

Hon. Mr. Seddon.

TOBACCO ACT AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title. Construction of Act.</p> <p style="padding-left: 2em;">AS TO THE MANUFACTURE OF TOBACCO.</p> <p>2. Packages of manufactured tobacco to be labelled.</p> <p>3. Power of Commissioner as to goods used for sweetening or in manufacture of tobacco.</p> <p>4. Waste products may be manufactured into sheep-dip, &c., without paying duty.</p> <p>5. Definitions in principal Act amended.</p> <p>6. License fee for bonded manufactory altered.</p> <p>7. Amount of bond reduced.</p> <p style="padding-left: 2em;">AS TO THE RETAIL SALE OF MANUFACTURED TOBACCO AND THE MAKING OF CIGARETTES BY HAND.</p> <p>8. No person to retail tobacco in borough without a license.</p> <p>9. Issue of license.</p> <p>10. Duration and renewal of license.</p> <p>11. Annual license fee.</p> <p>12. Name to be displayed.</p> | <p>13. Unlawful to hold out as licensed.</p> <p>14. License to be produced to Court in all proceedings.</p> <p>15. Warrant to use cutting-machine. Also to make cigarettes by hand. Fees. Penalty.</p> <p>16. Convictions to be indorsed on license.</p> <p>17. Forfeiture of license on second conviction.</p> <p>18. Penalty for offences.</p> <p>19. Not to affect other penalties.</p> <p>20. Notice of forfeiture of license.</p> <p>21. Register of licensees and warrants.</p> <p style="text-align: center;">GENERAL.</p> <p>22. Power to officers of Customs to enter and search premises.</p> <p>23. Definition of certain terms. Repeal.</p> <p>24. Regulations.</p> <p>25. Penalty under regulations.</p> <p>26. Fees for licenses to be paid to special account.</p> <p>27. Application of such fees.</p> <p>28. Application of other fees, and penalties.</p> |
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A BILL INTITULED

AN ACT to amend the Law relating to the Manufacture and Sale of Tobacco.

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

1. The Short Title of this Act is "The Tobacco Act Amendment Act, 1896," and it shall form part of and be read together with "The Tobacco Act, 1879" (hereinafter called "the principal Act"), "The Customs and Excise Duties Act, 1891," and all other Acts relating to the Customs or Excise.

AS TO THE MANUFACTURE OF TOBACCO.

2. (1.) It shall not be lawful for any licensed tobacco manufacturer to permit any package containing manufactured tobacco, manufactured or put up for sale by him or on his behalf, to leave his bonded tobacco manufactory unless his name and address are clearly and legibly printed on such package.

(2.) If any person commits any breach of this section he is liable to a penalty of not less than one pound nor more than five pounds.

(3.) If any such package is found anywhere outside such manufactory, not having such name and address printed thereon as aforesaid, such package and the contents thereof are liable to forfeiture.

(4.) "Package" in this section includes every cask, case, box, tin, jar, bag, packet, or other receptacle containing manufactured tobacco, and, with respect to cigarettes, includes as well the cigarette packets as also the packages containing such packets. 5

Power of Commissioner as to goods used for sweetening or in manufacture of tobacco.

3. (1.) Subject to such conditions as he thinks fit to prescribe, the Commissioner,—

(a.) May permit dutiable goods used for sweetening or flavouring tobacco to be used for that purpose in any bonded tobacco manufactory without payment of import duty; 10

(b.) May permit all materials (including uncut tobacco) used in the manufacture of tobacco to be stored in a bonded tobacco manufactory. 15

(2.) In and by such conditions, as aforesaid, the Commissioner may direct in what part or division of the manufactory the respective materials shall be stored, and also in what parts or divisions thereof the various processes of manufacture shall be carried on.

(3.) If any person fails or neglects to faithfully observe any such conditions he commits an offence. 20

Waste products may be manufactured into sheep-dip, &c., without paying duty.

4. (1.) The Commissioner may, under such conditions and restrictions as he thinks fit, allow scraps, waste chippings, stems, or deposits of tobacco, and other waste products resulting from any process of handling tobacco in a licensed tobacco factory, to be delivered from the factory, without payment of duty, for manufacture into sheep-dip or insecticide or such other commodity as he approves : 25

Provided that all such waste products shall, before delivery, be rendered unfit for human use or consumption, in such manner as the Commissioner directs, and to his satisfaction. 30

(2.) Any such waste products not delivered from the factory as aforesaid shall be destroyed by fire in the presence of an officer of Customs.

Definitions in principal Act amended.

5. (1.) The definition of "tobacco manufacturer," in section two of the principal Act, is hereby amended by repealing the word "raw" next before the word "tobacco." 35

(2.) Section thirteen of the principal Act is also hereby amended by repealing the word "raw" next before the word "tobacco."

