

Hon. Mr. Mitchelson.

DISTILLATION ACT 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. Annual license-fee to be paid to Collector of Customs. Only one fee to joint owners or occupiers. Licenses to be subject to provisions of principal Act.</p> <p>4. Applicant to produce certificate from Justices or Resident Magistrate, and enter into bond.</p> <p>5. Licensee to keep book and make transcript.</p> | <p>6. Spirits to be kept in special store-room.</p> <p>7. Spirits for fortifying wine, not subject to duty.</p> <p>8. Surplus stock of spirits to be duty-paid or warehoused.</p> <p>9. "Justices of Peace Act, 1832," not to control provisions of "Distillation Act, 1868," in certain cases.</p> <p>10. No compensation if Act repealed.</p> <p>11. 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 Amendment Act, 1890." 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") to grant to the owner or occupier of any vineyard, containing not less than two acres planted with grape-vines and in actual cultivation, 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 or manufactured 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 hydro-

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meter; 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.

Annual license-fee to be paid to Collector of Customs.

3. An annual license-fee of ten pounds shall be payable in respect of every such license, and such fee shall be paid to the Collector or other proper officer of Customs at or nearest to the place where such vineyard is situated.

Every such fee shall be payable on the first day of January in each year, and where a license is issued in any year later than the first day of January the fee shall be paid for the whole year. 5

Only one fee to joint owners or occupiers.

The license shall be in such form as the Commissioner from time to time directs, and only one license shall be necessary when two or more persons are joint owners or occupiers of a vineyard. 10

Licenses to be subject to provisions of principal Act.

Every license granted under this Act shall be subject to the provisions of the said Act relating to the renewal, suspension, or refusal of licenses, and to all other provisions of the said Act relating to licenses granted thereunder, so far as the same may be applicable.

Applicant to produce certificate and enter into bond.

4. 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 is the owner or occupier of an area of land containing not less than two acres in actual cultivation and planted with grapevines, 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 the wines produced or manufactured as hereinbefore mentioned. 15 20 25

Licensee to keep book and make transcript.

5. 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, and 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 Collector or other proper officer of Customs at or nearest to the place where such vineyard is situated 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. 30 35 40

Spirits to be kept in special store-room.

6. Every owner or occupier of a vineyard who shall have obtained a license to distil spirits as hereinbefore provided shall provide and maintain on the vineyard a cellar or store-room built of stone or brick, to be approved of by the Collector or other proper officer of Customs as aforesaid, in which said cellar or store-room all spirits produced or manufactured for the purpose authorised by this Act 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 vineyard than the said cellar or 50

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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 made under or by virtue of any
 5 license under this Act shall from time to time be conveyed into such cellar or store-room, and shall be secured and kept there in such manner as the Commissioner may direct; and any person breaking open or otherwise entering such cellar or store-room, except in the presence of or with the permission of a Collector or other proper officer
 10 of Customs, shall be liable to a penalty of *one hundred* pounds.

7. Spirits of wine distilled under the authority of this Act and used for fortifying wines produced and manufactured under this Act shall not be liable to the payment of any excise duty now payable under any Act in force.

Spirits for fortifying wine, not subject to duty.

15 8. If at any time the owner or occupier of a vineyard holding a license under this Act has in possession more spirit than he requires for fortifying the wines produced or manufactured on such vineyard, 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
 20 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.

Surplus stock of spirits to be duty paid or warehouse.

9. 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 brought under the said Act for the
 25 recovery of any fines, forfeitures, or penalties under the said Act, such period of imprisonment shall be imposed and enforced in accordance therewith, notwithstanding anything contained in the ninety-sixth section of "The Justices of the Peace Act, 1882."

"Justices of Peace Act, 1882," not to control provisions of "Distillation Act, 1868," in certain cases.

10. In case this Act shall at any time hereafter be repealed, no
 30 claim for compensation shall be entertained or allowed as against Her Majesty the Queen or the Government of New Zealand, nor shall any sum be paid or allowed out of the public moneys thereof, to any person for any loss or alleged loss to the owner or occupier of any vineyard, or to any licensee or other person whomsoever by reason of such
 35 repeal.

No compensation if Act repealed.

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

Incorporation with former Acts.