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THE POWER ALCOHOL ORDINANCE, 1959

ORDINANCE No. LIX OF 1959

[2nd December, 1959]

An Ordinance to make provision for certain matters connected with the development of the power alcohol industry.

WHEREAS it is expedient to make provision for certain matters connected with the development of the power alcohol industry under Federal control ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Power Alcohol Ordinance, 1959.

(2) It extends to the whole of Pakistan.

(3) This section and section 2 shall come into force at once, and the rest of the Ordinance or such portion thereof shall come into force in such area and on such date as the [Federal Government] may, by notification in the official Gazette, specify in this behalf.

2. Definitions.— In this Ordinance, unless there is anything repugnant in the subject or context—

(a) "molasses" means the heavy dark coloured residual syrup drained away in the final stage of the manufacture of sugar by vacuum pans in sugar factories either from sugar cane or by refining gur, when such a syrup has fermentable sugars (expressed as reducing sugars) but does not include the final residual left in the manufacture of sugar by the open pan process ;

(b) "petrol" means dangerous petroleum as defined in clause (b) of section 2 of the Petroleum Act, 1934 ;

(c) "power alcohol" means ethyl alcohol containing not less than 99.5 per centum by volume of ethanol measured at sixty degrees Fahrenheit corresponding to 74.4 overproof strength.

3. Production of power alcohol.—(1) No person shall manufacture power alcohol from any substance other than molasses or such other substance as may be specified by the [Federal Government] by notification in the official Gazette.

(2) If any dispute arises as to whether any substance is or is not molasses or such other substance as may be specified under sub-section (1), the decision of an officer authorized by the [Federal Government] in this behalf regarding such dispute shall be final and shall not be called in question in any Court.

'Subs. by The Federal Adaptation of Laws Order 1975 (President's Order No. 4 of 1975, Art. 2 and Table

4. Power to regulate production and disposal of power alcohol. The '[Federal Government] may regulate the production and disposal of power alcohol by any distillery situated in any area in which this section is in force.

5. Power to direct use of power alcohols as motive power.— (1) The '[Federal Government] may, by notification in the official Gazette, direct that in such area as may be specified therein no petrol shall be sold or kept for sale except with an admixture of power alcohol.

(2) The proportion of petrol and power alcohol in such mixture shall in any area and for any purpose be such as may from time to time be specified by the '[Federal Government] by notification in the official Gazette but such proportion of power alcohol in the case of mixture with petrol meant for use as motive power for any motor vehicle shall not be more than twenty-five per centum or less than five per centum by volume.

(3) The power alcohol to be employed for such mixture shall be obtained from such distilleries as may from time to time be specified by the '[Federal Government] by notification in the official Gazette.

6. Penalty.— Whoever contravenes any of the provisions of section 3 or section 5 or any order issued thereunder shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continued contravention with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after conviction therefor.

7. Delegation of powers.— The '[Federal Government] may, by notification in the official Gazette, direct that any power conferred by this Ordinance shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by—

(a) such officer or authority subordinate to the '[Federal Government], or

(b) such Provincial Government or such other authority subordinate to a Provincial Government, as may be specified in the direction.

8. Power to make rules.— (1) The '[Federal Government] may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may—

(a) provide for the licensing of the manufacture of power alcohol ;

(b) prescribe the specifications and tests in respect of purity of power alcohol

intended for admixture with petrol in order to ensure its suitability for use in motor vehicles ;

(c) fix the price at which power alcohol may be sold for the purpose of admixture with petrol ;

(d) provide for imposing and collecting a duty of excise on power alcohol intended for admixture with petrol ;

'Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

(e) prescribe conditions in respect of the transport and storage of power alcohol intended for admixture with petrol and for the manner in which the admixture is to be effected ;

(f) prescribe the submission by a manufacturer of power alcohol or importer or distributor of petrol of returns regarding the power alcohol and petrol manufactured, purchased, stored or sold, as the case may be;

(g) provide for denaturing of power alcohol at the distilleries ;

(h) provide for any other matter which is to be or may be prescribed under this Ordinance.

(3) Rules made under this Ordinance may provide that any contravention of any such rule shall render the offender liable on conviction to a fine not exceeding one thousand rupees.

9. Power to exemption.— The '[Federal Government] may, by notification in the official Gazette declare that any of the provisions of this Ordinance shall not apply to any case or class of cases.

'Subs. by The Federal Adaptation of Laws Order 1975 (President's Order No. 4 of 1975, Art. 2 and Table