

REPUBLIC OF KIRIBATI
(No. 11 of 1997)

I assent,

Beretitenti
Assented: 29th December 1997

**AN ACT TO PROVIDE FOR THE MANUFACTURE AND DISTILLATION OF
LIQUOR AND FOR CONNECTED PURPOSES**

Short title

1. This Act may be cited as the Manufacture of Liquor Act, 1997.

Interpretation

2. In this Act unless the context otherwise requires –

“liquor” means any spirit, wine, beer port, sherry, hop beer or any other fermented, distilled or spirituous liquor ordinarily used as a beverage which contains more than two per cent of proof spirit;

“proof” means the strength of proof as ascertained by Sike’s hydrometer.

Manufacture, etc. of liquor without a licence an offence

3. Subject to section 4, no person –

- (a) shall brew or distill or aid or assist or be otherwise concerned in brewing or making or distilling any liquor; or
- (b) shall knowingly supply any materials for brewing or making or distilling any liquor to any person other than a manufacturer licensed under this Act; or
- (c) shall have in his possession or custody any liquor made or distilled in the Republic by any person other than a brewer or manufacturer licensed under this Act; or

- (d) shall convey or conceal, or sell, or aid or assist in conveying or concealing, or selling or upon whose premises liquor is found brewed or made or distilled in the Republic by any person other than a brewer or manufacturer licensed under this Act.

Licence to manufacture liquor

4. (1) The Minister may, acting in accordance with the advice of the Cabinet, issue a licence to manufacture, and sell wholesale, liquor, on such terms and conditions as the Minister, acting in accordance with the advice of the Cabinet thinks fit.

(2) A breach of any terms and conditions of a licence issued under subsection (1) of this section shall be an offence against this Act.

Determination of percentage of alcohol

5. In any proceedings under this Act a certificate purporting to be signed by the Chief Medical Officer or any person authorised in that behalf by him, stating the percentage of alcohol contained in any liquid submitted for his examination, shall be admissible in evidence.

Burden of proof

6. In any prosecution for an offence under this Act, an averment in the summons that –

- (a) any liquid the subject of the prosecution is liquor;
- (b) that any liquor the subject of the prosecution was made or distilled in the Republic,

shall be prima facie evidence of the facts so averred.

Obstruction and bribery

7. (1) Any person who gives, offers, promises to give or procures to be given any bribe recompense, or reward to, or makes any collusive agreement with a police officer –

- (a) to induce neglect of the police officers duty in the investigation of any offence or suspected offence against this Act; or
- (b) to do, conceal or connive at any act whereby the provisions of this Act may be evaded,

shall be guilty of an offence.

(2) Any person who obstructs a police officer in the investigation of an offence or suspected offence against this Act shall be guilty of an offence.

(3) Any person who has committed an offence under subsection (1) of this section shall be liable upon conviction for a fine not exceeding \$5000 or to imprisonment for a term not exceeding 5 years or to both.

Penalty

8. Any person found guilty of an offence under this Act for which a penalty is not otherwise provided for, shall be liable upon conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$2000 or to both.

Regulations

9. (1) The Minister, acting in accordance with the advice of the Cabinet, may make, alter, add to or revoke regulations for carrying into effect the provisions of this Act, for prescribing fees payable for licences and forms to be used and generally respecting all matters incidental to the working of this Act.

(2) By such regulations there may be imposed in respect to the breach of any of them a penalty by way of a fine not exceeding the sum of \$100.

Repeal

10. Part VI of the Liquor Ordinance (Cap.50) is repealed.

THE MANUFACTURE OF LIQUOR ACT 1997

EXPLANATORY MEMORANDUM

This Act makes provision for the licensing of manufacturers of liquor.

Section 3 prohibits the manufacture of liquor without a licence and also prohibits the supply of equipment for manufacture of liquor to an unlicensed person or to have possession of or to convey or conceal any liquor made by an unlicensed manufacturer.

Section 4 provides for the licensing of manufacturers of liquor.

Sections 5 to 8 deal with procedural and evidentiary matters relating to prosecutions of offences under the Act.

Section 9 provides for penalties for offences against the Act.

Michael N. Takabwe
Attorney General
28 April 1997