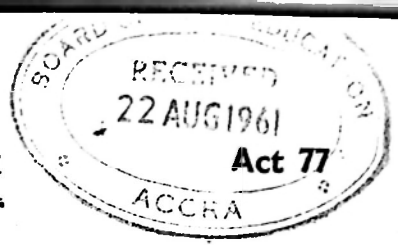


**AKPETESHIE ACT, 1961 (ACT 77)**

(Repealed by Act 154 S.15)

**Act 77**

# Akpeteshi Act, 1961



## ARRANGEMENT OF SECTIONS

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1. Definition of "akpeteshi".

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THE SEVENTY-SEVENTH

# ACT

OF THE PARLIAMENT OF THE REPUBLIC  
OF GHANA

ENTITLED

## THE AKPETESHI ACT, 1961

AN ACT to regulate the manufacture and sale of akpeteshi.

DATE OF ASSENT: 17th August, 1961

BE IT ENACTED by the President and the National Assembly in this present Parliament assembled as follows:—

Definition of  
"akpeteshi".

1. In this Act "akpeteshi" means spirit manufactured in Ghana by the distillation of a fermented liquid.

### *Manufacture*

Licence  
required for  
manufac-  
ture.

2. (1) No person shall manufacture akpeteshi except under and in accordance with a licence granted under this section (in this Act referred to as a distiller's licence).

(2) Regulations may provide for the issue, conditions and duration of distiller's licences, and may authorise the inclusion in a distiller's licence of a condition requiring akpeteshi manufactured under the licence to be offered for sale to the Industrial Development Corporation or any subsidiary thereof.

Inspection  
of stills.

3. (1) Regulations may designate persons to act as inspectors for the purposes of this section.

(2) An inspector shall have power to enter at any reasonable time any premises in respect of which a distiller's licence is in force; and any police officer in uniform shall have power to enter at any time any premises on which he has reasonable cause to suspect that akpeteshi has been or is being manufactured in contravention of the preceding section.

(3) A person empowered to enter premises under the preceding subsection—

- (a) may inspect the premises and any still, spirits or other article therein;
- (b) may require any person on the premises to furnish any information in his possession as to the activities carried on on the premises and the person by whom they are carried on;
- (c) may take away a sample not exceeding one-third of a pint from any container of liquid found on the premises.

(4) No person shall obstruct a person exercising powers conferred by this section or fail to comply with a requirement made by him in exercise of those powers.

4. (1) An act done in contravention of the preceding provisions of this Act, or of the conditions included in a distiller's licence, shall constitute an offence punishable by a fine not exceeding £G200 and by the confiscation of any apparatus and spirits in relation to which the offence was committed. Offences.

(2) In proceedings under this section a document purporting to state the results of an analysis carried out by direction of the Chief Medical Officer shall be *prima facie* evidence of the facts stated therein.

#### Sale

5. (1) A tax at such rate per gallon as may be prescribed by regulations is hereby charged on all akpeteshi sold to the Industrial Development Corporation or any of its subsidiaries on or after 1st July, 1961, and shall be payable by the Corporation. Tax on akpeteshi sold to I.D.C.

(2) Within one month after the end of each financial year the Corporation shall pay to the Accountant-General the amount of the tax due under this section in respect of the financial year.

6. (1) No licence shall be required under the Liquor Licences (Spirits) Ordinance (Cap. 220) (in this section referred to as the Ordinance) for the sale of akpeteshi to the Industrial Development Corporation or any of its subsidiaries. Amendment of Cap. 220.

(2) A wholesale licence (A licence) limited to the sale of akpateshi only may be granted under the Ordinance to the holder of a distiller's licence on payment of a duty of £G5 yearly or £G2 10s. half-yearly.

(3) A store licence (B licence) limited to the sale of akpateshi only may be granted under the Ordinance on payment of a duty of £G5 yearly or £G2 10s. half-yearly.

(4) A licence granted as mentioned in either of the preceding subsections—

(a) shall be endorsed with the words " Limited to the sale of akpateshi only "; and

(b) shall not be taken to authorise the sale to any other person of akpateshi which is required by a condition in a distiller's licence to be offered for sale to the Industrial Development Corporation or any of its subsidiaries unless it has been so offered and has been refused.

(5) In relation to a licence granted as mentioned in subsection (3) of this section—

(a) the Ordinance shall have effect as if the word " premises " included a stall, booth or barrow, and shall accordingly be read with the necessary consequential modifications;

(b) section 16 (8) of the Ordinance (which requires a sign-board to be displayed) shall apply with the substitution for the words " Licensed to sell spirits " of the words " Licensed to sell akpateshi ".

#### *Supplemental*

Power to make regulations.

7. The President may by legislative instrument make regulations for any purpose for which, under the preceding provisions of this Act, regulations may be made or for any other purpose necessary or expedient for carrying into effect the provisions of this Act.

Abolition of excise duty on spirits.

8. The excise duty on spirits is hereby abolished and shall be deemed never to have been imposed.

Repeals, etc.

9. (1) In consequence of the provisions of this Act the following enactments are hereby repealed—

(a) the Excise (Amendment) Ordinance, 1957 (No. 38) (which shall be deemed not to have amended the Excise Ordinance, 1953 (No. 31));

(b) the Excise (Amendment) Act, 1958 (No. 5) (which shall be deemed never to have had any effect at all); and

(c) the Spirits (Distillation and Licensing) Act, 1959 (No. 80) (which was never brought into operation).

(2) The Excise (Spirits) Regulations, 1958 (L.N. 13 of 1959) are hereby revoked and shall be deemed never to have been made.