



Alcoholic Liquor Duties Act 1979

1979 CHAPTER 4

An Act to consolidate the enactments relating to the excise duties on spirits, beer, wine, made-wine and cider together with certain other enactments relating to excise. [22nd February 1979]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

1 The alcoholic liquors dutiable under this Act

(1) Subsections (2) to (8) below define for the purposes of this Act the alcoholic liquors which are subject to excise duty under this Act, that is to say—

- (a) spirits,
- (b) beer,
- (c) wine,
- (d) made-wine, and
- (e) cider;

and in this Act "dutiable alcoholic liquor" means any of those liquors and "duty" means excise duty.

(2) "Spirits" means, subject to subsections (7) and (8) below, spirits of any description and includes all liquors mixed with spirits and all mixtures, compounds or preparations made with spirits but does not include methylated spirits.

(3) "Beer" includes ale, porter, stout and any other description of beer, and any liquor which is made or sold as a description of beer or as a substitute for beer and which

on analysis of a sample thereof at any time is found to be of a strength exceeding 2° of proof, but does not include—

- (a) black beer the worts whereof before fermentation were of a specific gravity of 1200° or more ; or
 - (b) liquor made elsewhere than upon the licensed premises of a brewer for sale which on analysis of a sample at any time is found to be of an original gravity not exceeding 1016° and to be of a strength not exceeding 2° of proof.
- (4) " Wine " means any liquor obtained from the alcoholic fermentation of fresh grapes or of the must of fresh grapes, whether or not the liquor is fortified with spirits or flavoured with aromatic extracts.
- (5) "Made-wine" means any liquor obtained from the alcoholic fermentation of any substance or by mixing a liquor so obtained or derived from a liquor so obtained with any other liquor or substance but does not include wine, beer, black beer, spirits or cider.
- (6) " Cider " means cider (or perry) of a strength less than 8-7 per cent. of alcohol by volume (at a temperature of 20° C) obtained from the fermentation of apple or pear juice without the addition at any time of any alcoholic liquor or of any liquor or substance which communicates colour or flavour other than such as the Commissioners may allow as appearing to them to be necessary to make cider (or perry).
- (7) Angostura bitters, that is to say, the aromatic flavouring essence commonly known as angostura bitters, shall be deemed not to be spirits, but this subsection does not apply for the purposes of sections 2, 5, 6 and 27 to 30 below.
- (8) Methyl alcohol, notwithstanding that it is so purified or prepared as to be drinkable, shall not be deemed to be spirits nor shall naphtha or any mixture or preparation containing naphtha or methyl alcohol and not containing spirits as defined in subsection (2) above.

2 Ascertainment of strength, weight and volume of spirits and other liquors

- (1) For the purposes of the Customs and Excise Acts 1979, the strength, weight or volume of any spirits shall be ascertained in accordance with the following provisions of this section.
- (2) Spirits shall be deemed to be at proof if the volume of the ethyl alcohol contained therein made up to the volume of the spirits with distilled water has a weight equal to that of twelve-thirteenths of a volume of distilled water equal to the volume of the spirits, the volume of each liquid being computed as at 51°F
- (3) " Degree of proof ", " degree over proof " and " degree under proof " shall be construed by reference to a scale on which 100° denotes the strength of spirits at proof and—
- (a) 101°, or 1 degree over proof, denotes the strength of spirits which would be at proof if there were added thereto such quantity of distilled water as would increase by 1 per cent. the volume of the spirits computed as at 50°F ;
 - (b) 99°, or 1 degree under proof, denotes the strength of spirits which would be at proof if there were removed therefrom such quantity of distilled water as would reduce by 1 per cent. the volume of the spirits computed as at 50°F;
- and so in proportion for any other number of degrees.

- (4) The equivalent at proof of any spirits not at proof shall for the purposes of the Customs and Excise Acts 1979 be deemed to be their volume—
 - (a) multiplied by the number of degrees of proof representing their strength; and
 - (b) divided by 100.
- (5) The Commissioners may make regulations prescribing the means to be used for ascertaining for any purpose the strength, weight or volume of spirits, and any such regulations may provide that in ascertaining for any purpose the strength of any spirits any substance contained therein which is not ethyl alcohol or distilled water may be treated as if it were.
- (6) Different regulations may be made under subsection (5) above for different purposes.
- (7) This section shall apply to methylated spirits and to any fermented liquor as it applies to spirits but, in relation to wine, made-wine or cider shall not apply so as to prevent the strength, weight or volume of wine, made-wine or cider from being ascertained for the purpose of charging duty thereon by methods other than that provided in this section.

3 Meaning of and method of ascertaining gravity of liquids

- (1) For the purposes of the Customs and Excise Acts 1979—
 - (a) "gravity", in relation to any liquid, means the ratio of the weight of a volume of the liquid to the weight of an equal volume of distilled water, the volume of each liquid being computed as at 60°F ;
 - (b) where the gravity of any liquid is expressed as a number of degrees that number shall be the said ratio multiplied by 1,000; and
 - (c) " original gravity ", in relation to any liquid in which fermentation has taken place, means its gravity before fermentation.
- (2) The gravity of any liquid at any time shall be ascertained by such means as the Commissioners may approve, and the gravity so ascertained shall be deemed to be the true gravity of the liquid.
- (3) Subject to subsection (5) below, where for any purposes of the Customs and Excise Acts 1979 it is necessary to ascertain the original gravity of worts in which fermentation has commenced or of any liquid produced from such worts, that gravity shall be determined in such manner as the Commissioners may by regulations prescribe.
- (4) Different regulations may be made under subsection (3) above in relation to different liquids.
- (5) Where the original gravity of any worts has been determined in accordance with regulations made under subsection (3) above for the purpose of charging duty under section 38 below by reference to the quantity and original gravity of worts produced, a deduction of $\frac{1}{2}^{\circ}$ shall be allowed from the original gravity so determined, so however as not to reduce the original gravity by reference to which the duty is charged below the gravity of the worts as ascertained by the proper officer in accordance with subsection (2) above.

4 Interpretation

- (1) In this Act, unless the context otherwise requires.—

Status: This is the original version (as it was originally enacted).

" authorised methylator " means a person authorised to methylate spirits under section 75(1) below ;

" beer " has the meaning given by section 1 above;

" black beer " means beer of the description called or similar to black beer, mum, spruce beer or Berlin white beer, and any other preparation (whether fermented or not) of a similar character ;

" brewer " and " brewer for sale " have the meanings given by section 47 below ;

" British compounded spirits " means spirits which have, in the United Kingdom, had any flavour communicated thereto or ingredient or material mixed therewith, not being methylated spirits;

" case ", in relation to dutiable alcoholic liquor, means 1 dozen units each consisting of a container holding not less than 23 nor more than 28 fluid ounces, or the equivalent of that number of such units made up wholly or partly of containers of a larger or smaller size ;

" cider " has the meaning given by section 1 above ;

" compounder " means a person holding a licence as a compounder under section 18 below;

" distiller ", means a person holding a distiller's licence under section 12 below ;

" distiller's licence " has the meaning given by section 12(1) below;

" distiller's warehouse " means a place of security provided by a distiller and approved by the Commissioners under section 15(1) below;

" distillery " means premises where spirits are manufactured, whether by distillation of a fermented liquor or by any other process ;

" dutiable alcoholic liquor " has the meaning given by section 1(1) above;

" duty " has the meaning given by section 1(1) above and " duty-paid ", " duty-free " and references to drawback shall be construed accordingly ;

" gravity " and " original gravity " have the meanings given by section 3 above ;

" justices' licence " and " justices on-licence "—

(a) in the application of this Act to England and Wales have the meanings respectively given to them by sections 1(1) and 1(2) (a) of the Licensing Act 1964 and in both cases include a canteen licence granted under Part X and an occasional licence granted under section 180 of that Act;

(b) in the application of this Act to Northern Ireland mean a licence corresponding to the relevant licence such as is mentioned in paragraph (a) of this definition;

" licensed ", in relation to a producer of wine or of made-wine, means a producer who holds a licence to produce wine or made-wine respectively under subsection (2) of section 54 or 55 below ;

" licensed methylator " means a person holding a licence under section 75(2) below ;

" limited licence to brew beer " has the meaning given by section 47(2) below;

" made-wine " has the meaning given by section 1 above ;

" the Management Act " means the Customs and Excise Management Act 1979;

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"methylated spirits" means spirits mixed in the United Kingdom with some other substance in accordance with regulations made under section 77 below;

"the prescribed sum", in relation to the penalty provided for an offence, means—

- (a) if the offence was committed in England or Wales or in Northern Ireland, the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 (£1,000 or other sum substituted by order under section 61(1) of that Act);
- (b) if the offence was committed in Scotland, the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (£1,000 or other sum substituted by order under section 289D(1) of that Act);

"producer of made-wine" includes a person who renders made-wine sparkling, and "produce", in relation to made-wine, shall be construed accordingly;

"producer of wine" includes a person who renders wine sparkling, and "produce", in relation to wine, shall be construed accordingly;

"proof", in relation to the strength of spirits, has the meaning given by section 2 above;

"rectifier" means a person holding a licence as a rectifier under section 18 below;

"registered club" means a club which is for the time being registered within the meaning of the Licensing Act 1964 or which is for the time being a registered club within the meaning of the Licensing (Scotland) Act 1976 or which is for the time being a registered club within the meaning of the Registration of Clubs Act (Northern Ireland) 1967;

"retailer" means—

- (a) in relation to dutiable alcoholic liquor, a person who sells such liquor by retail;
- (b) in relation to methylated spirits, a person holding a licence under section 76 below;

"Scottish licence" includes a licence of a type described in Schedule 1 to the Licensing (Scotland) Act 1976, (other than an off-sale licence), an occasional licence granted in terms of section 33 of the said Act, an occasional permission granted in terms of section 34 of the said Act, and a licence granted in terms of section 40 of the said Act;

"spirits" has the meaning given by section 1 above;

"spirits advice note" and "spirits consignment note" have the meanings given by section 27(5) below;

"spirits of wine" means plain spirits of a strength of not less than 43° over proof manufactured in the United Kingdom;

"wholesale", in relation to dealing in dutiable alcoholic liquor, has the meaning given by section 65(8) below;

"wholesaler" means a person holding a licence under section 65 below;

"wine" has the meaning given by section 1 above.

- (2) This Act and the other Acts included in the Customs and Excise Acts 1979 shall be construed as one Act but where a provision of this Act refers to this Act that reference is not to be construed as including a reference to any of the others.

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- (3) Any expression used in this Act or in any instrument made under this Act to which a meaning is given by any other Act included in the Customs and Excise Acts 1979 has, except where the context otherwise requires, the same meaning in this Act or in any such instrument as in that Act; and for ease of reference the Table below indicates the expressions used in this Act to which a meaning is given by any other such Act—

MANAGEMENT ACT

" the Commissioners "

" container "

" the Customs and Excise Acts 1979 "

" excise warehouse "

" goods "

" hovercraft "

" importer "

" licence year "

" nautical mile "

" night "

" occupier "

" officer " and " proper " in relation to an officer

" ship " and " British ship "

" shipped "

" shipment "

" stores "

" tons register "

" warehouse "

" warehousing regulations ".

- (4) For the purposes of this Act, selling by retail, in relation to dutiable alcoholic liquor, means the sale at any one time to any one person of quantities not exceeding the following, that is to say—
- (a) in the case of spirits, wine or made-wine, 2 gallons or 1 case;
 - (b) in the case of beer or cider, 4½ gallons or 2 cases.

PART II

SPIRITS

Charge of excise duty

5 Spirits: charge of excise duty

There shall be charged on spirits—

- (a) imported into the United Kingdom; or
- (b) distilled, or manufactured by any other process whatsoever, in the United Kingdom,

a duty of excise at the rates shown in the following Table—

TABLE

<i>Description of spirits</i>	<i>Rates of duty (per proof gallon)</i>
	£
1. Spirits warehoused for 3 years or more	27.0900
2. Spirits not warehoused or warehoused for less than 3 years	27.1650

Reliefs from excise duty

6 Power to exempt angostura bitters from duty

On the importation of the aromatic flavouring essence commonly known as angostura bitters, the Commissioners may, subject to such conditions as they see fit to impose, direct the bitters to be treated for the purposes of the charge of duty on spirits as not being spirits.

7 Exemption from duty of spirits in articles used for medical purposes

Duty shall not be payable on any spirits contained in an article imported or delivered from warehouse which is recognised by the Commissioners as being used for medical purposes.

8 Repayment of duty in respect of spirits used for medical or scientific purposes

- (1) If any person proves to the satisfaction of the Commissioners that any spirits on which duty has been paid have been delivered to him and have been used—
- (a) solely in the manufacture or preparation of any article recognised by the Commissioners as being used for medical purposes; or
 - (b) for scientific purposes,

he shall, subject to such conditions as the Commissioners may by regulations impose, be entitled to obtain from the Commissioners the repayment of the duty paid thereon.

- (2) If any person contravenes or fails to comply with any regulation made under this section he shall be liable on summary conviction to a penalty of £100.

9 Remission of duty on spirits for methylation

The Commissioners may, subject to such conditions as they see fit to impose, permit spirits to be delivered from warehouse for methylation without payment of the duty chargeable thereon.

10 Remission of duty on spirits for use in art or manufacture

- (1) Where, in the case of any art or manufacture carried on by any person in which the use of spirits is required, it is proved to the satisfaction of the Commissioners that the use of methylated spirits is unsuitable or detrimental, the Commissioners may, if they think fit and subject to such conditions as they see fit to impose, authorise that person to receive, and permit the delivery from warehouse to that person of, spirits for use in that art or manufacture without payment of the duty chargeable thereon.
- (2) If any person contravenes or fails to comply with any condition imposed under this section then, in addition to any other penalty he may have incurred, he shall be liable on summary conviction to a penalty of £50.

11 Relief from duty on imported goods not for human consumption containing spirits

On the importation of goods not for human consumption containing spirits as a part or ingredient thereof, the Commissioners may, subject to such conditions as they may think fit to impose, direct the goods to be treated for the purposes of the charge of duty on spirits (and in particular the charge under section 126 of the Management Act) as not containing spirits.

Manufacture of spirits

12 Licence to manufacture spirits

- (1) No person shall manufacture spirits, whether by distillation of a fermented liquor or by any other process, unless he holds an excise licence for that purpose under this section (referred to in this Act as a "distiller's licence").
- (2) A licence granted under this section shall expire on the 30th September next after it is granted.
- (3) On any licence granted under this section there shall be charged an excise licence duty of £15.75.
- (4) The Commissioners may refuse to grant a distiller's licence in respect of any premises on which, from their situation with respect to premises used by a rectifier, brewer for sale or vinegar-maker, they think it inexpedient to allow the manufacture of spirits.
- (5) Where the largest still to be used on any premises in respect of which a distiller's licence is sought for the manufacture of spirits by distillation of a fermented liquor is of less than 400 gallons capacity, the Commissioners may refuse to grant the licence or may grant it only subject to such conditions as they see fit to impose.

