

CHAPTER 120

THE METHYLATED SPIRITS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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THE METHYLATED SPIRITS RULES

[Legal Notice 64 of 1959, Legal Notice 65 of 1959, Legal Notice 536 of 1960, Legal Notice 85 of 1981, Legal Notice 128 of 1986]

1. These Rules may be cited as the Methylated Spirits Rules.
2. The formula to which all methylated spirits shall conform for the purposes of section 3 of the Act, and the specification with which all denaturants shall comply, shall be those set out in the First Schedule.
3. Every application for a licence shall be made in duplicate to a licensing officer in the form set out in the Second Schedule.
4. (1) The fees payable in respect of the grant of a licence shall be those set out in the Third Schedule.
(2) All licences shall be in the form set out in the Fourth Schedule.
5. Any person who wishes to appeal against the decision of a licensing officer under section 7 of the Act shall prepare a written statement of the grounds of his appeal, and forward it to the Cabinet Secretary in triplicate.
6. (1) For the purposes of subsection (1) of section 10 of the Act every stock-room on premises to which a wholesale licence relates shall conform to the following specifications—
 - (a) it shall be of sound construction, well ventilated and capable of being locked, and shall comply with the provisions of any local authority by-laws;
 - (b) the key shall be kept in the custody of the licensee or of a responsible employee of the licensee.
(2) The stock-book to be maintained under subsection (2) of section 10 of the Act shall be kept in the English language and in the form set out in the Fifth Schedule.
7. The Cabinet Secretary may issue a licence, in such form and subject to such terms and conditions as he thinks fit, authorizing the licensee to possess, sell or offer for sale any methylated spirits for the sole purpose of exporting those spirits.
8. All methylated spirits possessed, sold or offered for sale under and in accordance with a licence issued under rule 7 shall be deemed to conform to the formula specified in the First Schedule.

FIRST SCHEDULE

[r. 2]

[L.N. 536/1960]

(a) Formula

To every ninety-four and one-half gallons of spirits add three and one-half gallons of wood naphtha, one and one-half gallons of crude pyridine and one-half a gallon of light caoutchoucine and not less than one-thirtieth of an ounce of a powdered aniline dye (Methyl violet).

(b) Specification of Denaturants*Wood naphtha*

(1) The wood naphtha must, to the satisfaction of the Government Chemist, possess such a degree of nauseousness as to render a mixture of one part of the naphtha with nineteen parts of spirits of wine unfit for use as a beverage.

(2) The wood naphtha must contain not less than 72 per cent by volume of methyl alcohol.

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(3) The volume of wood naphtha required to decolourise a solution containing point five of a gram of bromine must not exceed 30 millilitres.

- (4) (a) The wood naphtha must be neutral or only slightly alkaline to litmus.
 (b) 25 millilitres of the wood naphtha mixed with 25 millilitres distilled water should require for neutralization at least 5 millilitres of deci-normal acid when methyl orange is used as the indicator.

(5) The wood naphtha must not contain more than 12 grammes per 100 millilitres of acetone, aldehydes and higher ketones, estimated as "acetone" by the formation of iodoform according to Messenger's method.

(6) The wood naphtha must not contain more than 3 grammes per 100 millilitres of esters, determined by hydrolysis and calculated as methyl acetate.

Crude pyridine

(1) Crude pyridine should consist of pyridine bases, and should not be more deeply coloured than a mixture of 2 millilitres of deci-normal iodine with 1 litre of water.

(2) It should mix readily and completely with spirits, and should give a clear or only faintly opalescent solution when mixed with twice its volume of water.

(3) 10 millilitres of a 1 per cent solution in water should produce immediately a distinct crystalline precipitate on vigorous shaking after the addition of 5 millilitres of an aqueous solution of cadmium chloride containing 5 grammes of the anhydrous fused salt in 100 millilitres and an abundant separation of crystals within ten minutes.

(4) A white precipitate should be formed when 10 millilitres of a 1 per cent solution in water are mixed with 5 millilitres of Nessler's reagent.

(5) 1 millilitre of crude pyridine dissolved in 10 millilitres of distilled water should require not less than 9.5 millilitres of normal sulphuric acid for neutralization, using congo red paper as indicator.

(6) 100 millilitres slowly heated under the conditions laid down for Benzol Association (B.S. Specification 2D 15) should give a distillate of at least 50 millilitres at a temperature of 140° centigrade and of 90 millilitres at 160° centigrade.

