

CHAPTER 237.**LIQUOR.****ARRANGEMENT OF SECTIONS.**

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FIRST SCHEDULE.

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CHAPTER 237.**LIQUOR.**

An Ordinance to repeal the Spirituous Liquors Ordinance, 1920, and for the better effectuation with respect to the Colony and Protectorate of Sierra Leone of the provisions of the convention relating to the liquor traffic in West Africa, which was signed at Saint-Germain-En-Laye on the tenth day of September, 1919.

1 of 1924.
37 of 1924.
20 of 1928.
8 of 1954.

[1ST JUNE, 1924.]

1. This Ordinance may be cited as the Liquor Ordinance, and shall apply to the Colony and the Protectorate. Short title.
2. In this Ordinance, unless the context otherwise requires— Interpreta-
tion.
“ Colony ” includes the Protectorate;

“denatured spirits” means an intoxicating liquor which, by the addition of some substance, has been rendered impossible for use as a beverage;

“injurious spirits” means distilled liquors containing essential oils or chemical products, which are recognised as being injurious to health, such as thujone, star anise, benzoic aldehyde, salicylic esters, hyssop, absinthe and similar substances, unless such spirits have been denatured;

“spirits” means distilled liquors and all mixtures and compounds made with such liquors, and includes any wine or beer containing more than twenty per centum by weight of pure alcohol.

Power to prohibit entry for consumption of spirits.

3. It shall be lawful for the Governor in Council to make rules prohibiting absolutely, or imposing such conditions as the Governor in Council may think fit, on the entry for consumption, distribution, sale, disposal of or keeping for sale, in the Colony or any part thereof, of such spirits, other than denatured spirits, as may be specified in such rules:

Provided that in so far as any such rules only impose conditions on such entry for consumption, distribution, sale, disposal or keeping for sale, such rules may extend to all spirits:

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Provided further that except in so far as they may be varied or revoked by rules made under this section the rules contained in the First Schedule to this Ordinance shall be in force and shall be deemed to have been made under this section:

Application of Cap. 271, section 62.

Provided further that while any such rules are in force spirits of which the importation is thereby prohibited shall be goods prohibited to be imported as if they were specified in section 62 of the Customs Ordinance, and the provisions of that Ordinance and of any Ordinance amending or extending that Ordinance shall apply accordingly, provided that nothing therein contained shall except any person committing any offence against the provisions of this Ordinance in connection with such spirits from liability to any heavier penalty imposed by this Ordinance.

Prohibition of entry for consumption of injurious spirits.

4. It shall not be lawful for any person to enter for consumption in the Colony, or to distribute, sell, dispose of or keep for sale therein, any injurious spirits.

Prohibition of distilling, etc.

5. It shall not be lawful for any person to distil any spirits in Sierra Leone or import, distribute, sell, dispose of or be in

* These rules are printed in the appropriate volume of subsidiary legislation.

possession of a still or of any apparatus suitable for distillation of spirits: 8 of 1954.

Provided always that notwithstanding anything in this Ordinance contained the Governor may by writing license, with or without conditions, any person—

(1) to distil spirits to be denatured or used exclusively for scientific, medical, surgical, or pharmaceutical purposes; or

(2) to import, sell, dispose of, or be in possession of distilling apparatus of the kind set forth in the Second Schedule hereto.

The prohibitions contained in this Ordinance shall not apply to the holder of any such licence who complies with each and all of the conditions contained therein.

6. It shall not be lawful for any person to be in possession of injurious spirits, or any spirits distilled in Sierra Leone without a permit from the Governor: Possession.
8 of 1954.

Provided that this section shall not apply—

(1) to the possession of injurious spirits for legitimate purposes by medical practitioners, dentists and druggists registered under the Medical Practitioners, Dentists and Druggists Ordinance; or Cap. 151.

(2) to the possession of injurious spirits supplied by a registered druggist in pursuance of a written prescription by a registered medical practitioner or dentist; or

(3) to any spirits distilled in Sierra Leone under licence granted in accordance with the provisions of the last preceding section.