- (6) The Commissioners may refuse to grant a distiller's licence in respect of any premises situated in an area where the Commissioners are not satisfied that convenient living accommodation for the officers to be placed in charge of the distillery can be found unless the distiller undertakes to provide to the satisfaction of the Commissioners lodgings for those officers which satisfy the conditions specified in subsections (7) and (8) below.
- (7) The lodgings must be conveniently situated with respect to the distillery but must not form part of the distillery or of the distiller's dwelling house.
- (8) The rent unfurnished of the lodgings must either be agreed between the distiller and the Commissioners or, in default of agreement, must be equal—
 - (a) if the lodgings are in England or Wales, to their gross value for the purposes of section 19 of the General Rate Act 1967;
 - (b) if the lodgings are in Scotland, to their gross annual value ascertained in accordance with the provisions of section 6(2) to (4) of the Valuation and Rating (Scotland) Act 1956 for the purpose of making up the valuation roll;
 - (c) if the lodgings are in Northern Ireland, to their annual value ascertained in accordance with section 531 of the Income and Corporation Taxes Act 1970.
- (9) If a distiller to whom a licence has been granted upon his giving the undertaking mentioned in subsection (6) above fails to provide lodgings in accordance with that undertaking or to keep those lodgings in repair, or if he in any way interferes with the use and enjoyment of those lodgings by the officer residing therein, the Commissioners may suspend or revoke the licence.

13 Power to make regulations relating to manufacture of spirits

- (1) The Commissioners may, with a view to the protection of the revenue, make regulations—
 - (a) regulating the manufacture of spirits, whether by distillation of a fermented liquor or by any other process;
 - (b) for securing and collecting the duty on spirits manufactured in the United Kingdom ; and
 - (c) regulating the removal of spirits from a distillery ;and different regulations may be made in respect of manufacture for different purposes or by different processes.
- (2) Where—
 - (a) the Commissioners are satisfied that any process of manufacture carried on by any person involving the manufacture of spirits is primarily directed to the production of some article other than spirits ; or
 - (b) the Commissioners see fit in the case of any person manufacturing spirits by any process other than distillation of a fermented liquor,they may direct that, subject to compliance with such conditions as they think proper to impose, such of the provisions of this Act relating to the manufacture of, or manufacturers of, spirits or such of any regulations made under this section as may be specified in the direction shall not apply in the case of that person.
- (3) If, save as provided in subsection (2) above, any person contravenes or fails to comply with any regulation made under subsection (1) above he shall, subject to subsection (4) below, be liable on summary conviction to a penalty of £1,000, and any spirits, and

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any vessels, utensils and materials used for distilling or otherwise manufacturing or for preparing spirits, in respect of which the offence was committed shall be liable to forfeiture.

- (4) The Commissioners may by any regulation under subsection (1) above provide a penalty of an amount less than that specified in subsection (3) above for any contravention of or failure to comply with that regulation.
- (5) If any person in whose case a direction is given by the Commissioners under subsection (2) above acts in contravention of or fails to comply with any condition imposed under that subsection which is applicable in his case, he shall be liable on summary conviction to a penalty of £100, and any spirits in respect of which the offence was committed shall be liable to forfeiture.

14 Duty on spirits-attenuation charge

- (1) In the case of a distillery where spirits are manufactured by distillation of a fermented liquor, the duty on spirits shall, in addition to being charged on the spirits distilled, be chargeable in respect of each distillation period in accordance with the following provisions of this section.
- (2) There shall be calculated the quantity of spirits at proof capable of being produced from any wort and wash made at the distillery on the assumption that from every 100 gallons of wort and wash 1 gallon of spirits at proof will be produced for every 5 degrees of attenuation, that is to say, for every 5 degrees of difference between the highest gravity of the wort and the lowest gravity of the wash before distillation, and so in proportion for any less number of gallons of wort and wash or any less number of degrees of attenuation.
- (3) The gravity of wort or wash for the purposes of subsection (2) above shall be taken as that declared by the distiller except that, if either gravity is found by the proper officer before distillation and the gravity so found is, in the case of wort, higher or, in the case of wash, lower than that declared by the distiller, the gravity to be taken shall be that so found by the proper officer.
- (4) There shall be ascertained the quantity computed at proof of the spirits and feints produced at the distillery after deducting the feints remaining at the end of the last preceding distillation period.
- (5) If the quantity calculated under subsection (2) above exceeds the quantity ascertained under subsection (4) above the duty on spirits shall, subject to subsection (6) below, be charged and become payable immediately on that excess.
- (6) The Commissioners may make such allowance as in their opinion is reasonable from any charge under this section on proof to their satisfaction that the charge arises wholly or in part on account of the removal of wash for the separation of yeast or on account of the loss or destruction of wort or wash by unavoidable accident.
- (7) In this section, " distillation period " means the period prescribed by regulations under section 13(1) above for the purpose of taking account of feints and spirits produced.

15 Distiller's warehouse

- (1) A distiller may provide in association with his distillery a place of security for the deposit of spirits manufactured at that distillery and, if that place is approved by the

Commissioners and entry is made thereof by the distiller, may deposit therein without payment of duty any spirits so manufactured.

- (2) If the place of security so provided is outside the distillery, the Commissioners may attach to their approval such conditions as they see fit, and if those conditions are not for the time being observed, that place shall be deemed not to have been approved by the Commissioners.
- (3) A place of security for the time being approved by the Commissioners under subsection (1) above is referred to in this Act as a " distiller's warehouse ".
- (4) A distiller who provides a distiller's warehouse shall, to the satisfaction of the Commissioners, provide accommodation at the warehouse for the officer in charge thereof, and if he fails so to do he shall be liable on summary conviction to a penalty of £50 ; but nothing in this subsection shall prejudice any power of the Commissioners to require the provision of accommodation as a condition of their approval of any other premises or place under the Customs and Excise Acts 1979.
- (5) A distiller who, after the approval of a distiller's warehouse provided by him, makes without the previous consent of the Commissioners any alteration therein or addition thereto shall be liable on summary conviction to a penalty of £200.
- (6) The Commissioners may make regulations—
 - (a) regulating the warehousing of spirits in a distiller's warehouse;
 - (b) permitting, in so far as it appears to them necessary in order to meet the circumstances of any special case and subject to such conditions as they see fit to impose, the deposit by a distiller in his distiller's warehouse without payment of duty of spirits other than spirits manufactured at the distillery associated with that warehouse;
 - (c) for securing the duties on spirits so warehoused ;and subject to any such regulations, the provisions of Parts VIII and X of the Management Act, except sections 92 and 96, shall apply in relation to a distiller's warehouse and spirits warehoused therein as they apply in relation to an excise warehouse approved under subsection (1) of section 92 of that Act and goods warehoused therein.
- (7) If any person contravenes or fails to comply with any regulation made under subsection (6) above he shall, subject to subsection (8) below, be liable on summary conviction to a penalty of £1,000, and any spirits in respect of which the offence was committed shall be liable to forfeiture.
- (8) The Commissioners may by any regulation under subsection (6) above provide a penalty of an amount less than that specified in subsection (7) above for any contravention of or failure to comply with that regulation.
- (9) The Commissioners may at any time for reasonable cause revoke or vary the terms of their approval of a distiller's warehouse.

16 Racking of duty-paid spirits at distillery

- (1) The Commissioners may, with a view to the protection of the revenue, make regulations regulating the racking at a distillery of duty-paid spirits.

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- (2) If any person contravenes or fails to comply with any regulation made under this section, he shall be liable on summary conviction to a penalty of £50 and any spirits in respect of which the offence was committed shall be liable to forfeiture.
- (3) If on an officer's taking stock of duty-paid spirits racked at a distillery, a greater quantity of spirits computed at proof is found at the place of racking than ought to be there according to any accounts required by regulations made under this section to be kept thereof, then—
- (a) duty shall be charged on the excess ; and
 - (b) except as provided in subsection (4) below, if the excess amounts to more than 1 per cent. of the quantity of spirits computed at proof lawfully brought into the place of racking since stock was last taken, that excess shall be liable to forfeiture, and the distiller shall be liable on summary conviction to a penalty of double the duty so charged.
- (4) Paragraph (b) of subsection (3) above shall not apply where the excess is less than 1 gallon at proof.

17 Offences in connection with removal of spirits from distillery, etc.

- (1) If any person—
- (a) conceals in or without the consent of the proper officer removes from a distillery any wort, wash, low wines, feints or spirits ; or
 - (b) knowingly buys or receives any wort, wash, low wines, feints or spirits so concealed or removed; or
 - (c) knowingly buys or receives or has in his possession any spirits which have been removed from the place where they ought to have been charged with duty before the duty payable thereon has been charged and either paid or secured, not being spirits which have been condemned or are deemed to have been condemned as forfeited,
- he shall be guilty of an offence under this section and may be detained, and the goods shall be liable to forfeiture.
- (2) A person guilty of an offence under this section shall be liable—
- (a) on summary conviction, to a penalty of the prescribed sum or three times the value of the goods, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both ; or
 - (b) on conviction on indictment, to a penalty of any amount, or to imprisonment for a term not exceeding 2 years, or to both.

Rectifying and compounding of spirits

18 Rectifier's and compounder's licences

- (1) No person shall rectify or compound spirits and keep a still for that purpose unless he holds an excise licence under this section as a rectifier.
- (2) Except as permitted by the Commissioners and subject to such conditions as they see fit to impose, no other person shall compound spirits unless he holds an excise licence under this section as a compounder.

- (3) Any licence granted under this section shall expire on the 30th September next after it is granted.
- (4) On any licence granted under this section there shall be charged an excise licence duty of £15.75.
- (5) The Commissioners may refuse to grant any person a licence as a rectifier in respect of any premises on which, from their situation with respect to a distillery, they think it inexpedient to allow the keeping of a still for rectifying or compounding spirits.
- (6) Without prejudice to section 25 below and except as provided by this section, if any person rectifies or compounds spirits otherwise than under and in accordance with an excise licence under this Act so authorising him, he shall be liable on summary conviction to a penalty of £500.

19 Regulation of rectifying and compounding

- (1) The Commissioners may, with a view to the protection of the revenue, make regulations—
 - (a) regulating the rectifying and compounding of spirits;
 - (b) regulating the receipt, storage, removal and delivery of spirits by rectifiers and compounders ;and different regulations may be made under this section for rectifiers and compounders.
- (2) If any person contravenes or fails to comply with any regulation made under this section, he shall, subject to subsection (3) below, be liable on summary conviction to a penalty of £500, and any spirits and any other article in respect of which the offence was committed shall be liable to forfeiture.
- (3) The Commissioners may by any regulation under this section provide a penalty of an amount less than that specified in subsection (2) above for any contravention of or failure to comply with that regulation.

20 Penalty for excess or deficiency in rectifier's stock

- (1) If at any time when an account is taken by an officer and a balance struck of the spirits in the stock of a rectifier any excess is found, that excess shall be liable to forfeiture, and the rectifier shall be liable on summary conviction to a penalty of double the duty on a like quantity of plain spirits at proof charged at the highest rate.
- (2) If at any time when an account is taken and a balance struck as mentioned in subsection (1) above any deficiency is found which cannot be accounted for to the satisfaction of the Commissioners and which when computed at proof exceeds 5 per cent. of the aggregate of—
 - (a) the balance so computed struck when an account was last taken; and
 - (b) any quantity of spirits so computed since lawfully received by the rectifier,the rectifier shall be liable on summary conviction to a penalty of double the duty on a quantity of plain spirits at proof charged at the highest rate equal to the quantity by which the deficiency exceeds the said 5 per cent.
- (3) For the purposes of any such account and of this section—

- (a) spirits used by a rectifier in warehouse in pursuance of warehousing regulations shall be deemed not to be spirits in his stock as a rectifier; and
- (b) where a rectifier also carries on the trade of a wholesaler of spirits on the same premises, all spirits in his possession (other than spirits so used) shall be deemed to be spirits in his stock as a rectifier.

21 Restrictions relating to rectifiers

- (1) A rectifier shall not distil or extract feints or spirits from any other material than spirits on which duty has been duly paid.
- (2) A rectifier shall not have in his possession—
 - (a) except for duty-paid spirits, any materials capable of being distilled into feints or spirits;
 - (b) any spirits for which he has not received a proper spirits advice note or spirits consignment note.
- (3) If a rectifier contravenes subsection (1) or (2) above, or if his still is found to contain any materials capable of being distilled as aforesaid other than duty-paid spirits, whether or not mixed with spirits on which duty has been duly paid, he shall be liable on summary conviction to a penalty of £500 or double the duty on a quantity of plain spirits at proof charged at the highest rate equal to the quantity of the materials or spirits in respect of which the offence was committed, whichever is the greater.
- (4) If a rectifier is convicted more than once under this section, his licence shall become void and he shall be disqualified from holding a licence as a rectifier for a period of 3 years from the date of his latest conviction.
- (5) Spirits used in warehouse in pursuance of warehousing regulations shall be treated for the purposes of this section as duty-paid spirits.

22 Drawback on British compounds and spirits of wine

- (1) Subject to the provisions of this section and to such conditions and restrictions as the Commissioners may by regulations impose, a rectifier or compounder may warehouse in an excise warehouse on drawback any British compounded spirits or spirits of wine rectified or compounded by him from duty-paid spirits and not containing any methyl alcohol or any wine, made-wine or other fermented liquor.
- (2) British compounded spirits may be warehoused under this section for exportation, for use in any permitted operation in warehouse, for use as stores or, except in the case of tinctures other than perfumed spirits, for home use.
- (3) Spirits of wine may be warehoused under this section—
 - (a) for exportation, for use in any permitted operation in warehouse, or for use as stores; or
 - (b) if of a strength of not less than 50° over proof, for delivery for use in art or manufacture under section 10 above; or
 - (c) if of a strength of not less than 74° over proof, for home use.
- (4) The Commissioners may, subject to such conditions and restrictions as they may by regulations impose, allow drawback on tinctures or spirits of wine exported or, except in the case of spirits of wine, shipped as stores by a rectifier or compounder direct from his premises.

