

STATUTORY INSTRUMENTS

2011 No. 2936

The Wine Regulations 2011

PART 3

Enforcement

[^{F1}The 1416/2006 prohibition

6A.—(1) In these Regulations, “the 1416/2006 prohibition” means the prohibition contained in the first sentence of Article 1 of Regulation (EC) No 1416/2006 (prohibiting the use of a US name of origin listed in the Annex to that Regulation for a wine unless it is used to designate a wine of the origin indicated by such name) as read with paragraph (2).

(2) The prohibition referred to in paragraph (1) does not apply in relation to the use of a US name of origin listed in the Annex to Regulation (EC) No 1416/2006 for a wine where—

- (a) the name of origin used for the wine is homonymous with the US name of origin, the wine originates from the place with the homonymous name and the name is used in such a way that consumers will not be misled, or
- (b) the name is used in the course of trade by the person under whose name the wine is produced and marketed and the US name of origin is the same as the name of that person or a predecessor of that person in business and is used in such a way that consumers will not be misled.

(3) In this regulation, “Regulation (EC) No 1416/2006” means Commission Regulation (EC) No 1416/2006 laying down specific rules on the implementation of Article 7(2) of the Agreement between the European Community and the United States of America on trade in wine concerning the protection of US names of origin in the Community.]

Textual Amendments

- F1** Reg. 6A inserted (30.12.2020) by The Spirit Drinks, Wine and European Union Withdrawal (Consequential Modifications) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1636), regs. 1(2), 3(5)

Disclosure of information **E+W+S**

7.—(1) The Commissioners for Her Majesty’s Revenue and Customs may disclose any information in their possession to the Secretary of State or the ^{F2}... Agency for the purposes of the [^{F3}retained EU Regulations] or these Regulations.

(2) Paragraph (1) is without prejudice to any other power of the Commissioners to disclose information.

Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F2** Words in [reg. 7\(1\)](#) omitted (28.3.2019) by virtue of [The Wine \(Amendment\) Regulations 2019 \(S.I. 2019/524\)](#), [regs. 1, 7\(2\)](#)
- F3** Words in Regulations substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), [regs. 1\(7\), 11\(2\)](#)

Disclosure of information **N.I.**

7.—(1) The Commissioners for Her Majesty’s Revenue and Customs may disclose any information in their possession to the Secretary of State or the ^{F27}... Agency for the purposes of the European Regulations or these Regulations.

(2) Paragraph (1) is without prejudice to any other power of the Commissioners to disclose information.

Extent Information

- E8** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F27** Words in [reg. 7\(1\)](#) omitted (28.3.2019) by virtue of [The Wine \(Amendment\) Regulations 2019 \(S.I. 2019/524\)](#), [regs. 1, 7\(2\)](#)

Powers of authorised officers **E+W+S**

8.—(1) An authorised officer may, on producing a duly authenticated authorisation if required, at any reasonable time enter any premises (except those used wholly or mainly as a private dwellinghouse) for the purpose of executing or enforcing the [^{F3}retained EU Regulations][^{F4}, the 1416/2006 prohibition] or these Regulations.

(2) An authorised officer who has entered premises, whether under paragraph (1) or under the authority of a warrant under regulation 9, may—

- (a) inspect any materials or articles;
- (b) have access to, and inspect and copy any documents or records (in whatever form they are held), and remove them to enable them to be copied;
- (c) have access to, inspect and check the operation of any computer and any associated apparatus used in connection with the records, and may require any person to afford such assistance as may reasonably be required (including the provision of passwords), and may require any computer records to be produced in a form in which they may be taken away;
- (d) seize and retain anything required as evidence in proceedings under these Regulations;
- (e) undertake an inventory of wine sector products and of anything which may be used in the preparation of wine sector products; and
- (f) purchase or take samples of any wine sector product and of anything which may be used in the preparation of wine sector products.

(3) An authorised officer who has procured a sample of any wine sector product or of anything which may be used in the preparation of such a product may analyse or examine that sample or have that sample analysed or examined.

[^{F5}(4) An authorised officer entering any premises by virtue of this regulation or regulation 9 may be accompanied by such other person as the officer considers necessary.]

Extent Information

E2 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F3 Words in Regulations substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **11(2)**

F4 Words in [reg. 8\(1\)](#) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(6)**

F5 [Reg. 8\(4\)](#) substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **11(7)**

Powers of authorised officers **N.I.**

8.—(1) An authorised officer may, on producing a duly authenticated authorisation if required, at any reasonable time enter any premises (except those used wholly or mainly as a private dwellinghouse) for the purpose of executing or enforcing the European Regulations [^{F28}, the 1416/2006 prohibition] or these Regulations.

