



LAWS OF KENYA

COMPOUNDING OF POTABLE SPIRITS ACT

CHAPTER 123

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CHAPTER 123

COMPOUNDING OF POTABLE SPIRITS ACT

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CHAPTER 123

COMPOUNDING OF POTABLE SPIRITS ACT

[Date of assent: 2nd November, 1961.]

[Date of commencement: 21st November, 1961.]

An Act of Parliament to control the compounding of potable spirits

[Act No. 16 of 1961, L.N. 2/1964, Act No. 21 of 1966.]

1. Short title

This Act may be cited as the Compounding of Potable Spirits Act.

2. Interpretation

In this Act, except where the context otherwise requires—

“**compound**” means to communicate any flavour to, or to mix any ingredient or material with, spirits, but not so as to denature the spirits;

“**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;

“**licensing officer**” means a person appointed by the Minister to be a licensing officer for the purposes of this Act, for the whole or any part of Kenya;

“**spirits**” means spirits of any description and includes all mixtures, compounds or preparations made with spirits, but does not include any denatured spirits.

3. Offence to compound spirits without licence

(1) Any person who, for profit or sale, compounds spirits otherwise than under and in accordance with a licence issued under section 4 of this Act shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(2) Nothing in this section shall apply to the *bona fide* compounding of spirits—

- (a) upon any premises licensed under the Liquor Licensing Act (Cap. 121), by the licensee, for the lawful sale thereof 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 thereof to the members only of that 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 thereof to a passenger or officer or member of the crew of the vessel or aircraft, for consumption therein;

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- (d) in the course of the lawful preparation or administration of medicine by a medical practitioner, a veterinary surgeon registered under the Veterinary Surgeons Act (Cap. 366), or a pharmacist registered under the Pharmacy and Poisons Act (Cap. 244);
- (e) authorized under the Customs and Excise Act (Cap. 472);
- (f) in any circumstances or in any particular case or for any purpose exempted by a licensing officer, in writing or by notice in the *Gazette*, from the provisions of this section.

4. Issue of licences

Upon any application made to him in that behalf, a licensing officer may issue a licence to compound spirits subject to such terms and conditions, including the specification or formulae, as he thinks fit.

5. Power to make regulations

(1) The Minister may make regulations generally for the better carrying out of the provisions and purpose of this Act.

(2) Regulations made under this section may, without prejudice to the generality of the power conferred by subsection (1) of this section, prescribe the form of licences and the fees to be paid therefor, and provide for the duration and cancellation of licences.