- (5) Subject to subsection (6) below, the amount of any drawback payable under this section shall be calculated by reference to the quantity of the British compounded spirits or spirits of wine computed at proof and shall be an amount equal to the duty at the appropriate rate chargeable on a like quantity of spirits at the date when duty was paid on the spirits from which the British compounded spirits or spirits of wine were rectified or compounded.
- (6) The Commissioners may, in the case of tinctures exported or shipped as stores by a rectifier or compounder direct from his premises, make such addition to the quantity of spirits as they see fit in respect of waste.
- (7) No drawback shall be payable under this section in the case of medicinal spirits in respect of which a repayment of duty has been obtained under section 8 above.
- (8) British compounded spirits warehoused under this section for home use shall upon delivery from warehouse for that purpose be chargeable with the same rate of duty as spirits warehoused by a distiller.
- (9) If any person contravenes or fails to comply with any regulation made under this section then, in addition to any other penalty he may have incurred under the Customs and Excise Acts 1979, he shall be liable on summary conviction to a penalty of £100, and any article in respect of which the offence was committed shall be liable to forfeiture.
- (10) In this section " tinctures" means medicinal spirits, flavouring essences, perfumed spirits and such other articles containing spirits as the Commissioners may by regulations specify as tinctures.

23 Allowance on British compounds

- (1) Where any British compounded spirits—
 - (a) having been warehoused, are on removal from warehouse exported or shipped as stores ; or
 - (b) are permitted under section 22 above to be exported or shipped as stores on drawback direct from the premises of a rectifier or compounder; or
 - (c) are used in warehouse for fortifying wine or for any other purpose for which spirits are permitted by or under this or any other Act to be used in warehouse, there shall, subject to the provisions of this section and to such conditions as the Commissioners see fit to impose, be paid in respect of each gallon of those spirits computed at proof an allowance of £0.02.
- (2) In the case of British compounded spirits of a strength exceeding 11° over proof which are deposited in a warehouse, the allowance mentioned in subsection (1) above may, subject as aforesaid, instead of being paid as provided in that subsection be paid on the warehousing of the spirits.
- (3) No allowance shall be payable on any British compounded spirits under this section if those spirits were compounded in warehouse in pursuance of warehousing regulations or, in any other case, unless it is proved to the satisfaction of the Commissioners that the spirits have been distinctly altered in character by redistillation with or by the addition of flavouring or other matter.
- (4) Any allowance on British compounded spirits under this section—

- (a) when paid on their exportation or shipment as stores, shall be paid to the person by whom security is given for that exportation or shipment;
- (b) when paid on their use in warehouse, shall be paid to the person upon whose written request they are so used;
- (c) when paid on their warehousing, shall be paid to the person in whose name they are warehoused.

General provisions relating to manufacture of spirits and British compounds

24 Restriction on carrying on of other trades by distiller or rectifier

- (1) A distiller or rectifier shall not—
 - (a) carry on upon his premises the trade of a brewer for sale, producer of wine or of made-wine, maker of cider, vinegar-maker, refiner of sugar, wholesaler or retailer of wine, made-wine or beer, or retailer of methylated spirits or cider ; or
 - (b) carry on the trade of a distiller or, as the case may be, rectifier on any premises communicating otherwise than by a public roadway with other premises on which any such trade as is mentioned in paragraph (a) above or that of a wholesaler of spirits is carried on.
- (2) Save with the permission of the Commissioners and subject to compliance with such conditions as they see fit to impose, a distiller or rectifier shall not—
 - (a) carry on upon his premises the trade of a retailer of spirits; or
 - (b) carry on the trade of a distiller or, as the case may be, rectifier on any premises communicating otherwise than by a public roadway with other premises on which the trade of retailer of spirits is carried on.
- (3) Save with the permission of the Commissioners and subject to compliance with such conditions as they see fit to impose, a distiller or rectifier shall not be concerned or interested in the trade of a retailer of spirits carried on within 2 miles of his distillery or, as the case may be, rectifying house.
- (4) If any person contravenes any provision of this section or contravenes or fails to comply with any condition imposed thereunder, he shall be liable on summary conviction to a penalty of £200.

25 Penalty for unlawful manufacture of spirits, etc.

- (1) Save as provided by or under this Act, any person who, otherwise than under and in accordance with an excise licence under this Act so authorising him—
 - (a) manufactures spirits, whether by distillation of a fermented liquor or by any other process ; or
 - (b) has in his possession or uses a still for distilling, rectifying or compounding spirits ; or
 - (c) distils or has in his possession any low wines or feints ; or
 - (d) not being a vinegar-maker, brews or makes or has in his possession any wort or wash fit for distillation,
 shall be liable on summary conviction to a penalty of £1,000.

- (2) Where there is insufficient evidence to convict a person of an offence under subsection (1) above, but it is proved that such an offence has been committed on some part of premises belonging to or occupied by that person in such circumstances that it could not have been committed without his knowledge, that person shall be liable on summary conviction to a penalty of £100.
- (3) Any person found on premises on which spirits are being unlawfully manufactured or on which a still is being unlawfully used for rectifying or compounding spirits may be detained.
- (4) All spirits and stills, vessels, utensils, wort, wash and other materials for manufacturing, distilling or preparing spirits—
 - (a) found in the possession of any person who commits an offence under subsection (1) above; or
 - (b) found on any premises on which such an offence has been committed,shall be liable to forfeiture.
- (5) Notwithstanding any other provision of the Customs and Excise Acts 1979 relating to goods seized as liable to forfeiture, any officer by whom any thing is seized as liable to forfeiture under subsection (4) above may at his discretion forthwith spill, break up or destroy that thing.
- (6) Without prejudice to any other power conferred by the Customs and Excise Acts 1979, if any officer has reasonable grounds for suspecting that any thing liable to forfeiture under this section is in or upon any land or other premises in Northern Ireland, he may enter upon those premises, if need be by force, and search them and seize and remove any thing which he has reasonable grounds to believe to be so liable.

General provisions relating to spirits

26 Importation and exportation of spirits

- (1) Save as permitted by the Commissioners, spirits shall not be imported—
 - (a) in any ship of less than 40 tons register; or
 - (b) in containers of a capacity of less than 9 gallons each unless in bottles properly packed in cases.
- (2) Save as permitted by the Commissioners, spirits other than bottled spirits shall not be exported, or be removed to the Isle of Man, or be brought to any place or be waterborne for exportation or for removal to the Isle of Man, in containers holding less than 9 gallons each.
- (3) Any spirits imported, exported, removed, brought or water-borne contrary to this section shall be liable to forfeiture.
- (4) Where any ship is or has been, in the case of a British ship, within 12 or, in any other case, within 3 nautical miles of the coast of the United Kingdom while having on board or attached in any manner thereto any spirits in containers other than such as are permitted by or under subsection (1) of this section, the ship and any such spirits found therein shall be liable to forfeiture.

- (5) For the purposes of subsection (1) above, all hovercraft (of whatever size) shall be treated as ships of less than 40 tons register and subsection (4) above shall apply as if any reference to a ship included a reference to a hovercraft.

27 Spirits consignment and spirits advice notes

- (1) Where any spirits are sent out from the stock of a rectifier or compounder or, otherwise than in the circumstances' specified in subsection (2) below, are sent out from the stock of a wholesaler or retailer, the person sending them out shall, subject to any dispensation granted by the Commissioners, send to the person to whom they are sent a spirits consignment note, and shall send it either with the spirits or so that it is either delivered or posted on the day on which the spirits are sent out.
- (2) The circumstances referred to in subsection (1) above in relation to a wholesaler or retailer are that—
- (a) in the case of spirits sent out from the stock of a wholesaler, the spirits are sent out in a quantity not exceeding 1 gallon at a time and are sold by him by retail to a person who is not a wholesaler or retailer of spirits; and
 - (b) in the case of spirits sent out from the stock of a retailer, the spirits are sent out in a quantity not exceeding 1 gallon of the same denomination at a time for one person.
- (3) The person by whom any spirits—
- (a) are sent out from a distillery; or
 - (b) are removed from a warehouse ; or
 - (c) not being spirits to which the requirement imposed by subsection (1) above to send a spirits consignment note applies, are otherwise removed from any place in the United Kingdom to any other such place in a quantity exceeding 1 gallon of the same denomination at a time for any one person,
- shall, subject to any dispensation granted by the Commissioners, send to the person to whom the spirits are to be delivered a spirits advice note, and shall send that note either with the spirits or so that it is either delivered or posted on the day on which the spirits are sent out or removed.
- (4) A distiller shall not send out from his distillery, or, save as permitted by the Commissioners in the case of samples, remove from a distiller's warehouse associated with his distillery, any spirits in a quantity of less than 9 gallons.
- (5) In this Act—
- " spirits advice note " means a document containing such particulars as the Commissioners may direct;
 - " spirits consignment note " means a consignment note or similar document containing such particulars as the Commissioners may direct.

28 Regulations about the keeping and production of spirits advice and spirits consignment notes, etc.

- (1) As respects spirits in the case of which a requirement is imposed by this Act that a spirits advice note or a spirits consignment note shall be sent in connection with their removal, the Commissioners may make regulations requiring the keeping and production of such notes and copies thereof, and of stock books.

- (2) If any person contravenes or fails to comply with any regulation made under this section he shall, except in the circumstances specified in subsection (3) below, be liable on summary conviction to a penalty of £200.
- (3) No liability shall be incurred under subsection (2) above for failure to keep or produce a spirits advice note, spirits consignment note or copy of such a note in accordance with any such regulation if it is proved that the note or, as the case may be, the note and any copy thereof was or were lost or destroyed by accident.

29 Offences in connection with spirits advice and spirits consignment notes

- (1) Where a spirits advice note or a spirits consignment note is required by this Act in connection with the removal of any spirits, then if any person—
 - (a) sends out or causes to be sent out, any spirits without the proper spirits advice note or spirits consignment note being duly sent; or
 - (b) requests, obtains or uses, or causes or permits to be requested, obtained or used, a spirits advice note or a spirits consignment note for any purpose otherwise than in accordance with the terms thereof; or
 - (c) in any manner uses or causes or permits the use of any spirits advice note or spirits consignment note so that the taking or checking of any account or the making of any examination by an officer is or may be frustrated or evaded; or
 - (d) produces or causes or permits the production of any spirits advice note or spirits consignment note to an officer as having been received with or in connection with any spirits other than those to which it relates,he shall, in addition to any other punishment to which he may have become liable, be liable on summary conviction to a penalty of three times the value of any spirits in respect of which the offence was committed or £100, whichever is the greater.
- (2) Any spirits—
 - (a) in connection with the removal of which a spirits advice note is required by this Act which are found in the course of being, or to have been, sent out, removed or received—
 - (i) without a proper spirits advice note having been duly sent, or
 - (ii) in contravention of section 27(4) above ; or
 - (b) in the case of which an altered or untrue spirits advice note has been sent,shall be liable to forfeiture, and any person in whose possession any such spirits are found shall be liable on summary conviction to a penalty of three times the value of the goods or £100, whichever is the greater.

30 Special provisions as to spirits advice and spirits consignment notes

- (1) If in any proceedings under section 29 above, any question arises as to the accuracy of the description of any spirits in a spirits advice note or spirits consignment note—
 - (a) the burden of proof that the spirits correspond with the description shall lie on the person claiming that the spirits so correspond, who shall furnish that proof by the evidence of two persons competent to decide by examination of the spirits ;
 - (b) the description of spirits shall not be deemed to be inaccurate by reason only of the fact that they are of a strength differing from that specified in the spirits

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advice note or spirits consignment note where the actual strength is not more than 1° of proof above or 2° of proof below that so specified.

- (2) If a distiller, rectifier or compounder or a wholesaler or retailer of spirits is convicted of an offence in relation to spirits under section 29 above, the Commissioners may revoke his licence and refuse to re-grant him a licence during the remainder of the period for which the revoked licence would have been in force.

31 Restriction on delivery of immature spirits for home use

- (1) No spirits shall be delivered for home use unless they have been warehoused for a period of at least 3 years or, in the case of rum, at least 2 years. But this subsection shall not apply—
- (a) to spirits delivered for any purpose for which they may for the time being be delivered without payment of duty; or
 - (b) to spirits delivered for methylation under section 9 above or for use in art or manufacture under section 10 above; or
 - (c) to spirits which have been warehoused on drawback ; or
 - (d) to mixtures, compounds or preparations charged with duty on importation in respect of the spirits contained in them or used in their preparation or manufacture; or
 - (e) subject to such conditions as the Commissioners may by regulations impose, to spirits delivered to a rectifier or compounder, a manufacturing chemist or a manufacturer of perfumes for use in his manufacture, or to such other persons for such purposes as the Commissioners see fit to authorise for the purposes of this paragraph; or
 - (f) subject to such conditions as aforesaid, to spirits delivered for scientific purposes under section 8 above; or
 - (g) subject to such conditions as aforesaid, to imported Geneva, perfumed spirits or liqueurs ; or
 - (h) to imported compounded spirits of any kind specified for the purposes of this paragraph in regulations made by the Commissioners; or
 - (i) to the supply of spirits of wine for the purpose of making medicines to registered medical practitioners, hospitals and persons entitled to carry on the business of a chemist and druggist; or (f) to spirits compounded in warehouse in pursuance of warehousing regulations.
- (2) For the purposes of this section, in the case of imported spirits, any period which is shown to the satisfaction of the Commissioners to have elapsed between the dates of manufacture and importation shall be treated as a period during which the spirits have been warehoused.
- (3) If any person procures or attempts to procure the delivery of spirits in contravention of this section or contravenes or fails to comply with any regulation made thereunder, he shall be liable on summary conviction to a penalty of £100, and any spirits in respect of which the offence was committed shall be liable to forfeiture.

32 Restriction on transfer of British spirits in warehouse

- (1) No spirits in a distiller's warehouse may be transferred to a purchaser until the distiller has given such security for the payment of duty as the Commissioners may require,

and any spirits so transferred shall not again be transferred while those spirits remain in that warehouse.

- (2) Spirits manufactured in the United Kingdom chargeable with duty which has not been paid which are in any warehouse other than a distiller's warehouse shall not be transferred into the name of a purchaser until the purchaser produces to the officer in charge of the warehouse a written order for the delivery of the spirits signed by the person in whose name they are warehoused and countersigned by the occupier of the warehouse or a servant of his acting for him at the warehouse.
- (3) Any spirits duly transferred in accordance with the provisions of this section shall be discharged from any liability under the Customs and Excise Acts 1979 in respect of the nonpayment of any duty or penalty by the transferor.

