



Tonga

METHYLATED SPIRITS ACT

Chapter 28.22

2016 Revised Edition



METHYLATED SPIRITS ACT

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Tonga

METHYLATED SPIRITS ACT

AN ACT TO CONTROL THE IMPORTATION, SALE AND USE OF METHYLATED SPIRITS¹

Commencement [21st September, 2002]

PART I - PRELIMINARY

1 Short title

This Act may be cited as the Methylated Spirits Act.

2 Interpretation

In this Act, unless the context otherwise requires —

“**licence**” means a licence issued under section 5(1) or section 7(1);

“**licensee**” means a person holding a licence under this Act;

“**Licensing Authority**” means the Minister of Police;

“**methylated spirits**” means any mixture of ethyl alcohol (ethanol) that has been denatured with methyl alcohol (methanol);

“**register**” means the record required to be kept by a licensee under section 6 or section 8.

PART II - LICENCES AND REGISTER

3 Licensing Authority

- (1) The Licensing Authority shall be charged with the administration of this Act and with such other functions as may from time to time be lawfully conferred upon him.
- (2) The Licensing Authority, may, by notice in the Gazette, appoint such licensing officers and delegate such powers under this Act to such officers as may be necessary for carrying out the provisions of this Act and any regulations made thereunder:

Provided that such licensing officers shall be police officers not below the rank of Sergeant, or in charge of a police station.

4 Applications

Every application for a licence to import or to sell and store methylated spirits shall be made in writing to the Licensing Authority.

5 Import licence

- (1) No person shall import methylated spirits into Tonga unless he holds a licence for that purpose.
- (2) Such import licence shall be in Form 1 of the Schedule and shall authorise the licensee to import up to the maximum quantity of methylated spirits specified in his licence.
- (3) Notwithstanding subsection (2) the maximum quantity in each import licence may be varied at any time by the Licensing Authority on application by the licensee and on being satisfied that such variation is justified.
- (4) Such licence shall be issued on payment of the prescribed fee.
- (5) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years.²
- (6) Every licence under this section shall expire on 31 December in the year of issue.

6 Register of import of methylated spirits to be kept

- (1) The holder of an import licence shall keep upon the licensed premises a register in the prescribed Form 2 of the Schedule in which he shall enter legibly the time and date of importation of methylated spirits, specifying the

quantity of methylated spirits imported, name and address of person from whom the purchase was made and price paid for the same.

- (2) Every such entry shall be in the English or Tongan language and shall be made at the time of importation.
- (3) When applying for a renewal of a licence, a licensee shall produce his register to the licensing officer for inspection.
- (4) A licensee who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.³

7 Licence to sell or store for sale methylated spirits

- (1) A licence granted under this section shall be in Form 3 of the Schedule and shall authorise the licensee to sell or store for sale methylated spirits up to the maximum quantity specified in his licence.
- (2) The Licensing Authority, on being satisfied that the applicant for a licence will be able to observe the provisions of this Act, or, in the case of an applicant for renewal of a licence, that he has observed the provisions of this Act, may grant or renew such licence on payment of the fee prescribed by regulations and, when granting such licence or the renewal thereof, shall specify in the licence the maximum quantity of methylated spirits which may be sold or stored for sale by the licensee and the premises on or from which methylated spirits may be sold or stored.
- (3) Notwithstanding subsection (2), no licence shall be granted or renewed to any person in respect of premises which has a licence for the sale of intoxicating liquor.
- (4) Every licence under this section shall expire on 31 December in the year of issue.

8 Register of purchase or sales of methylated spirits to be kept

- (1) Every licensee shall keep upon the licensed premises a register in the prescribed Form 4 of the Schedule in which he shall enter legibly the time and date of sale or purchase of methylated spirits, specifying the quantity of methylated spirits purchased or sold, name and address of person from whom the purchase or to whom the sale was made, price paid or received for the same.
- (2) Every such entry shall be in the English or Tongan language and shall be made at the time of such purchase or sale.
- (3) When applying for a renewal of a licence, a licensee shall produce his register to the licensing officer for inspection.
- (4) A licensee who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.⁴

9 Power search

Any police officer may enter, at any reasonable time, any premises licensed under this Act or on which he has reasonable grounds for suspecting that methylated spirits are sold or stored for sale, and may search that part of the said premises where methylated spirits is stored and may inspect the register.

PART III - OFFENCES**10 Sale without licence and obstructing officer**

Any person who —

- (a) sells or stores for sale methylated spirits without a licence; or
- (b) obstructs any police officer acting in lawful execution of his duty under this Act,

commits an offence.

11 Sale to persons under 18 years prohibited

- (1) Any person who sells or supplies or allows to be sold or supplied to any person under the age of 18 years any methylated spirits shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years.⁵
- (2) Any person under the age of 18 years who purchases or attempts to purchase any methylated spirits, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months.

