



**BERMUDA
1890 : 28**

SPIRITS ACT 1890

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[27 November 1890]

[preamble and words of enactment omitted]

Interpretation

- 1 In this Act, unless the context otherwise requires—
- "low wines" means spirits of the first extraction conveyed into a low wine receiver;
- "officer" means any customs officer or any police officer;
- "spirits" means alcoholic spirits of any description, and includes all liquors mixed with spirits, and all mixtures, compounds, or preparations, made with spirits;
- "still" includes any part of a still, and any distilling apparatus whatsoever for distilling or making spirits.

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Distilling prohibited

- 2 (1) No person—
- (a) shall have or use a still for distilling, rectifying, or
 - (b) shall brew or make wort or wash, or shall distil low wines, or spirits; or
 - (c) shall rectify or compound spirits.
- (2) Any person who contravenes anything in subsection (1) commits an offence against this Act:

Punishment on summary conviction: a fine of the level 3 amount; and all spirits and vessels, utensils and materials for distilling or preparing spirits in his possession shall be forfeited.

[Section 2 subsection (2) penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]

Entry and search

3 (1) If any officer makes oath that there is good cause to suspect that any still, vessel, utensil, spirits, or materials for the manufacture of spirits, is or are unlawfully kept or deposited in any house or place, and states the ground of suspicion, then any magistrate may, if he thinks fit, issue a warrant authorizing the officer, or any other officer, and any person or persons whom he calls to his assistance, to search the house or place.

(2) Any person so authorized may, either by day or by night, but at night only in the presence of a police officer, break open and forcibly enter any such house or place, and seize any still, vessel, utensil, spirits or materials for the manufacture of spirits, found thereon, and either detain the same, or remove them to a place of safe custody.

(3) Every still, vessel or utensil, and all spirits and materials so seized shall be absolutely forfeited, and the owner of any such still, vessel, or utensil, or the person in whose custody the same is found, commits an offence against this Act:

Punishment on summary conviction: a fine of the level 4 amount.

(4) If any damage is done by such forcible entry, and the search is unsuccessful, the damages shall be made good at the public expense, and any magistrate shall at the request of the Collector of Customs, or of the party complaining of the damage, appoint two competent and indifferent persons to assess the damage and the decision of such persons as to the amount of the damage shall be final; and the amount, if any, of the damage so assessed, and a fee of two dollars and forty cents to each of the assessors, shall be paid out of the Consolidated Fund.

(5) Any officer may seize any such still, vessel, utensil, spirits or materials without a warrant.

[Section 3 subsection (3) penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]

Unlawful purchase or removal of illicit spirits

4 (1) Any person who knowingly buys, removes or receives any wort, low wines, or spirits made or brewed in contravention of this Act commits an offence against this Act:

Punishment on summary conviction: a fine of the level 4 amount.

(2) All such wort, low wines, or spirits so purchased, removed or received shall be forfeited.

(3) Any officer may arrest without warrant any person found committing an offence under this section.

[Section 4 subsection (1) penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]

Arrest

5 (1) Any customs officer and any police officer not below the rank of sergeant, or being duly authorized by the Collector of Customs, may stop and detain any person found carrying or removing any spirits, and may examine the spirits, and require from the person having the carriage or charge thereof a full and particular account of the names and addresses of the persons from whom and by whom they have been obtained or purchased, and the places from and to which they are being removed.

(2) Any person who is found carrying or removing any spirits, and who does not on the request of any such customs officer or police officer forthwith give a satisfactory account of the above particulars, commits an offence against this Act:

Punishment on summary conviction: a fine of the level 4 amount; and the spirits shall be detained and kept in safe custody until they are accounted for to the satisfaction of the Collector of Customs; and if they are not satisfactorily accounted for within fourteen days from the time of detention they shall be forfeited.

(3) Any officer may arrest without warrant any person found committing an offence under this section.

[Section 5 subsection (2) penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]

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Unlawful hawking and sale of spirits

6 (1) Any person who hawks, sells, or exposes for sale, any spirits otherwise than in premises for which he is licensed to sell spirits commits an offence against this Act:

Punishment on summary conviction: a fine of the level 4 amount; and the spirits shall be forfeited.

(2) Any person may arrest without warrant a person found committing an offence under this section.

(3) Where criminal proceedings have been instituted against a person for an offence against this section, that person shall not be prosecuted under any other Act for an offence based on the same act or omission in respect of which the proceedings under this Act were instituted; and where criminal proceedings have been instituted under some other Act in respect of an act or omission which would have constituted an offence against this section, that person shall not be prosecuted in respect of that act or omission for an offence against this section.