33 Restrictions on use of certain goods relieved from spirits duty

- (1) If any person uses otherwise than for a medical or scientific purpose—
 - (a) any mixture which has on importation been relieved to any extent of the duty chargeable in respect of the spirits contained in it or used in its preparation or manufacture by reason of being a mixture which is recognised by the Commissioners as being used for medical purposes; or
 - (b) any article containing spirits which were exempted from duty under section 7 above ; or
 - (c) any article manufactured or prepared from spirits in respect of which repayment of duty has been obtained under section 8 above ; or
 - (d) any article in respect of which he has paid or agreed to pay a price fixed on the assumption that a repayment of duty will be obtained as mentioned in paragraph (c) above,he shall, unless he has complied with the requirements specified in subsection (2) below, be liable on summary conviction to a penalty of three times the value of the mixture or article so used or £100, whichever is the greater, and any article in his possession in the preparation or manufacture of which the mixture or article has been used shall be liable to forfeiture.
- (2) The requirements with which a person must comply to avoid incurring liability under subsection (1) above are that—
 - (a) he must obtain the consent of the Commissioners in writing to the use of the mixture or article otherwise than for a medical or scientific purpose; and
 - (b) he must pay to the Commissioners an amount equal to the difference between the duty charged on the mixture and the duty which would have been chargeable if it had not been a mixture recognised as mentioned in subsection (1)(a) above, or to the amount of the duty repaid or assumed to be repayable, as the case may be.
- (3) The Commissioners may make regulations for the purpose of enforcing the provisions of this section.
- (4) Regulations under subsection (3) above may in particular require any person carrying on any trade in which spirits, or mixtures or articles containing or prepared or manufactured with spirits, are in the opinion of the Commissioners likely to be or to have been used—
 - (a) to give and verify particulars of the materials which he is using or has used and of any such mixtures or articles which he has sold ; and

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- (b) to produce any books of account or other documents of whatever nature relating to any such materials, mixtures or articles.
- (5) If any person contravenes or fails to comply with any regulation made under subsection (3) above he shall be liable on summary conviction to a penalty of £100.
- (6) In this section "mixture" includes a preparation and a compound, and any reference to a mixture or article includes a reference to any part thereof.

34 Prohibition of grogging

- (1) No person shall—
 - (a) subject any cask to any process for the purpose of extracting any spirits absorbed in the wood thereof; or
 - (b) have on his premises any cask which is being subjected to any such process or any spirits extracted from the wood of any cask.
- (2) Any person contravening any provision of this section shall be liable on summary conviction to a penalty of £50.
- (3) All spirits extracted contrary to this section and every cask which is being subjected to any such process or which, being upon premises upon which spirits so extracted are found, has been subjected to any such process shall be liable to forfeiture.

35 Returns as to importation, manufacture, sale or use of alcohols

- (1) The Commissioners may, in so far as it seems to them expedient so to do for the purposes of protecting the revenue arising from the duties on spirits, make regulations requiring importers, manufacturers, sellers or users of—
 - (a) the following alcohols, that is to say, methyl, propyl, butyl or amyl alcohol, or
 - (b) any of the isomeric forms of such alcohols,to furnish returns containing such particulars as may be prescribed by the regulations in respect of the importation, manufacture, sale or use by any such persons of any of the articles specified in paragraphs (a) and (b) above.
- (2) Provision may be made by any regulations under this section for requiring persons by whom and premises on which any such articles are manufactured to be registered.
- (3) If any person contravenes or fails to comply with any regulation made under this section he shall be liable on summary conviction to a penalty of £25.

PART III

BEER

Charge of excise duty

36 Beer: charge of excise duty

There shall be charged on beer—

- (a) imported into the United Kingdom ; or

(b) brewed in the United Kingdom,
a duty of excise at the rate of £17.4240 for every 36 gallons, that rate being, however, increased in the case of beer of an original gravity exceeding 1030° by £0.5808 for each additional degree.

Computation of excise duty

37 Charge of duty on beer brewed in the United Kingdom: general

- (1) The quantity of worts and the gravity thereof by reference to which the duty on beer brewed in the United Kingdom is charged shall, according as is provided in sections 38 and 39 below, be either—
 - (a) the quantity and the original gravity of the worts produced ; or
 - (b) the quantity of worts of an original gravity of 1055° deemed to have been brewed from the materials used.
- (2) For the purpose of ascertaining the quantity of worts of an original gravity of 1055° deemed to have been brewed from the materials used, a brewer shall be deemed, subject to subsection (4) below, to have brewed 36 gallons of worts of that gravity for every unit of materials recorded by him in pursuance of regulations under section 49 or 53 below or used by him in any brewing.
- (3) For the purposes of subsection (2) above "unit of materials " means—
 - (a) 84 pounds weight of malt or corn of any description; or
 - (b) 56 pounds weight of sugar; or
 - (c) a quantity of malt, corn and sugar, or of any two of those materials, which by relation to paragraph (a) and (b) above is the equivalent of either of the quantities mentioned in those paragraphs.
- (4) In the case of a brewer for sale, where any materials used for brewing by the brewer are proved to the satisfaction of the Commissioners to be of such a description or nature that some deduction from the quantity deemed to have been brewed should be made, the Commissioners shall make such a deduction from that quantity as will in their opinion afford just relief to the brewer.
- (5) In subsection (3) above " sugar " includes—
 - (a) any saccharine substance, extract or syrup ;
 - (b) rice;
 - (c) flaked maize and any other description of corn which in the opinion of the Commissioners is prepared in a manner similar to flaked maize ;
 - (d) any other material capable of being used in brewing except malt or corn ;and " corn" in that subsection means corn other than corn included in the foregoing definition of sugar.
- (6) In the case of a brewer for sale, this section and section 38 below shall have effect as if priming and colouring solutions were worts.

38 Charge of duty on beer brewed in the United Kingdom: brewer for sale

- (1) The duty on beer brewed by a brewer for sale shall be charged and paid in accordance with the following provisions of this section.

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- (2) In respect of each brewing, duty shall first be charged by reference to the quantity and original gravity of the worts produced, as recorded by the brewer in pursuance of regulations made under section 49 below or as ascertained by the proper officer, whichever quantity and whichever gravity is the greater, less 6 per cent. of that quantity.
- (3) There shall be ascertained in respect of each brewing—
 - (a) the quantity of worts of an original gravity of 1055° which is the equivalent of the worts produced ; and
 - (b) the quantity of worts of that gravity deemed to have been brewed from the materials used in accordance with section 37(2) above ;and if the quantity mentioned in paragraph (b) above, less 4 per cent., exceeds the quantity mentioned in paragraph (a) above duty shall in addition be charged on the excess, less 6 per cent. thereof.
- (4) For the purposes of subsection (3)(a) above, the equivalent therein mentioned shall be taken to be the quantity of the worts produced—
 - (a) multiplied by the number, less 1000, of the degrees representing their original gravity; and
 - (b) divided by 55.
- (5) If at any time while any worts are in the collecting or fermenting vessels at a brewery the original gravity of the worts is found to exceed by 5° or more the gravity recorded by the brewer in pursuance of regulations made under section 49 below or that ascertained by the proper officer, those worts may be deemed to be the produce of a fresh brewing and be charged with duty accordingly.
- (6) Where beer has been prepared by a process of mixing by a brewer for sale and the aggregate amount charged in respect of duty on the several constituents of the beer exceeds the amount which would have been so charged on the mixture, the Commissioners may, subject to such conditions as they see fit to impose, remit or repay the excess.
- (7) The conditions which may be imposed under subsection (6) above include conditions as to the method of computing the amount which would have been charged in respect of duty on the mixture and of ascertaining any matter by reference to which that amount is to be computed.
- (8) Subject to subsection (9) below, the amount payable in respect of duty shall become due immediately duty is charged by the proper officer.
- (9) The Commissioners may cause the charge to be made up at the close of each month in respect of all the brewings during that month, and, in that case, the aggregate of the quantities of worts produced and the aggregate of the quantities of worts deemed to have been brewed from the materials used shall be treated as worts produced or deemed to have been brewed in one brewing, and, subject to subsection (10) below, the Commissioners may, if they think fit, allow payment of the duty to be deferred upon such terms as they see fit.
- (10) Where the Commissioners allow payment of duty to be deferred under subsection (9) above the date of payment shall be—
 - (a) in the case of worts of beer to which this paragraph applies, such date as may be so allowed, not being later than the twenty-fifth day of the twelfth month after the month in which the duty was charged;

- (b) in any other case, such date as may be so allowed, not being later than the twenty-fifth day of the month next following that in which the duty was charged.

- (11) Paragraph (a) of subsection (10) above applies to worts of beer of an original gravity of or exceeding 1070° and worts of lager beer, being in each case beer kept for a period of at least three months on the entered premises in which it is brewed, but does not apply to priming or colouring solutions.

39 Charge of duty on beer brewed in the United Kingdom: private brewer,

- (1) The duty on beer brewed by the holder of a limited licence to brew beer or of a corresponding licence in Northern Ireland shall be charged and paid in accordance with subsections (2) and (3) below.
- (2) Duty shall be charged by reference to the quantity of worts of an original gravity of 1055° deemed to have been brewed from the materials used in accordance with section 37(2) above, less 6 per cent of that quantity.
- (3) The charge of duty shall be made up and the amount payable in respect thereof shall be paid at such times as the Commissioners may appoint.

40 Charge of duty on imported beer

- (1) When any beer is imported or is removed into the United Kingdom from the Isle of Man, the importer or person so removing the beer shall deliver to the proper officer in such form and manner as the Commissioners may direct a declaration of the original gravity thereof; and, for the purpose of charging duty on the beer, the original gravity thereof shall be taken to be the original gravity stated in the declaration or the original gravity as ascertained by the proper officer, whichever is the higher,
- (2) If the original gravity as ascertained by the proper officer exceeds by 2° or more that stated in the declaration, the beer shall be liable to forfeiture; and if the original gravity as so ascertained exceeds by 5° or more that stated in the declaration, the importer or person removing the beer, and any agent of his by whom the declaration was made, shall each be liable on summary conviction to a penalty of £100.

Reliefs from excise duty

41 Exemption from duty of beer brewed for private consumption

The duty on beer brewed in the United Kingdom shall not be chargeable on beer brewed by a person who—

- (a) brews only for his own domestic use or for consumption by farm labourers employed by him in the actual course of their labour or employment; and
- (b) is not also a wholesaler or retailer of beer.

42 Drawback on exportation, removal to warehouse, shipment as stores, etc.

- (1) This section applies to—
 - (a) beer which has been brewed by a brewer for sale ; and

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- (b) beer which has been imported, or which has been removed into the United Kingdom from the Isle of Man.
- (2) Subject to the provisions of this section and to such conditions as the Commissioners see fit to impose, drawback shall be allowable—
- (a) on the removal by any person of any beer to which this section applies to an excise warehouse on the premises of a licensed producer of made-wine ; or
 - (b) on the exportation or removal to the Isle of Man by any person of any such beer; or
 - (c) on the shipment as stores by any person of any such beer; ,
- and shall also be allowable, subject as aforesaid, in the case of any beer to which this section applies which it is shown to the satisfaction of the Commissioners is being exported, removed or shipped as mentioned in paragraph (b) or (c) above as an ingredient of other goods.
- (3) In the case of beer brewed in the United Kingdom, the person intending to remove, export or ship the beer shall produce to the proper officer a declaration made by the brewer in such form and manner as the Commissioners may direct stating the date upon which the beer was brewed and the original gravity thereof and that the proper duty has been charged thereon.
- (4) In the case of beer brewed outside the United Kingdom, the person intending to remove, export or ship the beer shall produce to the proper officer in such form and manner as the Commissioners may direct a declaration that the proper duty has been charged and paid thereon.
- (5) The amount of the drawback payable under this section in respect of any duty paid shall be calculated according to the rate of drawback applicable during the period of currency of the rate at which the duty was paid to like beer charged with that rate of duty during that period.
- (6) Drawback under this section shall, where it is shown to the satisfaction of the Commissioners that duty has been paid, be allowed at the same rate as the rate at which the duty is charged; but as respects beer of an original gravity of less than 1030° the amount of drawback allowable shall not exceed the amount of the duty shown to the satisfaction of the Commissioners to have been paid.

43 Warehousing of beer for exportation, etc.

- (1) Subject to any regulations made by the Commissioners, a brewer for sale or a wholesaler of beer shall be entitled to warehouse in an excise warehouse for exportation or for use as stores any beer on which duty has been charged, and to add to the beer in warehouse finings for clarification or any other substance sanctioned by the Commissioners for the purpose of preparing the beer for exportation or for use as stores.
- (2) Subject to subsection (3) below, where the duty charged in respect of any beer warehoused under this section has been paid, drawback shall be allowed and paid as if the beer had been exported at the time of the warehousing.
- (3) Subsections (3) to (5) of section 42 above shall apply in relation to beer warehoused on drawback under this section as if the beer were being exported at the date of its warehousing.

- (4) Drawback under this section shall, where it is shown to the satisfaction of the Commissioners that duty has been paid, be allowed at the same rate as the rate at which the duty is charged; but as respects beer of an original gravity of less than 1030° the amount of drawback allowable shall not exceed the amount of the duty shown to the satisfaction of the Commissioners to have been paid.

44 Remission or repayment of duty on beer used for purposes of research or experiment

- (1) Where it is proved to the satisfaction of the Commissioners that any beer brewed in the United Kingdom which is chargeable with duty is to be used only for the purposes of research or of experiments in brewing, the Commissioners may, if they think fit and subject to such conditions as they see fit to impose, remit or repay the duty chargeable on that beer.
- (2) If any person contravenes or fails to comply with any condition imposed under subsection (1) above, then, in addition to any other penalty he may have incurred, he shall be liable on summary conviction to a penalty of £50.

45 Repayment of duty on beer used in the production or manufacture of other beverages, etc.

The Commissioners may by regulations provide for duty charged on beer which is used as an ingredient in the production or manufacture of—

- (a) any beverage of an alcoholic strength not exceeding 2° of proof; or
- (b) any such article (other than a beverage) as the Commissioners may determine having regard to the alcoholic content thereof,

to be repaid subject to such conditions as may be imposed by or under the regulations.

46 Remission or repayment of duty on spoilt beer

- (1) Where it is proved to the satisfaction of the Commissioners in the case of any brewer for sale that—
- (a) any materials upon which a charge of duty has been made, or
 - (b) any worts or beer (whether manufactured by him or not),
- have been destroyed or become spoilt or otherwise unfit for use by unavoidable accident while on the entered premises of the brewer and, in the case of any such substances which have become spoilt or unfit for use, have been destroyed with the permission and in the presence of the proper officer, the Commissioners shall remit or repay any duty charged or paid in respect thereof.
- (2) Where it is shown to the satisfaction of the Commissioners that any beer which has been removed from the entered premises of a brewer for sale has accidentally become spoilt or otherwise unfit for use and, in the case of beer delivered to another person, has been returned to the brewer as so spoilt or unfit, the Commissioners shall, subject to compliance with such conditions as they may by regulations impose, remit or repay any duty charged or paid in respect of the beer.
- (3) If any person contravenes or fails to comply with any regulation made under subsection (2) above, he shall be liable on summary conviction to a penalty of £50.