License fee for bonded manufactory altered.

6. In lieu of the sum of fifty pounds, as specified in section five of the principal Act, the license fee therein referred to shall be such sum as is from time to time prescribed by regulations under this Act, being in no case less than *twenty-five* nor more than *one hundred and fifty* pounds. 40

Amount of bond reduced.

7. In lieu of the sum of one thousand pounds, as specified in section seven of the principal Act, the bond therein referred to shall be such sum as from time to time the Commissioner thinks fit to require, being in no case less than *five hundred* pounds. 45

AS TO THE RETAIL SALE OF MANUFACTURED TOBACCO AND THE MAKING OF CIGARETTES BY HAND.

No person to retail tobacco in borough without a license.

8. On and after the first day of January, one thousand eight hundred and ninety-seven, it shall not be lawful for any person to in any way, directly or indirectly, sell or offer or expose for sale 50

manufactured tobacco by retail, in a borough, except pursuant to the authority of a license under this Act, and within the limits of the borough for which such license is issued :

5 9. On application in the prescribed form, and on payment of the license fee hereinafter provided, the Commissioner may grant and issue, either by himself or by such collector or other person as he appoints in that behalf, a license under this Act in the prescribed form to any person desiring the same. Issue of license.

10 10. Every such license shall take effect from the date thereof, and, unless sooner forfeited, shall continue in force within the borough for which it is issued, but not outside the same, until the thirty-first day of December first ensuing after that date, but may be renewed from year to year by indorsement on the original license. Duration and renewal of license.

15 11. There shall be payable in respect of every license issued under this Act, and for every annual renewal thereof, the fee of one pound, and no license shall be issued or renewed unless and until the fee is paid : Annual license fee.

20 Provided that the full license fee for the year shall be payable if the license is issued before the first day of July in any year, and half such license fee shall be payable if the license is issued on or after that date.

25 12. Every licensee under this Act shall at all times have his name, together with the words "licensed tobacconist," painted in legible characters at least two inches long, so as to be easily seen and read, in or about his shop or place of business. Name to be displayed.

13. It shall not be lawful for any person, not being a licensee under this Act, to in any way or by any method or device hold himself out to be a licensed tobacconist. Unlawful to hold out as licensed.

30 14. In all proceedings against any person for selling manufactured tobacco, or offering or exposing it for sale by retail, in a borough, or for holding himself out to be a licensed tobacconist, without being duly authorised by a license under this Act, he shall be deemed to be unlicensed unless he produces his license to the Court or satisfactorily accounts for the non-production thereof. License to be produced to Court in all proceedings.

35 15. (1.) On application in the prescribed form by any licensee under this Act, and on payment of the respective fees hereinafter provided, the Commissioner may grant and issue, either by himself or by such collector or other person as he appoints in that behalf, the following warrants, that is to say,— Warrant to use cutting-machine.

40 (a.) A warrant in the prescribed form authorising such licensee to keep and use on his business premises, as stated in the warrant, but not elsewhere, a cutting-machine for cutting duty-paid manufactured tobacco to be sold at such premises, but not elsewhere, or to be used in making cigarettes by hand under a warrant in that behalf as next hereinafter provided; and also

45 (b.) A warrant in the prescribed form authorising such licensee to make cigarettes by hand on his business premises, as stated in the warrant, but not elsewhere, from duty-paid manufactured tobacco, for sale at such premises, but not elsewhere. Also to make cigarettes by hand.

50 (2.) The fee payable in respect of such first-mentioned warrant shall be five shillings. Fees.

(3.) The fee payable in respect of such secondly-mentioned warrant shall be such annual sum as is from time to time prescribed by regulations under this Act, being in no case less than *ten* nor more than *twenty-five* pounds.

(4.) Every such warrant shall be issued and shall remain in force 5
for the prescribed period and subject to prescribed conditions.

(5.) It shall be lawful for any officer of Customs or Police at any time, and from time to time, to enter on any such premises as afore-said for the purpose of inspecting the same and all things therein, and ascertaining whether the conditions relating to the respective 10
warrants are being observed.

Penalty.

(6.) If any licensee at any time has in his possession or on his business premises, or in any way uses, any such cutting-machine, or makes any cigarettes by hand, except pursuant to the authority of the respective warrants in that behalf, he is liable to a penalty of 15
not less than *ten* nor more than *fifty* pounds, and in addition thereto such cutting-machine and cigarettes may be forfeited.

Convictions to be indorsed on license.

16. In all proceedings against a licensee under this Act in respect of any offence under this Act, he shall produce his license to the Court, and every conviction for such offence shall by the con- 20
victing Court be indorsed on the license.