12 Declaration of methylated spirits on importation

- (1) Every person entering Tonga who has in his possession or among his baggage any methylated spirits and every consignee receiving any methylated spirits imported into Tonga shall make a declaration thereof to the Customs Officer on arrival and before clearing such methylated spirits through Customs shall produce to such Customs Officer a licence issued under section 5.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years.⁶

13 Concealing imported methylated spirits

Any person concealing any methylated spirits imported without a licence shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 2 years.⁷

14 Sale of methylated spirits and beverages containing methylated spirits

- (1) Any person whether or not licensed under this Act who —
 - (a) sells or supplies methylated spirits to any person for consumption as a beverage or sells or supplies to any person any beverage containing methylated spirits;
 - (b) prepares or attempts to prepare any methylated spirits for use as a beverage or as a mixture in any beverage or makes or blends any beverage containing methylated spirits;
 - (c) consumes methylated spirits or any beverage containing methylated spirits; or
 - (d) is found in possession for consumption of methylated spirits or beverage containing methylated spirits,

commits an offence and shall be liable upon conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years, or both.⁸

- (2) The Court in which any person is convicted of an offence under this Act may order all methylated spirits or beverages containing methylated spirits found in his possession and the receptacles containing it to be forfeited and to be disposed of in such manner as the Court deems fit.
- (3) It shall be lawful for any police officer to arrest without a warrant any unauthorised person found in possession of methylated spirits or any beverage containing methylated spirits.

15 Storing or selling methylated spirits in excess of licence

Any licensee selling or storing for sale a quantity of methylated spirits in excess of the quantity specified in his licence shall be guilty of an offence.

16 Poison warning on containers

- (1) It shall not be lawful to offer for sale or sell methylated spirits to any person in a container, unless such container is clearly labelled or marked “POISON” in letters at least half an inch high, and unless there is a warning thereon in letters at least a quarter of an inch high, in English and Tongan, that the contents of such container, if drunk, may produce blindness or death.

- (2) Any person offering for sale or selling methylated spirits to any person in containers not clearly labelled or marked in accordance with subsection (1) shall be guilty of an offence.
- (3) On request a licensing officer shall supply labels complying with this section to any licensee.

PART IV - GENERAL

17 General penalty

Any person convicted of an offence against any of the provisions of this Act shall if no other penalty is provided be liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both such fine and imprisonment.⁹

18 Cancellation of licence

The Court before which any licensee is convicted of an offence under this Act, may cancel his licence.

19 Regulations

- (1) The Licensing Authority may, with the consent of the Cabinet, make regulations for the carrying out of the purpose and for the administration of this Act.
- (2) In particular, and without prejudice to the generality of subsection (1) the Licensing Authority may make the regulations prescribing the forms to be used, the fees to be paid and the manner of storage of methylated spirits.

SCHEDULE

FORM 1

(Section 5)

LICENCE TO IMPORT METHYLATED SPIRITS

Licence is hereby granted to, of, to import into the Kingdom of Tonga methylated spirits.

The maximum quantity of methylated spirits authorised to be imported is litres in total during the period of validity.

This licence expires on 31 December, 20.....

.....
Licensing Officer

Fee paid.....

FORM 2

(Section 6)

METHYLATED SPIRITS (IMPORTATION) REGISTER

Date	Quantity of methylated spirits imported	Name and address of person from whom methylated spirits imported	Price	Signature of person importing. Time and Date.

FORM 3

(Section 7)

LICENCE TO SELL OR STORE METHYLATED SPIRITS

Licence is hereby granted to, of to sell or store for sale methylated spirits at his premises at

The maximum quantity of methylated spirits authorised to be sold or stored for sale is litres in total during the period of validity.

This licence expires on 31 December, 20.....

.....

Licensing Officer

Fee paid:

FORM 4

(Section 8)

METHYLATED SPIRITS (PURCHASE & SALE) REGISTER

Date	Quantity of methylated spirits purchased	Name and address of person from whom methylated spirits purchased	Quantity of methylated spirits sold	Name and address of person to whom methylated spirits sold	Price	Signature of person to whom methylated spirits sold. Time & Date	Signature of person selling. Time and Date.

ENDNOTES

¹ Act 22 of 2001

Amended by Act 29 of 2010, commencement 22 November 2010

² Amended by Act 29 of 2010

³ Amended by Act 29 of 2010

⁴ Amended by Act 29 of 2010

⁵ Amended by Act 29 of 2010

⁶ Amended by Act 29 of 2010

⁷ Amended by Act 29 of 2010

⁸ Amended by Act 29 of 2010

⁹ Amended by Act 29 of 2010