Brewing of beer

47 Licences to brew beer

- (1) No person shall brew beer unless he holds an excise licence under this section to brew beer or is exempted from holding one by subsection (5) below.
- (2) An excise licence under this section may—
 - (a) authorise the person to whom it is granted to brew beer for sale; or
 - (b) authorise the person to whom it is granted to brew beer not for sale and only for his own domestic use or for consumption by any persons employed by him in the actual course of their employment;and in this Act—
 - " brewer " means a person holding a licence under this section;
 - " brewer for sale " means a person holding a licence to brew beer for sale;and
 - " limited licence to brew beer " means a licence to brew beer as mentioned in paragraph (b) above.
- (3) Any licence granted under this section shall expire on the 30th September next after it is granted.
- (4) On every licence to brew beer there shall be charged an excise licence duty of the following amount, that is to say—
 - (a) in the case of a licence to brew beer for sale, £15.75;
 - (b) in the case of a limited licence to brew beer, £0.20.
- (5) A licence to brew beer shall not be required—
 - (a) for the brewing of beer only for the brewer's own domestic use or for consumption by farm labourers employed by the brewer in the actual course of their labour or employment; or
 - (b) for the brewing of beer (with the authority of the Commissioners and subject to compliance with such conditions as they see fit to impose) solely for the purposes of research or of experiments in brewing;but this subsection shall not exempt any person who is also a wholesaler or retailer of beer.
- (6) The Commissioners may refuse to grant a licence under this section in respect of any premises on which, from the situation of those premises with respect to a distillery, they think it inexpedient to allow the brewing of beer.
- (7) If any person, except as permitted by subsection (5) above, brews beer otherwise than under and in accordance with a licence under this section, he shall be liable on summary conviction to a penalty of £500 and all worts, beer and vessels, utensils and materials for brewing in his possession shall be liable to forfeiture.

48 Licence to use premises for adding solutions to beer

- (1) A brewer for sale shall not use for the purpose of adding priming or colouring solutions to beer any premises other than premises entered by him for the brewing of beer or an excise warehouse unless he holds an excise licence for that purpose under this section.

- (2) A licence granted under this section shall expire on the 30th September next after it is granted.
- (3) On any licence granted under this section there shall be charged an excise licence duty of £15.75.
- (4) If any brewer for sale uses any premises for the purpose mentioned in subsection (1) above contrary to this section or otherwise than in accordance with any licence granted to him in respect thereof under this section, he shall be liable on summary conviction to a penalty of £100.

49 Power to regulate manufacture of beer by brewers for sale

- (1) The Commissioners may, with a view to the protection of the revenue, make regulations—
 - (a) regulating the manufacture of beer by brewers for sale;
 - (b) for securing the duties on beer brewed by brewers for sale;
 - (c) regulating with respect to brewers for sale the preparation, use, storage and removal of priming and colouring solutions ;
 - (d) for enabling such solutions to be warehoused without payment of the duty chargeable on beer ;
 - (e) regulating the addition of such solutions to beer at premises in respect of which a licence has been granted under section 48 above ;
 - (f) for applying to such solutions, subject to such modifications and exceptions as may be specified in the regulations, any provision of, or of any instrument made under, any enactment relating to or containing provisions incidental to the duty on beer brewed in the United Kingdom.
- (2) Any person contravening or failing to comply with any regulation made under this section shall be liable on summary conviction to a penalty of £100, and any article in respect of which the offence was committed shall be liable to forfeiture.

50 Regulations as respects sugar kept by brewers for sale

- (1) The Commissioners may make regulations as respects—
 - (a) the receipt, storage, removal and disposal of sugar by brewers for sale;
 - (b) the books and other documents relating to sugar to be kept by brewers for sale ;
 - (c) the powers of officers to inspect and take copies of any such book or other document and to take stock of the sugar in the possession of any brewer for sale.
- (2) If any brewer for sale contravenes or fails to comply with any regulation made under this section he shall be liable on summary conviction to a penalty of £50.
- (3) If, on taking stock at any time, the proper officer finds that the quantity of any description of sugar in the possession of any brewer for sale differs from the quantity of that description which ought to be in his possession according to any book or other document kept by him in pursuance of any regulations made under this section, then—
 - (a) if the quantity in his possession exceeds the quantity which ought to be in his possession, the excess shall be liable to forfeiture;
 - (b) if the quantity in his possession is less by more than 2 per cent. than the quantity which ought to be in his possession, the deficiency above 2 per

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cent. shall, unless accounted for to the satisfaction of the Commissioners, be deemed to have been used in the brewing of beer without particulars thereof having been recorded in pursuance of regulations made under section 49 above, and duty shall be charged in respect thereof as if that deficiency had been so used.

- (4) In this section " sugar " means sugar of any description and any saccharine substance, extract or syrup.

51 Power to require production of books by brewers for sale

- (1) Where the Commissioners are satisfied that it is necessary for the purpose of securing the collection of the duty on beer brewed in the United Kingdom, any person specially authorised in writing in that behalf by the Commissioners may require any brewer for sale to produce to that person any book or document whatsoever relating to his business as a brewer.
- (2) If any brewer for sale fails to comply with any requirement imposed under subsection (1) above within a period of one hour he shall, on summary conviction, be liable to a penalty of £100 and to a further penalty of £10 for every day or part of a day thereafter during which the failure continues.

52 Offences by brewers for sale

- (1) If any brewer for sale conceals any worts or beer so as to prevent an officer from taking an account thereof, or after particulars of any worts or beer have been recorded by the brewer in pursuance of regulations made under section 49 above, mixes any sugar with those worts or with that beer so as to increase the quantity or the gravity or original gravity thereof, he shall be liable on summary conviction to a penalty of £100, and the worts or beer in respect of which the offence was committed shall be liable to forfeiture.
- (2) If any brewer for sale adds to beer before it is delivered from his entered premises anything other than—
- (a) water;
 - (b) finings for the purpose of clarification ; or
 - (c) such other substances as may be sanctioned by the Commissioners,
- he shall be liable on summary conviction to a penalty of £50.
- (3) If any beer to which anything other than any substance falling within paragraph (a), (b) or (c) of subsection (2) above has been added is found in the possession of a brewer for sale, he shall be liable on summary conviction to a penalty of £50 and the beer shall be liable to forfeiture.
- (4) In this section " sugar " means sugar of any description and any saccharine substance, extract or syrup, and includes any material capable of being used in brewing except malt or corn.

53 Special provisions as to holders of limited licences to brew beer

- (1) a limited licence to brew beer shall be granted in respect of one set of premises only, being premises occupied by the brewer.

For the purposes of this subsection the land and buildings within one curtilage, or any lands and buildings in Scotland with their parts and pertinents, shall be treated as one set of premises.

- (2) A limited licence to brew beer granted to any person shall not be transferred to any other person except the widow, personal representatives, liquidator or trustee in bankruptcy of the person to whom the licence was granted.
- (3) The Commissioners may make regulations prescribing the documents to be kept by holders of limited licences to brew beer and otherwise for securing any duty payable on, and safeguarding the revenue in connection with the brewing of, beer brewed by the holders of limited licences to brew beer.
- (4) If any holder of a limited licence to brew beer—
 - (a) contravenes or fails to comply with any provision of this section or any regulation made thereunder ; or
 - (b) sells or offers for sale any beer brewed by him,he shall be liable on summary conviction to a penalty of £25.
- (5) An officer may at all reasonable times enter and inspect any premises used for the purposes of brewing by the holder of a limited licence to brew beer and examine the vessels and utensils used by him for the purposes of brewing, and take samples of any worts, beer or materials for brewing in the possession of the brewer.

PART IV

WINE AND MADE-WINE

54 Wine: charge of excise duty

- (1) There shall be charged on wine—
 - (a) imported into the United Kingdom ; or
 - (b) produced in the United Kingdom by a person who is required by subsection (2) below to be licensed to produce wine for sale,a duty of excise at the rates shown in Schedule 1 to this Act and the duty shall, in so far as it is chargeable on wine produced in the United Kingdom, be charged and paid in accordance with regulations under section 56 below.
- (2) Subject to subsection (4) below, a person who, on any premises in the United Kingdom, produces wine for sale must hold an excise licence under this subsection in respect of those premises for that purpose.
- (3) On any licence under subsection (2) above there shall be charged an excise licence duty at the rate of £5.25 per annum.
- (4) A person who, in warehouse, produces wine for sale by rendering it sparkling in accordance with warehousing regulations need not hold an excise licence under subsection (2) above in respect of those premises.
- (5) If any person who is required by subsection (2) above to hold a licence under that subsection in respect of any premises produces wine on those premises without being the holder of a licence under that subsection in respect of those premises he shall be

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liable on summary conviction to a penalty of £500 and the wine and all vessels, utensils and materials for producing wine found in his possession shall be liable to forfeiture.

55 Made-wine: charge of excise duty

- (1) There shall be charged on made-wine—
 - (a) imported into the United Kingdom ; or
 - (b) produced in the United Kingdom by a person who is required by subsection (2) below to be licensed to produce made-wine for sale,
 a duty of excise at the rates shown in Schedule 2 to this Act and the duty shall, in so far as it is chargeable on made-wine produced in the United Kingdom, be charged and paid in accordance with regulations under section 56 below.
- (2) Subject to subsections (4) and (5) below, a person who, on any premises in the United Kingdom, produces made-wine for sale must hold an excise licence under this subsection in respect of those premises for that purpose.
- (3) On any licence under subsection (2) above there shall be charged an excise licence duty at the rate of £5.25 per annum.
- (4) A person who, in warehouse, produces made-wine for sale by rendering it sparkling in accordance with warehousing regulations need not hold an excise licence under subsection (2) above in respect of those premises.
- (5) A person need not hold an excise licence under subsection (2) above in respect of premises on which he produces made-wine for sale so long as all the following conditions are satisfied in relation to the production of made-wine by him on those premises, that is to say—
 - (a) the duty chargeable on each alcoholic ingredient used by him has become payable before he uses it;
 - (b) the ingredients he uses do not include cider or black beer;
 - (c) he does not increase by fermentation the alcoholic strength of any liquor or substance used by him; and
 - (d) he does not render any made-wine sparkling.
- (6) If any person who is required by subsection (2) above to hold a licence under that subsection in respect of any premises produces made-wine on those premises without being the holder of a licence under that subsection in respect of those premises he shall be liable on summary conviction to a penalty of £500 and the made-wine and all vessels, utensils and materials for producing made-wine found in his possession shall be liable to forfeiture.

56 Power to regulate making of wine and made-wine and provide for charging duty thereon

- (1) The Commissioners may with a view to managing the duties on wine and made-wine produced in the United Kingdom for sale make regulations—
 - (a) regulating the production of wine and made-wine for sale, and the issue, renewal and cancellation of excise licences therefor;
 - (b) for determining the duty and the rates thereof and in that connection prescribing the method of charging the duty;
 - (c) prohibiting or restricting the use of wine in the production of made-wine;

- (d) for securing and collecting the duty ;
- (e) for relieving wine or made-wine from the duty in such circumstances and to such extent as may be prescribed in the regulations.

(2) If any person contravenes or fails to comply with any regulation made under this section, he shall be liable on summary conviction to a penalty of £50 and any article in respect of which the offence was committed shall be liable to forfeiture.

57 Mixing of made-wine and spirits in warehouse

The Commissioners may, subject to such conditions as they see fit to impose, permit the mixing in an excise warehouse with made-wine (whether imported into or produced in the United Kingdom) of duty-free spirits in a proportion not exceeding 20 gallons of proof spirits to 100 gallons of made-wine, so, however, that the mixture shall not by virtue of this section be raised to a greater strength than 32° of proof.

58 Mixing of wine and spirits in warehouse

- (1) The Commissioners may, subject to such conditions as they see fit to impose, permit the mixing in an excise warehouse with wine (whether imported into or produced in the United Kingdom) of duty-free spirits in a proportion not exceeding 10 gallons of proof spirits to 100 gallons of wine, so, however, that the mixture shall not, except as provided by subsection (2) below, be raised to a greater strength than 40° of proof.
- (2) If the Commissioners are satisfied that it is necessary for the preservation of the wine, they may permit the fortification of wine by virtue of this section for exportation only to a greater strength than 40° of proof.

59 Rendering imported wine or made-wine sparkling in warehouse

- (1) Neither imported wine nor imported made-wine shall be rendered sparkling, whether by aeration, fermentation or any other process, except in warehouse in accordance with warehousing regulations.
- (2) Any person who contravenes subsection (1) above and any person who is concerned in such a contravention shall be liable on summary conviction to a penalty of £100.
- (3) All imported wine and imported made-wine rendered or being rendered sparkling in contravention of subsection (1) above, and all machinery, utensils, bottles and materials (including wine or made-wine) used or intended to be used in any process for rendering any wine or made-wine sparkling in contravention of that subsection shall be liable to forfeiture.

60 Repayment of duty on imported wine or made-wine used in the production or manufacture of other beverages, etc.

- (1) The Commissioners may by regulations provide for duty charged on imported wine or imported made-wine which is used as an ingredient in the production or manufacture of—
 - (a) any beverage of an alcoholic strength not exceeding 2° of proof; or
 - (b) any such article (other than a beverage) as the Commissioners may determine having regard to the alcoholic content thereof,to be repaid subject to such conditions as may be imposed by or under the regulations.

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- (2) The Commissioners may by regulations provide for duty charged on imported wine which is converted into vinegar to be repaid subject to such conditions as may be imposed by or under the regulations.

61 Remission or repayment of duty on spoilt wine or made-wine

- (1) Where it is shown to the satisfaction of the Commissioners that any wine or made-wine which has been removed from the entered premises of a licensed producer of wine or of made-wine has accidentally become spoilt or otherwise unfit for use and, in the case of wine or made-wine delivered to another person, has been returned to the producer as so spoilt or unfit, the Commissioners shall, subject to compliance with such conditions as they may by regulations impose, remit or repay any duty charged or paid in respect of the wine or made-wine.
- (2) If any person contravenes or fails to comply with any regulation made under subsection (1) above, he shall be liable on summary conviction to a penalty of £50.

