

CHAPTER 97

THE POTABLE SPIRITS ACT.

Arrangement of Sections.

Section

1. Interpretation.
2. Compounding spirits without licence.
3. Issue of licences.
4. Regulations.

CHAPTER 97

THE POTABLE SPIRITS ACT.

Commencement: 15 October, 1965.

An Act to control the compounding of potable spirits and other purposes connected therewith.

1. Interpretation.

In this Act, unless the context otherwise requires—

- (a) “compounding spirits” and its cognate expressions mean to communicate any flavour to or to mix any ingredient or material with spirits but not so as to denature the spirits;
- (b) “denatured spirits” means spirits mixed with any substance so as to render the mixture unfit and incapable of being readily converted so as to be fit for human consumption as a beverage;
- (c) “licensing officer” means a person appointed by the Minister to be a licensing officer for the purposes of this Act;
- (d) “spirits” includes spirits of any description and all mixtures, compounds or preparations made with spirits, but does not include any denatured spirits.

2. Compounding spirits without licence.

(1) Subject to this section, no person shall compound for profit or sale any spirits otherwise than in accordance with a licence issued under section 3.

(2) Any person who compounds spirits without a licence issued under section 3 commits an offence and is liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(3) Subsections (1) and (2) shall not apply to the bona fide compounding of spirits—

- (a) upon any premises licensed under the Liquor Act by the licensee for the lawful sale of the spirits for consumption on those premises;
- (b) in any canteen, club, institute, mess or similar institution not

- conducted by a private individual for personal profit, for the lawful sale of the spirits to the members only of the canteen, club, institute, mess or similar institution for consumption therein;
- (c) in any vessel in territorial waters or in any aircraft for the lawful sale of the spirits to any passenger or officer or member of the crew of the vessel or aircraft for consumption in the vessel or aircraft;
 - (d) in the course of the lawful preparation or administration of medicine by a medical practitioner registered under the Medical and Dental Practitioners Act, a veterinary surgeon, registered under the Veterinary Surgeons Act or a pharmacist registered under the Pharmacy and Drugs Act;
 - (e) authorised under the East African Excise Management Act;
 - (f) in any circumstances or in any other case in respect of which the Minister, by statutory instrument made for that purpose, has granted an exemption from this section.

3. Issue of licences.

The licensing officer may, upon an application made for that purpose to him or her, issue a licence for the compounding of spirits under this Act subject to such terms and conditions, including the specification of formulae, as he or she thinks fit.

4. Regulations.

The Minister responsible for finance may, by statutory instrument, make regulations—

- (a) prescribing the form of licences and the fees to be paid for a licence;
- (b) for the duration and cancellation of licences; and
- (c) generally for better carrying into effect the provisions and purposes of this Act.

History: Act 31/1965.

Cross References

East African Excise Management Act, Laws of the Community, 1970
Revision, Cap. 28.

Liquor Act, Cap. 93.

Medical and Dental Practitioners Act, Cap. 272.

Pharmacy and Drugs Act, Cap. 280. Veterinary
Surgeons Act, Cap. 277.