factured.

7.—(1) Any rum manufactured contrary to the provisions of this Act or of any order or regulation made thereunder may be seized wherever the same may be found in such manner as any rum liable to seizure under the Excise Duty Act may be seized and any such rum seized as aforesaid shall be forfeited and may be disposed of as the Minister may direct.

(2) In proceedings for the forfeiture of any rum under this section the onus of proof shall be on the person claiming the rum and it shall not be necessary for the

person prosecuting the suit to prove that the rum is liable to seizure or forfeiture.

8. The Officers of Customs, and any person acting with their concurrence may stop any ship or boat which they have reason to suspect has on board any rum manufactured in this Island contrary to the provisions of this Act or of any order or regulation made thereunder and may detain such ship or boat until search has been made and such rum if found has been seized and removed.

Powers of  
Officers of  
Customs.

9.—(1) The Governor-General may direct in any particular case that no suit for forfeiture under this Act shall be commenced or if any such suit has been commenced may cause the same to be stopped by directing the Attorney-General to take such steps as may be necessary to stop such suit.

Powers of  
Governor-  
General.

(2) The Governor-General may if he thinks fit after the condemnation of any rum under this Act return the whole or any portion of such rum to the owner thereof.

10.—(1) The Minister may make regulations providing for inspection and testing at any time of any rum manufactured in this Island, for ascertaining and calculating the ether content of any such rum and generally for carrying out the provisions of this Act.

Regulations.

(2) All such regulations shall be published in the *Gazette* and shall from the date of such publication have the force and effect of law.

11. Any person who acts in contravention of this Act or of any order or regulation made thereunder shall unless some other penalty is provided therefor be liable on summary conviction by a Resident Magistrate to a penalty not exceeding ten dollars and in default of payment such per-

Other  
Offences.

son, or in the case of a company the manager or agent in this Island of such company, shall be liable to imprisonment with or without hard labour for a period not exceeding one month.

Offence deemed to have been committed in parish where offender resides.

12. Any offence against the provisions of this Act or of any order or regulation made thereunder shall be deemed to have been committed in the parish in which the offender resides.

Prosecution may be commenced within six months.

13. Notwithstanding anything in any other enactment contained the prosecution for any offence against the provisions of this Act or of any order or regulation made thereunder may be commenced at any time within six months after the commission of the offence.

Definition of manufactured rum.

14. For the purposes of this Act no rum shall be deemed to be manufactured until the process of manufacture shall have been completed and the rum has been put into puncheons and/or casks and/or other containers for the purpose of removal from the place of manufacture and such containers shall have been legibly cut, branded, or printed with the Estate's mark as provided for in section 37 of the Excise Duty Act and the full number of gallons of rum and the strength thereof in each container ascertained together with the number of the containers shall have been legibly cut, branded or printed on such containers.