PART V

CIDER

62 Excise duty on cider

- (1) There shall be charged on cider—
- (a) imported into the United Kingdom ; or
 - (b) made in the United Kingdom by a person who is required by subsection (2) below to be registered as a maker of cider,
- a duty of excise at the rate of £0.2420 a gallon.
- (2) Subject to subsection (3) below, a person who, on any premises in the United Kingdom, makes cider for sale must be registered with the Commissioners in respect of those premises.
- (3) The Treasury may by order made by statutory instrument provide for exempting from subsection (2) above makers of cider whose production does not exceed such limit as is specified in the order and who comply with such other conditions as may be so specified.
- (4) If any person who is required by subsection (2) above to be registered in respect of any premises makes cider on those premises without being registered in respect of them, he shall be liable on summary conviction to a penalty of £500 and the cider and all vessels, utensils and materials for making cider found in his possession shall be liable to forfeiture.
- (5) The Commissioners may with a view to managing the duty on cider made in the United Kingdom make regulations—
- (a) regulating the making of cider for sale and the registration and cancellation of registration of makers of cider;
 - (b) for determining the duty and the rate thereof and in that connection prescribing the method of charging the duty;
 - (c) for securing and collecting the duty ;

- (d) for relieving cider from the duty in such circumstances and to such extent as may be prescribed in the regulations.
- (6) If any person contravenes or fails to comply with any regulation made under subsection (5) above, he shall be liable on summary conviction to a penalty of £50 and any article in respect of which the offence was committed shall be liable to forfeiture.

63 Repayment of duty on imported cider used in the production or manufacture of other beverages, etc.

The Commissioners may by regulations provide for duty charged on imported cider which is used as an ingredient in the production or manufacture of—

- (a) any beverage of an alcoholic strength not exceeding 2° of proof; or
- (b) any such article (other than a beverage) as the Commissioners may determine having regard to the alcoholic content thereof,

to be repaid subject to such conditions as may be imposed by or under the regulations.

64 Remission or repayment of duty on spoilt cider

- (1) Where it is shown to the satisfaction of the Commissioners that any cider which has been removed from the entered premises of a registered maker of cider has accidentally become spoilt or otherwise unfit for use and, in the case of cider delivered to another person, has been returned to the maker as so spoilt or unfit, the Commissioners shall, subject to compliance with such conditions as they may by regulations impose, remit or repay any duty charged or paid in respect of the cider.
- (2) If any person contravenes or fails to comply with any regulation made under subsection (1) above, he shall be liable on summary conviction to a penalty of £50.

PART VI

GENERAL CONTROL PROVISIONS

Sale of dutiable alcoholic liquors

65 Excise licence for dealing wholesale in certain alcoholic liquors

- (1) Subject to the provisions of this section, no person shall deal wholesale in any of the alcoholic liquors to which this section applies, that is to say, spirits, beer, wine and made-wine, unless he holds an excise licence for that purpose under this section in respect of that liquor.
- (2) A licence granted under this section shall expire on the 30th June next after it is granted.
- (3) On any licence granted under this section there shall be charged an excise licence duty of £5.
- (4) Subject in the case of a distiller to section 27(4) above, any alcoholic liquor to which this section applies which is the produce of a licensed manufacturer may be dealt in wholesale without an excise licence under this section—
 - (a) at the premises where it is manufactured ; or

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- (b) if the liquor is supplied to the purchaser direct from the premises where it is manufactured, at any other place by the manufacturer or a servant or agent of his.

In this subsection " licensed manufacturer " means a distiller, rectifier, compounder, brewer for sale or licensed producer of wine or of made-wine.

- (5) Without prejudice to subsection (4) above, an excise licence under this section as a wholesale dealer in spirits shall not, except with the permission of the Commissioners and subject to such conditions as they see fit to impose, be granted to a distiller in respect of any premises within 2 miles of his distillery.
- (6) A person holding a licence under this section in respect of wine may deal wholesale at his licensed premises in made-wine as well as wine without taking out a further licence under this section.
- (7) If, save as permitted by this section, any person deals wholesale in any alcoholic liquor to which this section applies otherwise than under and in accordance with a licence under this Act so authorising him he shall be liable on summary conviction to a penalty of £100.
- (8) For the purposes of this section, dealing wholesale means the sale at any one time to any one person of quantities not less than the following, namely—
 - (a) in the case of spirits, wine or made-wine, 2 gallons or 1 case; or
 - (b) in the case of beer, 4 gallons or 2 cases.

66 Excise licence not required for sale of certain alcoholic liquors

- (1) Subject to subsection (2) below, an excise licence shall not be required for the sale wholesale of—
 - (a) any liquor which, whether made on the premises of a brewer for sale or elsewhere, is found on analysis of a sample thereof at any time to be of an original gravity not exceeding 1016° and of a strength not exceeding 2° of proof ;
 - (b) perfumes;
 - (c) flavouring essences recognised by the Commissioners as not being intended for consumption as or with dutiable alcoholic liquor;
 - (d) spirits, wine or made-wine so medicated as to be, in the opinion of the Commissioners, intended for use as a medicine and not as a beverage.
- (2) Subsection (1)(a) above shall not apply to Northern Ireland.

67 Power to regulate keeping of dutiable alcoholic liquors by wholesalers and retailers

- (1) The Commissioners may, with a view to the protection of the revenue, make regulations regulating the keeping of spirits, beer, wine, made-wine or cider respectively by wholesalers and retailers.
- (2) If any person contravenes or fails to comply with any regulation made under this section, he shall be liable on summary conviction to a penalty of £100, and any liquor, container or utensil in respect of which the offence was committed shall be liable to forfeiture.

68 Penalty for excess in stock of wholesaler or retailer of spirits

If at any time on the taking of an account by an officer of the spirits in the stock or possession of a wholesaler or retailer of spirits the quantity of those spirits computed at proof is found to exceed the quantity which ought to be in his possession according to any stock book required under this Act to be kept by the wholesaler or retailer, the excess shall be liable to forfeiture and the wholesaler or retailer shall be liable on summary conviction to a penalty of double the duty on a like quantity of plain spirits at proof charged at the highest rate.

69 Miscellaneous provisions as to wholesalers and retailers of spirits

- (1) A wholesaler of spirits shall not carry on his business on any premises communicating otherwise than by a public roadway with any premises entered or used by a distiller or rectifier.
- (2) Save with the permission of the Commissioners and subject to compliance with such conditions as they see fit to impose, a retailer of spirits shall not—
 - (a) carry on his business on any premises which are entered or used by a distiller or rectifier or which communicate otherwise than by a public roadway with any such premises; or
 - (b) be concerned or interested in the business of a distiller or rectifier carried on upon any premises within 2 miles of any premises at which he sells spirits by retail.
- (3) If any person contravenes or fails to comply with subsection (1) or (2) above or any condition imposed under subsection (2) above, he shall be liable on summary conviction to a penalty of £200.
- (4) A retailer of spirits shall not, unless he is also a wholesaler of spirits, sell or send out spirits to a rectifier or to a wholesaler or retailer of spirits, nor shall he buy or receive spirits from another such retailer who is not also such a wholesaler; and if he contravenes or fails to comply with this subsection he shall be liable on summary conviction to a penalty of £50.

70 General offences in connection with sale of spirits

- (1) If any person hawks spirits or, save as permitted by the Customs and Excise Acts 1979 or some other Act, sells or exposes for sale any spirits otherwise than on premises in respect of which he holds an excise licence as a wholesaler of spirits or a justice's licence (or in Scotland, a Scottish licence) authorising him to sell spirits, the spirits shall be liable to forfeiture and he shall be liable on summary conviction to a penalty of £100 and may be detained.
- (2) If any person knowingly sells or delivers or causes to be sold or delivered any spirits in order that they may be unlawfully consumed or brought into home use, then, in addition to any other punishment he may have incurred, he shall be liable on summary conviction to a penalty of £100.
- (3) If any person receives, buys or procures any spirits from a person not authorised to sell or deliver them, he shall be liable on summary conviction to a penalty of £100.
- (4) If any spirits delivered in bottle from a warehouse for home use are sold by a wholesaler or retailer of spirits at a strength lower than that by reference to which the

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duty chargeable thereon was computed, he shall be liable on summary conviction to a penalty of £50.

- (5) For the purposes of this section " Scottish licence" includes an off-licence in terms of Schedule 1 to the Licensing (Scotland) Act 1976.

71 Penalty for mis-describing liquor as spirits

- (1) If any person—

- (a) for the purpose of selling any liquor, describes the liquor (whether in any notice or advertisement or on any label or wrapper, or in any other manner whatsoever) by any name or words such as to indicate that the liquor is, or is a substitute for, or bears any resemblance to, any description of spirits, or that the liquor is wine fortified or mixed with spirits or any description of spirits; or
- (b) sells, offers for sale, or has in his possession for the purpose of sale, any liquor so described,

that person shall be guilty of an offence under this section unless he proves that the duty chargeable on spirits has been paid in respect of not less than 97J per cent. of the liquor.

- (2) Notwithstanding anything in this section—

- (a) the name " port" or " sherry " or the name of any other description of genuine wine; or
- (b) a name which, before 4th May 1932, was used to describe a liquor containing vermouth and spirits, the quantity of vermouth being not less than the quantity of spirits computed at proof,

shall not, for the purposes of this section, be treated as being in itself such a description as to give such an indication as is mentioned in subsection (1)(a) above.

- (3) Notwithstanding anything in this section, a person who has sold, offered for sale, or had in his possession for the purpose of sale, any liquor described only by any such name as is mentioned in subsection (2)(a) above shall not be guilty of an offence under this section by reason that the liquor has been described by some other person (not being the agent or servant of the first mentioned person) by that name in association with some other description such as to give such an indication as is mentioned in subsection (1)(a) above.
- (4) Any person guilty of an offence under this section shall be liable on summary conviction to a penalty of £100; and on the conviction of a person under this section the court may direct that any liquor and other article by means of or in relation to which the offence has been committed shall be forfeited, and any liquor or other article so directed to be forfeited shall be destroyed or otherwise disposed of as the court may direct.
- (5) Nothing in this section as it applies to England and Wales or Northern Ireland shall apply to any liquor which is prepared—
- (a) on any premises in respect of which a justices' on-licence is in force; or
 - (b) in any registered club ; or
 - (c) on any premises, or on board any aircraft, vessel or vehicle in the case of which, by virtue of section 199(c) or (d) of the Licensing Act 1964, a justices' licence is not required,

for immediate consumption on those premises, in that club or on board that aircraft, vessel or vehicle, as the case may be.

- (6) Nothing in this section as it applies to Scotland shall apply to any liquor which is prepared—
- (a) on any premises in respect of which a Scottish licence is in force; or
 - (b) in any registered club; or
 - (c) in any theatre, or on board any aircraft, vessel or vehicle in the case of which, by virtue of section 138(1)(b) or (c) of the Licensing (Scotland) Act 1976, a Scottish licence is not required,

for immediate consumption on those premises, in that club, at that theatre or on board that aircraft, vessel or vehicle, as the case may be.

72 Offences by wholesaler or retailer of beer

- (1) If any wholesaler or retailer of beer dilutes any beer or adds anything to beer other than finings for the purpose of clarification he shall be liable on summary conviction to a penalty of £50.
- (2) If any beer which has been diluted or to which anything other than finings for the purpose of clarification has been added is found in the possession of a wholesaler or retailer of beer he shall be liable on summary conviction to a penalty of £50 and the beer shall be liable to forfeiture.
- (3) Subject to subsection (4) below, if a wholesaler or retailer of beer receives or has in his custody or possession any sugar of any description or any saccharine substance, extract or syrup, except such as he proves to be for domestic use, or any preparation for increasing the gravity of beer, he shall be liable on summary conviction to a penalty of £50 and the article in question shall be liable to forfeiture.
- (4) Where a wholesaler or retailer of beer carries on upon the same premises the trade of a brewer for sale or of a grocer, subsection (3) above shall not apply to sugar and other preparations duly held by him in accordance with regulations made under section 50 above as a brewer for sale, or to sugar or syrup kept by him for sale in the ordinary course of his trade as a grocer.

73 Penalty for mis-describing substances as beer

- (1) If any person—
 - (a) for the purpose of selling any substance, describes the substance (whether in any notice or advertisement, or on any label, or in any other manner whatsoever) by any name or words such as to indicate that the substance is, or is a substitute for, or bears any resemblance to, beer or any description of beer; or
 - (b) sells, offers for sale or has in his possession for the purpose of sale any substance so described,that person shall be guilty of an offence under this section unless he proves that the duty chargeable on beer has been paid in respect of the whole of the substance.
- (2) Black beer the worts whereof before fermentation were of a specific gravity of 1200° or more is not a substance to which this section applies; and for the purposes of this section the name "black beer" shall not in itself be taken to be such a description as to give such an indication as is mentioned in subsection (1)(a) above.

Status: This is the original version (as it was originally enacted).

- (3) For the purposes of this section the name "ginger beer" or "ginger ale" shall not in itself be taken to be such a description as to give such an indication as is mentioned in subsection (1)(a) above.
- (4) Any person guilty of an offence under this section shall be liable on summary conviction to a penalty of £100; and on the conviction of a person under this section the court may order that any article by means of or in relation to which the offence has been committed shall be forfeited, and any article so directed to be forfeited shall be destroyed or otherwise disposed of as the court may direct.

74 Liquor to be deemed wine or spirits

For the purposes of this Act, as against any person selling or offering for sale the liquor in question—

- (a) any liquor sold or offered for sale as wine or under the name by which any wine is usually designated or known shall be deemed to be wine ; and
- (b) any fermented liquor which is of a strength exceeding 40° of proof, not being imported wine delivered for home use in that state on which the appropriate duty has been duly paid, shall be deemed to be spirits.

Paragraph (a) above is without prejudice to any liability under section 71 above.

Methylated spirits

75 Licence or authority to manufacture and deal wholesale in methylated spirits

- (1) The Commissioners may authorise any distiller, rectifier or compounder to methylate spirits, and any person so authorised is referred to in this Act as an "authorised methylator".
- (2) No person other than an authorised methylator shall methylate spirits or deal wholesale in methylated spirits unless he holds an excise licence as a methylator under this section.
- (3) A licence granted under this section shall expire on the 30th September next after it is granted.
- (4) On any licence granted under this section there shall be charged an excise licence duty of £10.50.
- (5) Any person who, not being an authorised methylator, methylates spirits otherwise than under and in accordance with a licence under this section shall be liable on summary conviction to a penalty of £50.
- (6) The Commissioners may at any time revoke or suspend any authorisation or licence granted under this section.
- (7) For the purposes of this section, dealing wholesale means the sale at any one time to any one person of a quantity of methylated spirits of not less than 5 gallons or such smaller quantity as the Commissioners may by regulations specify.