Forfeiture of license on second conviction.

17. (1.) If any such licensee is convicted of any offence under this Act, and at any time within twelve months thereafter is convicted of a second or any subsequent offence of any kind under this Act, the convicting Court may, in addition to any other penalty, forfeit his 25
license, and in such case he shall not be qualified to receive or hold a license for the period of two years thereafter.

(2.) The forfeiture of the license shall carry with it the forfeiture of any warrant under this Act held by the licensee.

Penalty for offences.

18. If any such licensee commit any offence under this Act for 30
which no specific penalty is hereinbefore provided, he is liable to a penalty not exceeding *ten* pounds.

Not to affect other penalties.

19. Nothing in this Act contained shall prevent any penalty or punishment being inflicted on any person under any other law or Act, provided that he is not punished twice in respect of the same 35
offence.

Notice of forfeiture of license.

20. In every case where a license is forfeited as the result of a conviction, the Clerk of the convicting Court shall send notice of the forfeiture to the Commissioner, who shall duly record the same.

Register of licensees and warrants.

21. The Commissioner shall in the prescribed form keep a 40
register, wherein shall be entered from time to time—

(1.) The name of every licensee under this Act, the borough for which it is issued, the date of its issue, renewal, or forfeiture, and the amount of the license-fee received in respect of such issue or renewal. 45

(2.) Similar particulars as to every warrant issued under this Act to a licensee.

GENERAL.

Power to officers of Customs to enter and search premises.

22. Any officer of Customs having a writ of assistance issued or in force under any Act relating to the Customs, or any other person 50
duly authorised in writing by the Commissioner, or by warrant signed by any Justice, may at any time enter any land, factory,

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shop, store, shed, house, or building, or premises or place of any kind, whether registered or licensed or not under the principal Act or this Act, and may there search for and seize and take away any tobacco (whether manufactured or not) there found, upon which the

5 duty properly chargeable thereon has not been paid, or which is there unlawfully stored or in the unlawful possession of any person.

23. (1.) In the construction of the principal Act, and of every Act amending the same or forming part of the same (including this Act), or of any regulations made under any such Act unless repugnant to

10 the context,—

(a.) The term "tobacco" includes cigars, snuff, and cigarettes;

(b.) The terms "manufacture," "manufacturing," or "manufactured" include the processes of cutting, pressing, grinding, crushing, or rubbing any raw or leaf tobacco, or otherwise preparing raw or leaf tobacco or manufactured or partially-manufactured tobacco, and of making cigarettes by machinery, whether from duty-paid or non-duty-paid tobacco, and of putting up for use or consumption in any way any scraps, waste, chippings, stems, or deposits of tobacco resulting from any process of handling tobacco; but do not include the making of cigarettes by hand, from duty-paid manufactured tobacco, by any person duly authorised by warrant in that behalf as hereinbefore provided, outside a bonded tobacco manufactory.

25 (2.) Section five of "The Tobacco Act Amendment Act, 1888," is hereby repealed.

24. It shall be lawful for the Governor in Council from time to time to make regulations for all or any of the following purposes:—

(1.) Determining the mode of applying for licenses and warrants under this Act;

(2.) Determining the form of such licenses and warrants;

(3.) Determining the conditions for the issue of duplicates of lost licenses and warrants;

(4.) Determining a scale of fees to be paid for licenses under the principal Act and for warrants under this Act;

(5.) Directing to whom and in what manner the fees prescribed under the principal Act or this Act shall be payable;

(6.) Giving effect to anything which by this Act is expressed to be prescribed;

(7.) Any such further or other regulations (whether general or particular) as may be deemed necessary or expedient for the purpose of giving effect to the principal Act, or this Act.

25. In and by any such regulations the Governor in Council may impose a penalty of not exceeding *fifty* pounds for the breach thereof.

26. All fees received in respect of licenses issued to licensed tobacconists under this Act shall be paid into the Public Account to the credit of the Local Bodies' Account under the heading

50 "Tobacconists' license-fees."

27. All such fees in such last-mentioned account on the thirty-first day of March in each year shall on that day, or as soon as

practicable thereafter, and without further appropriation than this Act, be applied and apportioned by the Colonial Treasurer as follows:—

- (1.) In paying to the local authority of each borough one-half the amount of the fees so received in respect of the licenses issued for such borough; and 5
- (2.) In applying the residue of such fees in manner directed by "The Customs Laws Consolidation Act, 1882."

Application of other fees, and penalties.

28. All other fees received, and all penalties and forfeitures recovered, under the principal Act or this Act shall be applied in manner directed by "The Customs Laws Consolidation Act, 1882." 10