
STATUTORY INSTRUMENTS

2009 No. 2890

FOOD

The Scotch Whisky Regulations 2009

Made - - - - 26th October 2009
Laid before Parliament 30th October 2009
Coming into force 23rd November 2009

THE SCOTCH WHISKY REGULATIONS 2009

1. Title, commencement and application
2. Repeal and revocation
3. Definition of “Scotch Whisky” and categories of Scotch Whisky
4. General interpretation
5. Manufacture
6. Marketing
7. Movement from Scotland to another country
8. Compulsory sales descriptions
9. Names of distilleries and distillers etc.
10. Locality and region geographical indications
11. Use of the words ‘pure’ and ‘malt’ and derivations
12. Maturation, age and distillation statements
13. Transitional provisions relating to labelling and packaging
14. Transitional provisions relating to advertising and promotion
15. Designation
16. Enforcement
17. Appointment of officers
18. Duty to give assistance and provide information
19. Powers of entry
20. Powers of an authorised officer
21. Procedure on seizure
22. Improvement notices
23. Appeals against improvement notices
24. Powers relating to appeals
25. Publication of notices
26. Obstruction
27. Offences
28. Fines
29. Offences by bodies corporate etc.

Status: This is the original version (as it was originally made).

30. Default of third person
 31. Defences
 32. Giving of penalty notice for penalty offence
 33. Contents and form of penalty notice
 34. Amount of penalty
 35. Restriction on proceedings for penalty offence
 36. Payment of penalty
 37. Certificate of payment or non-payment of a penalty
 38. Penalty receipts
 39. Withdrawal of penalty notice
 40. Civil remedy
 41. Giving of notices
- Signature

SCHEDULE 1 — DISTILLERIES TO WHICH REGULATION 9(1) APPLIES

SCHEDULE 2 — CIRCUMSTANCES IN WHICH REGULATION 9(2) DOES NOT APPLY

SCHEDULE 3 — CIRCUMSTANCES IN WHICH REGULATION 10(1) DOES NOT APPLY

1. Regulation 10(1) does not apply where the name of a...
2. Regulation 10(1) does not apply where the name of a...
3. In relation to a Blended Malt Scotch Whisky, a Blended...
4. Regulation 10(1) does not apply where a brand owner refers...

SCHEDULE 4 — FACTORS TO BE TAKEN INTO ACCOUNT IN DETERMINING THE AMOUNT OF A PENALTY

PART 1 — Aggravating factors

1. Seriousness of the non-compliance.
2. Financial harm to consumers.
3. Financial harm to competitors.
4. Duration of non-compliance.
5. Evidence of intention behind the non-compliance.
6. History of non-compliance of the person (“P”) to whom the...
7. Financial gain made by P as a result of the...
8. Financial resources of P.
9. Size of P’s business.
10. Availability of the non-compliant product, including the number of retail...
11. Where P is a retailer with a number of retail...
12. The conduct of P after the non-compliance is drawn to...
13. Previous action taken by the enforcement authority to help P...

PART 2 — Mitigating factors

1. Action taken to eliminate or reduce the risk of harm...
2. Action taken by P to repair the harm done by...
3. Any co-operation given to the enforcement authority by P in...
4. Whether P reported the non-compliance to the enforcement authority.
5. Financial resources of P.
6. Size of P’s business.
7. Availability of the non-compliant product, including the number of retail...
8. The conduct of P after the non-compliance is drawn to...

9. Where the non-compliance was committed by an employee of P,...

Explanatory Note