76 Licence to retail methylated spirits

- (1) No person shall sell methylated spirits by retail unless he holds an excise licence for that purpose under this section.
- (2) A licence granted under this section shall expire on the 30th September next after it is granted.
- (3) On any licence granted under this section there shall be charged an excise licence duty of £0.50.
- (4) A licence under this section shall not be granted—
 - (a) to a distiller, rectifier or compounder ; or
 - (b) in England, Wales or Northern Ireland, to a person holding a justice's on-licence in respect of spirits, beer, wine or made-wine ; or
 - (c) in Scotland—
 - (i) to a person holding a Scottish licence in respect of spirits, beer, wine or made-wine, or
 - (ii) to any other person except in accordance with the Methylated Spirits (Sale by Retail) (Scotland) Act 1937.
- (5) For the purposes of this section, sale by retail means the sale at any one time to any one person of a quantity of methylated spirits not exceeding 4 gallons.

77 Power to make regulations relating to methylated spirits

- (1) The Commissioners may with a view to the protection of the revenue make regulations—
 - (a) regulating the methylation o storage, removal, sale, delivery, receipt, use and exportation or shipment as stores of methylated spirits;
 - (b) prescribing the spirits which may be used, and the sub stances which may be mixed therewith, for methylation ;
 - (c) permitting spirits to be methylated in warehouse;
 - (d) permitting the sale without a licence of such methylated spirits as may be specified in the regulations;
 - (e) regulating the importation, receipt, removal, storage and use of spirits for methylation ;
 - (f) regulating the storage and removal of substances to be used in methylating spirits ;
 - (g) prescribing the manner in which account is to be kept of stocks of methylated spirits in the possession of authorised or licensed methylators and of retailers of methylated spirits;
 - (h) for securing any duty chargeable in respect of methylated spirits of any class.
- (2) Different regulations may be made under this section with respect to different classes of methylated spirits or different kinds of methylated spirits of any class.
- (3) If any person contravenes or fails to comply with any regulation under this section, he shall be liable on summary conviction to a penalty of £100.
- (4) If, save as permitted by any regulation under this section, any person sells methylated spirits otherwise than under and in accordance with a licence under section 75 or 76 above, he shall be liable on summary conviction to a penalty of £50.

Status: This is the original version (as it was originally enacted).

- (5) Any spirits or methylated spirits in respect of which an offence under subsection (3) or (4) above is committed shall be liable to forfeiture.
- (6) Nothing in any regulations made under this section shall prejudice the operation of the Methylated Spirits (Sale by Retail) (Scotland) Act 1937.

78 Additional provisions relating to methylated spirits

- (1) If, at any time when an account is taken and a balance struck of the quantity of any kind of methylated spirits in the possession of an authorised or licensed methylator, that quantity computed at proof differs from the quantity so computed which ought to be in his possession according to any accounts required by regulations made under section 77 above to be kept thereof, then, subject to subsection (2) below—
 - (a) if the former quantity exceeds the latter, the excess, or such part thereof as the Commissioners may determine, shall be liable to forfeiture ;
 - (b) if the former quantity is less than the latter, the methylator shall on demand by the Commissioners pay on the deficiency or such part thereof as the Commissioners may specify the duty payable on spirits.
- (2) Subsection (1) above shall not apply if the excess is not more than 1 per cent. or the deficiency is not more than 2 per cent. of the aggregate computed at proof of—
 - (a) the balance struck when an account was last taken ; and
 - (b) any quantity which has since been lawfully added to the methylator's stock.
- (3) If any person authorised by regulations made under section 77 above to supply any kind of methylated spirits knowingly supplies such spirits to any person not authorised by those regulations to receive them, he shall, without prejudice to any penalty he may have incurred, pay thereon the duty payable on spirits.
- (4) If any person other than an authorised or licensed methylator has in his possession any methylated spirits obtained otherwise than from a person authorised by regulations under the said section 77 to supply those spirits, he shall be liable on summary conviction to a penalty of £100 and the methylated spirits shall be liable to forfeiture.

79 Inspection of premises, etc.

Without prejudice to any other power conferred by the Customs and Excise Acts 1979, an officer may in the daytime enter and inspect the premises of any person authorised by regulations made under section 77 above to receive methylated spirits, and may inspect and examine any methylated spirits thereon and take samples of any methylated spirits or of any goods containing methylated spirits, paying a reasonable price for each sample.

80 Prohibition of use of methylated spirits, etc. as a beverage or medicine

- (1) If any person—
 - (a) prepares or attempts to prepare any liquor to which this section applies for use as a beverage or as a mixture with a beverage; or
 - (b) sells any such liquor, whether so prepared or not, as a beverage or mixed with a beverage ; or

- (c) uses any such liquor or any derivative thereof in the preparation of any article capable of being used wholly or partially as a beverage or internally as a medicine; or
- (d) sells or has in his possession any such article in the preparation of which any such liquor or any derivative thereof has been used ; or
- (e) except as permitted by the Commissioners and in accordance with any conditions imposed by them, purifies or attempts to purify any such liquor or, after any such liquor has once been used, recovers or attempts to recover the spirit or alcohol contained therein by distillation or condensation or in any other manner,

he shall be liable on summary conviction to a penalty of £100 and the liquor in respect of which the offence was committed shall be liable to forfeiture.

- (2) Nothing in this section shall prohibit the use of any liquor to which this section applies or any derivative thereof—
- (a) in the preparation for use as a medicine of sulphuric ether, chloroform, or any other article which the Commissioners may by order specify ; or
 - (b) in the making for external use only of any article sold or supplied in accordance with regulations made by the Commissioners under section 77 above ; or
 - (c) in any art or manufacture,

or the sale or possession of any article permitted to be prepared or made by virtue of paragraph (a) or (b) above where the article is sold or possessed for use as mentioned in that paragraph.

- (3) The liquors to which this section applies are methylated spirits, methyl alcohol, and any mixture containing methylated spirits or methyl alcohol.

Still licences

81 Licence for keeping still otherwise than as a distiller, etc.

- (1) Subject to the provisions of this section, no person shall keep or use a still otherwise than as a distiller, rectifier, or compounder unless he holds an excise licence for that purpose under this section.
- (2) A licence granted under this section shall expire on the 5th July next after it is granted.
- (3) On any licence granted under this section there shall be charged an excise licence duty of £0.50.
- (4) The Commissioners may permit, subject to such conditions as they see fit to impose, the keeping and use without a licence under this section of a still—
 - (a) kept by a person who makes or keeps stills solely for the purpose of sale ; or
 - (b) kept or used for experimental, analytical or scientific purposes; or
 - (c) kept or used for the manufacture of any article other than spirits.
- (5) If any person required to hold a licence under this section keeps or uses a still otherwise than under and in accordance with such a licence, he shall be liable on summary conviction to a penalty of £100 and the still shall be liable to forfeiture.

Status: This is the original version (as it was originally enacted).

- (6) If any person holding a licence under this section is convicted of any offence whatever in relation to methylated spirits, the Commissioners may suspend or revoke his licence.

82 Power to make regulations with respect to stills

- (1) The Commissioners may, with a view to the protection of the revenue, make regulations—
- (a) regulating the keeping and use of stills by persons other than distillers or rectifiers ;
 - (b) regulating the manufacture of stills ;
 - (c) prohibiting, except in such cases and upon such conditions as may be prescribed by the regulations, the keeping or use by persons other than distillers or rectifiers of stills of greater capacity than 50 gallons;
 - (d) regulating the removal of stills or parts thereof.
- (2) If any person contravenes or fails to comply with any regulation made under this section he shall be liable on summary conviction to a penalty of £100 and any still or part thereof in respect of which the offence was committed shall be liable to forfeiture.

83 Power of entry on premises of person keeping or using still

- (1) Without prejudice to any other power conferred by the Customs and Excise Acts 1979, an officer may, subject to subsection (2) below, at any time enter upon the premises of any person licensed or permitted to keep a still under section 81 above and examine any still or retort kept or used by that person.
- (2) No officer shall exercise the powers conferred on him by subsection (1) above by night unless he is accompanied by a constable.

Relief from, and payment by instalments of, liquor licence duties

84 Reduced duty on excise licence for sale of spirits for medical purposes, etc.

- (1) Any manufacturing or wholesale chemist and druggist who—
- (a) requires an excise licence for the purposes only of selling spirits of wine wholesale for medicinal purposes to registered medical practitioners, duly registered pharmaceutical chemists, chemists and druggists or persons requiring the spirits for use for scientific purposes in any laboratory ; and
 - (b) undertakes not to sell spirits otherwise than for those purposes and to those persons,
- may obtain that licence on payment of a reduced excise licence duty of £2.
- (2) The Commissioners may attach such conditions to any licence granted on payment of a reduced duty under this section as they think expedient for the protection of the revenue.
- (3) If any person holding a licence granted on payment of a reduced duty under this section sells spirits in any manner contrary to his undertaking or to the conditions attached to his licence he shall be liable on summary conviction to a penalty of £50.

85 Reduced duty on part-year licences generally

- (1) This section applies to any excise licence under this Act other than—
- (a) a licence to which section 86 below applies ; and
 - (b) a limited licence to brew beer.
- (2) Where an excise licence to which this section applies is granted after the commencement of the licence year—
- (a) to a person who has not within the 2 years immediately preceding held a similar licence ; or
 - (b) in respect of premises in respect of which the person to whom the licence is granted has not within that period held a similar licence,
- the proper officer may grant the licence on payment of such sum as bears to the duty payable thereon apart from this section the same proportion as the period for which the licence will be in force bears to a year.

86 Reduced duty on certain part-year licences

- (1) This section applies to an excise licence granted under the following provisions of this Act for the following purposes respectively, that is to say—
- (a) under section 65, to deal wholesale in any alcoholic liquor to which that section applies ;
 - (b) under section 75, to manufacture and deal wholesale in methylated spirits;
 - (c) under section 76, to sell methylated spirits by retail;
 - (d) under section 81, to keep or use a still.
- (2) Subject to subsection (3) below, where any licence to which this section applies is granted more than 3 months after the commencement of the licence year—
- (a) to a person who has not within the 2 years immediately preceding held a similar licence ; or
 - (b) in respect of premises in respect of which the person to whom the licence is granted has not within that period held a similar licence,
- the proper officer may grant the licence upon payment of such proportion of the full duty chargeable thereon as is specified in the following table in relation to the month during which the licence is taken out, that is to say—

<i>Month from the commencement of the licence year</i>	<i>Proportion of full duty</i>
4th to 6th	$\frac{3}{4}$
7th to 9th	$\frac{1}{2}$
10th to 12th	$\frac{1}{4}$

- (3) In its application to a wholesaler who has been granted relief under section 87(3) below on his trade being temporarily discontinued, subsection (2) above shall apply as respects the grant, on his first resuming his trade thereafter, of his new licence as a wholesaler as if paragraphs (a) and (b) thereof were omitted.

Status: This is the original version (as it was originally enacted).

87 Relief from duty on discontinuance of trade

- (1) Where a distiller, rectifier, compounder, brewer for sale, beer-primer, producer of wine or of made-wine or a whole* saler satisfies the Commissioners that his trade has been permanently discontinued he shall, subject to subsections (2) and (4) below, be entitled to surrender his licence and obtain relief from excise licence duty in respect of the period of the licence unexpired at the date when the trade was discontinued.

In this subsection " beer-primer " means a person who holds a licence under section 48 above.

- (2) No relief shall be granted under subsection (1) above where the trade has been discontinued owing to the disqualification either of the premises or of the trader by reason of the conviction of the trader of some offence.
- (3) Where a wholesaler satisfies the Commissioners that his trade has been temporarily discontinued—
- (a) by reason of the premises in respect of which his licence was granted having been destroyed or seriously damaged or closed with a view to their demolition or alteration; or
 - (b) by reason of any circumstances directly or indirectly attributable to any war in which Her Majesty may be or have been engaged ; or
 - (c) in Great Britain, by reason of the compulsory acquisition or the proposed compulsory acquisition of the said premises;

he shall, subject to subsection (4) below, on making application as provided in subsection (5) below and surrendering his licence, be entitled to relief from excise licence duty in respect of the period of the licence unexpired at the date when the trade was discontinued.

In this subsection, " compulsory acquisition " includes acquisition by agreement by any authority or persons for a purpose for which the authority or persons could be authorised to acquire the premises compulsorily.

- (4) A wholesaler shall not be entitled to relief from duty under subsection (1) or (3) above unless his trade is discontinued within 9 months after the commencement of the licence year.
- (5) An application for relief from duty under subsection (3) above shall be made to the Commissioners within one month after the discontinuance of the trade or within such longer period as the Commissioners may in any special case allow, and before making the application the licence holder shall give notice to the registered owner of the licensed premises of his intention to make it.
- (6) Relief from excise licence duty under this section shall be granted by the Commissioners by repayment or, in so far as the duty has not been paid, by remission of the appropriate amount of duty.
- (7) The appropriate amount of duty is, except where the relief is due to a wholesaler, such part of the full amount of duty for a year as bears to that amount the same proportion as the period in respect of which the licence holder is entitled to relief bears to a year.
- (8) Where the relief is due to a wholesaler, the appropriate amount of duty is such proportion of the full amount of duty for the year as is specified in the following table in relation to the month during which the trade is discontinued, that is to say—

<i>Month from the commencement of the licence year</i>	<i>Proportion of full duty</i>
1st to 3rd	$\frac{3}{4}$
4th to 6th	$\frac{1}{2}$
7th to 9th	$\frac{1}{4}$

88 Payment of licence duty in two instalments

- (1) Where the excise licence duty payable by any person on the grant to him of a licence as a distiller, rectifier, compounder, brewer, producer of wine or of made-wine or as a wholesaler, or the aggregate amount of the duties payable on two or more such licences granted to him in respect of the same premises, amounts to not less than £20, the licence or licences may, at the option of that person, be granted upon payment of half only of the duty or aggregate amount so payable.
- (2) Where a licence is granted in pursuance of subsection (1) above upon payment of half only of the duty or aggregate amount of the duty, the second half of that duty or amount shall be paid immediately after the expiration of 6 months from the commencement of the appropriate licence year, or on 1st February next following the grant of the licence or licences, whichever is the earlier.
- (3) If default is made in payment of the second half of the duty or amount payable under subsection (2) above the licence or licences shall be of no effect so long as the default continues.
- (4) Any sum remaining unpaid in any case in respect of the said second half may be recovered either as a debt due to the Crown or by distress on the licensed premises, and the proper officer may, subject to subsection (5) below, for the purpose of such distress by warrant signed by him authorise any person to distrain upon the premises and to sell any thing so distrained by public auction after giving 6 days' notice of the sale.
- (5) A distress shall not be levied under subsection (4) above unless notice in writing requiring the payment of the sum unpaid has been served on the holder of the licence or licences by leaving the notice at the premises or by sending it by post addressed to him at those premises.
- (6) The proceeds of any such sale shall be applied in or towards payment of the costs and expenses of the distress and sale and the payment of the sum due, and the surplus, if any, shall be paid to the holder of the licence or licences.
- (7) In the application of this section to Scotland, any reference to distress, or to levying distress, shall be construed as a reference to pouding.