7. If any question arises in connection with the administration of this Ordinance, or of any rules made thereunder, as to whether any particular articles are or are not spirits, trade spirits, denatured spirits, or injurious spirits, as the case may be, the decision of the Comptroller of Customs on that question shall, in case of dispute, be final and conclusive. Decision of
Comptroller
in certain
cases to be
final.

8. (1) Any person doing any act, or responsible for any omission, which constitutes or involves a contravention of any of the provisions of this Ordinance, or of any rule made thereunder, shall be guilty of an offence against this Ordinance, and on conviction thereof before a Magistrate, shall be liable, in the case of a first offence, to a fine not exceeding one hundred Offences.

pounds and, in the case of any subsequent offence, to a fine not exceeding five hundred pounds, and in default of payment to imprisonment, with or without hard labour, for any term not exceeding, in the case of a first offence, six months and, in the case of any subsequent offence, two years.

(2) On convicting any person of an offence against this Ordinance the Court may, if it shall so see fit, order that any article in respect of which any offence against this Ordinance has in the opinion of the Court been committed, or has in its opinion been attempted to be committed, shall be forfeited to Her Majesty; and on any such order being made the articles so ordered to be forfeited shall be disposed of in such manner as may be prescribed by rules made under this Ordinance, or, in the absence of any such prescription, in such manner as the Governor may direct.

Application
of fines.

9. It shall be lawful for the Governor, if in any case he shall so see fit to do, to appropriate to any informer who shall have prosecuted an offender to conviction, and to any other person who may have contributed to the conviction by giving information or otherwise, a sum not exceeding one half of the fine in such case imposed and recovered, distributed in such proportions as the Governor may direct; and the other half of such fine shall form part of the general revenue:

Provided always that it shall be lawful for the Governor to remit the whole or part of any such fine, notwithstanding any claim of any informer or other person to participation therein.

Power to
public
officers to
execute
provisions
of the
Ordinance.

10. The public officers of the Colony are hereby authorised and empowered to take all such necessary action and to do all such things as the efficient execution of any of the provisions of this Ordinance or of any rule made thereunder may reasonably require; and no action, suit or civil proceeding of any kind whatsoever shall, without the written consent of the Attorney General, be brought against any person in any Court for damages or compensation in respect of any measures or acts which may be taken or done in the execution or intended execution of the duties of any such public officer under this Ordinance or under any rule made thereunder.

Power of
Governor in
Council to
make rules.

11. It shall be lawful for the Governor in Council to make rules for the further, better, or more convenient effectuation of any of the provisions or purposes of this Ordinance.

12. (1) A Magistrate or a Justice of the Peace, if satisfied by information on oath that there is good cause to suspect that an offence against this Ordinance is being committed in any house or place may, in his discretion, issue a warrant authorising a constable or any person, whom such constable calls to his assistance, to search such house or place. Power of search.

(2) Any person so authorised, may between the hours of six o'clock in the forenoon and six o'clock in the afternoon, break open and forcibly enter any such house or place, and seize any distilling apparatus or machinery and any spirits which he has reason to believe have been distilled, rectified or made in contravention of the provisions of this Ordinance, found therein, and may either detain the same or remove them to a place of safe custody.

(3) In addition to any other penalty which he may impose, it shall be lawful for a Magistrate to order that all such distilling apparatus or machinery or spirits which have been so seized, shall be absolutely forfeited.

(4) If any person by himself or by any person in his employment obstructs, hinders or molests a constable or any person acting in the aid of such constable in carrying out the provisions of this Ordinance, he shall be liable, on summary conviction, to a penalty not exceeding twenty-five pounds or to a term of imprisonment, with or without hard labour, not exceeding three months.

FIRST SCHEDULE.

Sec 3.

(The rules of this Schedule are printed in the appropriate volume of subsidiary legislation.)

SECOND SCHEDULE.

Sec. 5.

1. Testing stills, that is to say, the small apparatus in general use for laboratory experiments, which are employed intermittently, are not fitted with rectifying heads, and the capacity of whose 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 definite purposes, other than the production of alcohol, by qualified pharmacists and by persons who can show good cause for the possession of such apparatus.

4. Apparatus necessary for the manufacture of alcohol for commercial purposes, and employed by duly authorised persons in accordance with the provisions of any law for the time being in force relating to the same.