[Section 6 subsection (1) penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]

Sale of spirits for unlawful purposes

7 Any person who knowingly sells or delivers, or who causes to be sold or delivered, any spirits to the end that they may be unlawfully retailed or consumed, or carried into consumption, commits an offence against this Act:

Punishment on summary conviction: a fine of the level 4 amount.

[Section 7 penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]

Unlawful purchase of spirits

8 Any person who knowingly receives, buys, or procures, any spirits from any person not having authority to sell or deliver the spirits commits an offence against this Act:

Punishment on summary conviction: a fine of the level 4 amount.

Provided that nothing in this section shall apply or extend to any informer laying an information in respect of a contravention of the Liquor Licence Act 1974 [title 10 item 6].

[Section 8 penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]

Possession of spirits unlawfully distilled

9 Any person who knowingly buys or receives, or has in his possession, any spirits made or distilled in contravention of the provisions of this Act commits an offence against this Act:

Punishment on summary conviction: a fine of the level 4 amount; and the spirits shall be forfeited.

[Section 9 penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]

Resistance

10 Any person—

- (a) who assaults an officer acting under this Act, or any person acting in his aid; or
- (b) who assaults any person who has discovered or given, or is about to discover or give, information or evidence against, or has seized, or is bringing to justice, any offender against this Act; or
- (c) who assaults any person who has seized, or is about to seize or examine, any goods forfeited under this Act; or
- (d) who forcibly opposes the execution of any of the powers conferred by this Act; or
- (e) who, being armed with an offensive weapon, or in a violent manner, rescues any offender arrested or goods seized under this Act, or prevents the arrest of any such offender, or, seizure of any such goods, or offers or threatens to oppose the execution of any of the powers conferred by this Act,

commits an offence against this Act:

Punishment on summary conviction: a fine of the level 5 amount.

[Section 10 penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]

Obstructing officers

11 Any person who by himself or by any person in his employment obstructs, hinders, or molests, an officer in the execution of his duty, or any person acting in aid of any such officer, commits an offence against this Act:

Punishment on summary conviction: a fine of the level 5 amount.

[Section 11 penalty on standard scale substituted for amount in \$ by 2004:6 s.18 & Sch 2 effective 26 March 2004]

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Forfeiture

12 (1) Where any spirits or goods are forfeited under this Act they may be seized by an officer.

(2) Where any spirits, or materials for making spirits, are forfeited under this Act, all casks and other utensils containing the same shall be forfeited.

Discharge and reward of informers

13 (1) On the commission of any offence against this Act the offender who, before any information is lodged against him in respect of the offence, first discovers and informs against any other offender, shall, on the conviction of the person against whom the information is given, be discharged and acquitted from any punishment to which at the time of giving the information he is liable by reason of the offence committed by him.

(2) When on the conviction of any person for an offence against this Act, the fine imposed for the offence is not paid and cannot be levied, or the person incurring the fine is sent to prison in default of payment, the Collector of Customs may cause such reward as he sees fit, not exceeding in each case \$24, to be paid out of the Consolidated Fund in such shares and proportions as he thinks fit, to the persons who appear to the Collector of Customs to be entitled thereto as informers.

(3) Where on the conviction of any person for an offence against this Act any fine is paid or levied, or any forfeiture is incurred, the Collector of Customs may cause such reward as he sees fit, not exceeding the amount of one half of the fine received or levied, or the proceeds of the forfeiture, to be paid to the persons who appear to the Collector of Customs to be entitled thereto as informers.

Savings for practitioners using stills for professional purposes

14 No registered medical practitioner practising in Bermuda, or medical officer in Her Majesty's Forces, or chemist or druggist carrying on his trade or business as such in any open shop or in any hospital, residential care home, nursing home, dispensary or clinic, in Bermuda, shall be liable to any fine or forfeiture under this Act, by reason of his having in his possession for use or using any still, if he satisfies the court that he has or uses such still solely for the manufacture of spirits, for or in the ordinary and legitimate exercise of his profession, trade, or business, as aforesaid, or solely for any scientific, chemical, or medical purpose, and not for the manufacture, distilling, rectifying or compounding of spirits for sale, use, or consumption as a beverage.

[Section 14 amended by 1999:28 s.27 & Sch effective 27 April 2001]

Laws of Bermuda

**Title 10
Item 8**

[Amended by:

1948 : 25	1951 : 42	1951 : 98	1971 : 83
1948 : 48	1951 : 68	1952 : 3	1999 : 28
1949 : 26	1951 : 87	1961 : 1	2004 : 6]