PART VII

MISCELLANEOUS

Saving for certain privileges relating to sale of wine

89 Saving for Cambridge University and Vintners company

Nothing in this Act shall affect—

- (a) any privilege in relation to the sale of wine enjoyed at 1st January 1953 by the University of Cambridge, or the chancellor, masters or scholars thereof, or by any person to whom that privilege has been transferred in pursuance of any Act;
- (b) the exemption from the obligation to take out an excise licence for the sale of wine enjoyed at that date by the Company of the master, wardens and commonalty of Vintners of the City of London.

But—

- (i) the exemption in paragraph (b) above shall not extend to freemen of the said company who have obtained the freedom by redemption only ;
- (ii) no freeman of the said company shall be entitled to that exemption in respect of more than one set of premises at any one time ; and
- (iii) no person shall be entitled to that exemption unless he previously makes entry of the premises on which he intends to sell wine.

General

90 Regulations

- (1) Any power to make regulations conferred by this Act shall be exercisable by statutory instrument.
- (2) A statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

91 Directions

Directions given under any provision of this Act may make different provision for different circumstances and may be varied or revoked by subsequent directions thereunder.

92 Consequential amendments, repeals and saving and transitional provisions

- (1) The enactments specified in Schedule 3 to this Act shall be amended in accordance with the provisions of that Schedule.
- (2) The enactments specified in Parts I and II of Schedule 4 to this Act are hereby repealed to the extent specified in the third column of that Schedule and the instrument specified in Part III of that Schedule is hereby revoked to the extent so specified.
- (3) Any provision of this Act relating to anything done or required or authorised to be done under or by reference to that provision or any other provision of this Act shall

have effect as if any reference to that provision, or that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act.

- (4) Where an offence has been committed under section 129 of the Customs and Excise Act 1952 proceedings may be taken under section 51 of this Act in respect of the continuance of the offence under section 129 after the commencement of this Act in the same manner as if the offence had been committed under section 51 of this Act.
- (5) Where an offence has been committed under section 102 of the Customs and Excise Act 1952 before the commencement of this Act subsection (4) of section 21 of this Act shall apply on a conviction of an offence under that section as it would apply had the earlier offence been committed under section 21.
- (6) The repeal by this Act of sections 103 and 112 of the Customs and Excise Act 1952 shall not affect the right to drawback under section 103 in respect of medicinal spirits in respect of which a repayment of duty had been made before 8th August 1972 or the right to a repayment of duty under section 112 in respect of spirits used for medical purposes before that date (being the date on which the amendments made in those provisions by section 57 of the Finance Act 1972 came into operation).
- (7) The repeal by this Act of section 243 of the Customs and Excise Act 1952 and section 3(4) of the Finance Act 1960 shall not affect the operation of the saving in relation to spirits distilled before 1st August 1969 contained in paragraph 1 of Schedule 7 to the Finance Act 1969 (which repealed subsection (1)(b) of that section except in relation to spirits distilled before that date).
- (8) Nothing in this section shall be taken as prejudicing the operation of sections 15 to 17 of the Interpretation Act 1978 (which relate to the effect of repeals).

93 Citation and commencement

- (1) This Act may be cited as the Alcoholic Liquor Duties Act 1979 and is included in the Acts which may be cited as the Customs and Excise Acts 1979.
- (2) This Act shall come into operation on 1st April 1979.

Status: This is the original version (as it was originally enacted).

SCHEDULES

SCHEDULE 1

Section 54.

WINE: RATES OF DUTY

Description of wine (in strengths measured by reference to the following percentages of alcohol by volume at a temperature of 20° C.)	Rates of duty (per gallon)
	£
Wine of an alcoholic strength—	
not exceeding 15 per cent.	3.2500
exceeding 15 but not exceeding 18 per cent.	3.7500
exceeding 18 but not exceeding 22 per cent.	4.4150
exceeding 22 per cent.	4.4150 plus £0.4700 for every 1 per cent, or part of 1 per cent, in excess of 22 per cent. ; each of the above rates of duty being, in the case of sparkling wine, increased by £0.7150 per gallon.

SCHEDULE 2

Section 55.

MADE-WINE: RATES OF DUTY

Description of made-wine (in strengths measured by reference to the following percentages of alcohol by volume at a temperature of 20° C.)	Rates of duty (per gallon)
	£
Made-wine of an alcoholic strength—	
not exceeding 10 per cent.	2.1100
exceeding 10 but not exceeding 15 per cent.	3.1600
exceeding 15 but not exceeding 18 per cent.	3.4750
exceeding 18 per cent.	3.4750 plus £0.4700 for every 1 per cent, or part of 1 per cent, in excess of 18 per cent.; each of the above rates of duty being, in the case of sparkling made-wine, increased by £0.3300 per gallon.

SCHEDULE 3

Section 92(1).

CONSEQUENTIAL AMENDMENTS

Food and Drugs Act 1955

- 1 In section 3(4) of the Food and Drugs Act 1955, for the words " section one hundred and sixty-one of the Customs and Excise Act 1952 " there shall be substituted the words " section 70 of the Alcoholic Liquor Duties Act 1979 ".

Food and Drugs (Scotland) Act 1956

- 2 In section 3(4) of the Food and Drugs (Scotland) Act 1956, for the words " section one hundred and sixty-one of the Customs and Excise Act 1952 " there shall be substituted the words " section 70 of the Alcoholic Liquor Duties Act 1979 ".

Weights and Measures Act 1963

- 3 In section 58 of the Weights and Measures Act 1963, in the definition of "intoxicating liquor", for the words "has the same meaning as for the purposes of the Customs and Excise Act 1952 " there shall be substituted the words " means spirits, beer, wine, made-wine or cider as defined in section 1 of the Alcoholic Liquor Duties Act 1979 ; ".

- 4 In Part VI of Schedule 4 to the Weights and Measures Act 1963, for paragraph 1 there shall be substituted the following paragraph—

“1 In this Part of this Schedule—

- (a) the expressions " beer" and " cider" have the same meanings respectively as in the Alcoholic Liquor Duties Act 1979 ;
- (b) the expression " wine " means imported wine ; and
- (c) the expression " British wine " means any liquor which is made from fruit and sugar or from fruit or sugar mixed with any other material and which has undergone a process of fermentation in the manufacture thereof, and includes British wines, made wines, mead and metheglin.”

Licensing Act 1964

- 5 (1) The Licensing Act 1964 shall be amended as provided in this paragraph.
- (2) In section 181, for the words " dealer's licence under section 146 of the Customs and Excise Act 1952" there shall be substituted the words " wholesaler's licence under section 65 of the Alcoholic Liquor Duties Act 1979 " and for the words " dealer's licence " in the other two places where they occur there shall be substituted the words " wholesaler's licence ".
- (3) In section 201(1)—
- (a) in the definition of " sale by retail", for the words following " section" there shall be substituted the words " 4(4) of the Alcoholic Liquor Duties Act 1979 "; and
 - (b) in the appropriate place in alphabetical order there shall be inserted the following definition (in place of the definition repealed by this Act)—

Status: This is the original version (as it was originally enacted).

“" wine " means wine or made-wine as denned in section 1 of the Alcoholic Liquor Duties Act 1979.”

- (4) In Part II of Schedule 9, in paragraph 4, for the words " section 307 of the Customs and Excise Act 1952)" there shall be substituted the words " section 1 of the Alcoholic Liquor Duties Act 1979) " .

Weights and Measures Act (Northern Ireland) 1967

- 6 In section 41 of the Weights and Measures Act (Northern Ireland) 1967, in the definition of "intoxicating liquor", for the words " has the same meaning as for the purposes of the Customs and Excise Act 1952 " there shall be substituted the words " means spirits, beer, wine, made-wine or cider as denned in section 1 of the Alcoholic Liquor Duties Act 1979 ; " .

- 7 In Part VI of Schedule 2 to the Weights and Measures Act (Northern Ireland) 1967, for paragraph 1 there shall be substituted the following paragraph—

“1 In this Part of this Schedule—

- (a) the expressions " beer " and " cider" have the same meanings respectively as in the Alcoholic Liquor Duties Act 1979 ;
- (b) the expression " wine " means imported wine ; and
- (c) the expression " British wine " means any liquor which is made from fruit and sugar or from fruit or sugar mixed with any other material and which has undergone a process of fermentation in the manufacture thereof, and includes British wines, made wines, mead and metheglin.”

Licensing Act (Northern Ireland) 1971

- 8 (1) The Licensing Act (Northern Ireland) 1971 shall be amended as provided in this paragraph.
- (2) In section 76(1), for the words " section 146 of the Customs and Excise Act 1952 " there shall be substituted the words " section 65 of the Alcoholic Liquor Duties Act 1979 " .
- (3) In section 76(2)(b), for the words " section 146 or 167" there shall be substituted the words " section 65 or 84 " and for the words "Act of 1952" there shall be substituted the words " Act of 1979 " .
- (4) In section 84(5), for the words " section 148(4) of the Customs and Excise Act 1952 " there shall be substituted the words " section 4(4) of the Alcoholic Liquor Duties Act 1979 " .
- (5) In section 85(c), for the words " section 167 of the Customs and Excise Act 1952 " there shall be substituted the words " section 84 of the Alcoholic Liquor Duties Act 1979 " .

Licensing (Scotland) Act 1976

- 9 In section 139(1) of the Licensing (Scotland) Act 1976 the following amendments shall be made, that is to say—

Status: This is the original version (as it was originally enacted).

- (a) in the definitions of "made-wine" and "wine", for the words "Customs and Excise Act 1952" there shall be substituted the words "section 1 of the Alcoholic Liquor Duties Act 1979";
- (b) in the definition of "wholesaler's excise licence", for the words from "section 146" to the end, there shall be substituted the words "section 65 of the Alcoholic Liquor Duties Act 1979".

SCHEDULE 4

Section 92(2).

REPEALS

PART I

ENACTMENTS OF THE PARLIAMENT OF THE UNITED KINGDOM

Chapter	Short Title	Extent of Repeal
53 & 54 Vict. c. 8.	The Customs and Inland Revenue Act 1890.	Section 31(2).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	Part IV. Sections 226 to 228. Section 237. Sections 241 to 243. Section 263(3) to (5). In section 307(1), the definitions of "authorised methylator", "beer", "beer-primer", "brewer" and "brewer for sale", "British compounded spirits", "British spirits", "case", "cider", "compounder", "dealer", "distiller" and "distillery", "distiller's warehouse", "gravity" and "original gravity", "intoxicating liquor", "justices' licence" and "justices' on-licence", "licensed methylator", "limited licence to brew beer", "made-wine", "methylated spirits", "producer of wine", "producer of made-wine", "proof", "rectifier", "registered club", "retail", "retailer", "spirits", "spirits

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
		of wine ", " wholesale " and " wine ".
		In section 315, paragraphs (c) and (d).
		In Schedule 10, paragraph 15.
1 & 2 Eliz. 2. c. 34.	The Finance Act 1953.	Section 2.
6 & 7 Eliz. 2. c. 56.	The Finance Act 1958.	Section 6.
7 & 8 Eliz. 2. c. 58.	The Finance Act 1959.	Section 2(1) and (5).
		Section 3(2), (3), (4) and (5).
8 & 9 Eliz. 2. c. 44.	The Finance Act 1960.	Section 3.
		Schedule 1.
1963 c. 25.	The Finance Act 1963.	Section 6.
		Schedule 2.
1963 c. 31.	The Weights and Measures Act 1963.	Section 59.
		In Schedule 10, paragraph 1(d).
1964 c. 49.	The Finance Act 1964.	Section 1(5).
		Section 2(5) and (6).
1966 c. 18.	The Finance Act 1966.	In Schedule 2, in paragraph 1, the words from " section 107(1) " to " spirits " and paragraph 2.
1967 c. 54.	The Finance Act 1967	Section 1(5).
		Section 4 except, in subsection (5), paragraphs (a) (i) and (v).
		Section 6.
		In Schedule 5, paragraphs 2, 3 and 4.
		In Schedule 6, paragraphs 1, 3, 4, 7, 8, 9, 10 and 11.
		In Schedule 9, paragraphs 1 to 6.
1968 c. 44.	The Finance Act 1968.	Section 1(3).
1968 c. 54.	The Theatres Act 1968.	In Schedule 2 the amendment in section 162 of the Customs and Excise Act 1952.
1969 c. 32.	The Finance Act 1969.	Section 1(5)(b).
		In Schedule 7, paragraph 2.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1970 c. 24.	The Finance Act 1970.	Section 6(1) and (2)(a). Section 7, except subsections (5) and (8).
1972 c. 41.	The Finance Act 1972.	Section 57(3) and (4).
1974 c. 30.	The Finance Act 1974.	Section 4.
1975 c. 45.	The Finance (No. 2) Act 1975.	Sections 9 and 10. Sections 14 and 15. In Schedule 3, paragraphs 3 to 7, 9, 15, 24 to 37, 42, in paragraph 44, subparagraphs (a), (b) and (d) and paragraphs 45 to 47. Schedules 4 and 5. In Schedule 6, paragraphs 5, 6, 7 and 8.
1976 c. 40.	The Finance Act 1976.	Sections 2 and 3. In Schedule 3, paragraphs 1, 5, 7 and 9.
1976 c. 66.	The Licensing (Scotland) Act 1976.	In Schedule 7, paragraphs 3 and 4.
1977 c. 36.	The Finance Act 1977.	Section 1(1) to (5), (8) and (9). Schedules 1 and 2.
1978 c. 42.	The Finance Act 1978.	Section 2. In Schedule 12, paragraphs 1 to 5.

PART II

ENACTMENTS OF THE PARLIAMENT OF NORTHERN IRELAND

Chapter	Short Title	Extent of Repeal
1959 c. 9 (N.I.).	The Finance Act (Northern Ireland) 1959.	Section 12(1) and (5). Section 13(2) to (5). Section 18(5).
1963 c. 22 (N.I.).	The Finance Act (Northern Ireland) 1963.	Section 19. Section 22(6) Schedule 2.

Status: This is the original version (as it was originally enacted).

Chapter	Short Title	Extent of Repeal
1967 c. 20 (N.I.)	The Finance Act (Northern Ireland) 1967.	Section 15(1)(b) and (6). Section 17. Section 21(6). In Schedule 2, the amendment in the Finance Act (Northern Ireland) 1959.

PART III

NORTHERN IRELAND INSTRUMENT

Year and Number	Title	Extent of Revocation
1976/1214 (N.I. 23)	The Poisons (Northern Ireland) Order 1976.	In Schedule 2, paragraph 1.