Light caoutchoucine

Caoutchoucine is a liquid obtained when vulcanized rubber is dry distilled, and it is the liquid collected at temperatures up to but not exceeding 200° centigrade. Its specific gravity should be between point 835 and point 860 at 15.5° centigrade. It must be free from water and water soluble constituents and should be neutral to litmus.

Methyl violet dye (Colour Index No. 680)

The methyl violet dye must be in the form of small crystals readily and completely soluble in 95 per cent alcohol.

SECOND SCHEDULE

[r. 3]

APPLICATION FOR A LICENCE TO SELL
METHYLATED SPIRIT BY WHOLESALE/RETAIL

1. I/We

(2)

of

(3)

hereby apply for a licence to sell methylated spirits by wholesale/
retail [delete as applicable] in my/our premises situated at

(4)

for the period ending

(5)

2. Particulars of the premises in which I/we propose to store the methylated spirits are as follows—

Particulars of stockroom (wholesale only)

I/We hereby declare that—

(a) I/we have not at any time, within Kenya or outside Kenya, been sentenced to imprisonment without the option of a fine (6);

(b) I/we have not been convicted at any time of an offence under—

(i) the Liquor Licensing Act, the Methylated Spirits Act, or any subsidiary legislation in force under either of those Acts; or

(ii) the provisions of the Customs and Excise Act and any subsidiary legislation in force under that Act in so far as such provisions and subsidiary legislation relate to spirits (6);

(c) I am/we are not an undischarged bankrupt;

(d) I am/we are not under 21 years of age.

Date of application

.....
[Signature(s) of applicant(s)]

Notes.—

(1) The application is to be submitted in duplicate and a separate application is to be made in respect of a licence for sale by wholesale and a licence by retail.

(2) Full name of firm or individual applying for a licence.

(3) Registered address of firm or full postal address of individual applying for a licence.

(4) Location of the premises concerned.

(5) Except where another expiry date is specified, the licence expires on 31st December in the year of issue, unless renewed.

(6) In the event of a previous conviction or convictions, full particulars must be given of each offence, the Court by which convicted, the date of conviction and the penalty imposed

THIRD SCHEDULE

[r. 4(1)]

FEES

[L.N. 85/1981, L.N. 128/1986]

(a) Wholesale licence Sh. 400 per annum.

(b) Retail licence Sh. 40 per annum.

Provided that the fee payable in respect of any licence granted on or after the 1st day of July in any year which expires on the 31st day of December in the same year shall be one- half of the fees specified in paragraphs (a) and (b).

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FOURTH SCHEDULE

[r. 4(2)]

LICENCE TO SELL METHYLATED SPIRITS BY WHOLESALE/RETAIL

Licence No. issued at on, 20

..... *[full name of licensee]* of *[full postal or registered address of licensee]* is hereby licensed to sell methylated spirits only by wholesale/retail in premises situated at

This licence expires on the, 20, (1) and is valid only for the premises specified above. It is not transferable (2) and is subject to the following conditions—

The maximum quantity of methylated spirits which may be stocked by the licensee at any time is other special conditions

Licensing officer

Notes.—

(1) Except where another expiry date is specified, the licence expires on 31st December in the year of issue, unless renewed.

(2) Where the licensee desires to transfer the licence, or to remove the business to other premises, he may apply to the Licensing Officer to have the licence varied accordingly.

FIFTH SCHEDULE

[r. 6(2)]

STOCKBOOK

RECEIPTS

<i>Date of receipt</i>	<i>Name and address of supplier</i>	<i>No. of gallons</i>
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DISPOSAL

<i>Date of disposal</i>	<i>Invoice or delivery note</i>	<i>Name and address of person or firm to whom delivered</i>	<i>No. of gallons</i>
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THE METHYLATED SPIRITS (EXPORT EXEMPTION) RULES

[Legal Notice 229 of 1961]

1. These Rules may be cited as the Methylated Spirits (Export Exemption) Rules.
 2. All methylated spirits possessed, sold or offered for sale under and in accordance with a licence issued under rule 3 of these Rules, shall be deemed to conform to the formula specified in the First Schedule to the Methylated Spirits Rules.
 3. The Cabinet Secretary may, in his discretion, issue a licence in such a form and subject to such terms and conditions as he thinks fit, authorizing the licensee to possess, sell or offer for sale any methylated spirits for the sole purpose of exporting such spirits.
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