(2) An authorised officer who has entered premises, whether under paragraph (1) or under the authority of a warrant under regulation 9, may—

- (a) inspect any materials or articles;
- (b) have access to, and inspect and copy any documents or records (in whatever form they are held), and remove them to enable them to be copied;
- (c) have access to, inspect and check the operation of any computer and any associated apparatus used in connection with the records, and may require any person to afford such assistance as may reasonably be required (including the provision of passwords), and may require any computer records to be produced in a form in which they may be taken away;
- (d) seize and retain anything required as evidence in proceedings under these Regulations;
- (e) undertake an inventory of wine sector products and of anything which may be used in the preparation of wine sector products; and
- (f) purchase or take samples of any wine sector product and of anything which may be used in the preparation of wine sector products.

(3) An authorised officer who has procured a sample of any wine sector product or of anything which may be used in the preparation of such a product may analyse or examine that sample or have that sample analysed or examined.

[^{F29}(4) An authorised officer entering any premises by virtue of this regulation or regulation 9 may be accompanied by such other person as the officer considers necessary.]

Extent Information

- E9** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F28** Words in [reg. 8\(1\)](#) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), [regs. 1\(2\), 3\(6\)](#)
- F29** [Reg. 8\(4\)](#) substituted (N.I.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), [regs. 1\(7\), 14\(7\)](#)

Warrant **E+W+S**

9.—(1) If a justice of the peace, on sworn information in writing, or in Scotland by evidence on oath, ^{F6}... is satisfied—

- (a) that there are reasonable grounds to enter any premises for the purposes of executing or enforcing the [^{F3}retained EU Regulations][^{F7}, the 1416/2006 prohibition] or these Regulations; and
- (b) that any of the conditions in paragraph (2) are met,

the justice may by signed warrant authorise [^{F8}an authorised officer] to enter the premises, if need be by reasonable force.

(2) The conditions are that—

- (a) admission to the premises has been refused, or a refusal is expected, and (in either case) notice of the intention to apply for a warrant has been given to the occupier;
- (b) asking for admission to the premises, or the giving of such notice, would defeat the object of the entry;
- (c) entry is required urgently; or
- (d) the premises are unoccupied or the occupier is temporarily absent.

(3) A warrant is valid for three months.

(4) An authorised officer entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

[^{F9}(5) In this regulation, in Scotland, a reference to a justice of the peace includes a sheriff.]

Extent Information

- E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F3** Words in Regulations substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), [regs. 1\(7\), 11\(2\)](#)
- F6** Words in [reg. 9\(1\)](#) omitted (E.W.S.) (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), [regs. 1\(7\), 11\(8\)\(a\)](#)

- F7** Words in reg. 9(1)(a) inserted (30.12.2020) by The Spirit Drinks, Wine and European Union Withdrawal (Consequential Modifications) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1636), regs. 1(2), **3(7)**
- F8** Words in reg. 9(1) substituted (24.12.2012) by The Agriculture, Animals, Environment and Food etc. (Miscellaneous Amendments) Order 2012 (S.I. 2012/2897), arts. 1(1), **46(b)**
- F9** Reg. 9(5) substituted (E.W.S.) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **11(8)(b)**

Warrant **N.I.**

- 9.—(1) If a [^{F30}lay magistrate] on a sworn complaint in writing, is satisfied—
- (a) that there are reasonable grounds to enter any premises for the purposes of executing or enforcing the European Regulations [^{F31}, the 1416/2006 prohibition] or these Regulations; and
 - (b) that any of the conditions in paragraph (2) are met,

the [^{F32}magistrate] may by signed warrant authorise [^{F33}an authorised officer] to enter the premises, if need be by reasonable force.

- (2) The conditions are that—
- (a) admission to the premises has been refused, or a refusal is expected, and (in either case) notice of the intention to apply for a warrant has been given to the occupier;
 - (b) asking for admission to the premises, or the giving of such notice, would defeat the object of the entry;
 - (c) entry is required urgently; or
 - (d) the premises are unoccupied or the occupier is temporarily absent.
- (3) A warrant is valid for three months.

(4) An authorised officer entering any premises which are unoccupied or from which the occupier is temporarily absent must leave them as effectively secured against unauthorised entry as they were before entry.

^{F34}(5)

Extent Information

E10 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F30** Words in reg. 9(1) substituted (N.I.) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **14(8)(a)(i)**
- F31** Words in reg. 9(1)(a) inserted (30.12.2020) by The Spirit Drinks, Wine and European Union Withdrawal (Consequential Modifications) (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1636), regs. 1(2), **3(7)**
- F32** Word in reg. 9(1) substituted (N.I.) (31.12.2020) by The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **14(8)(a)(ii)**
- F33** Words in reg. 9(1) substituted (24.12.2012) by The Agriculture, Animals, Environment and Food etc. (Miscellaneous Amendments) Order 2012 (S.I. 2012/2897), arts. 1(1), **46(b)**
- F34** Reg. 9(5) omitted (N.I.) (31.12.2020) by virtue of The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1637), regs. 1(7), **14(8)(b)**

Warning notices **E+W+S**

10.—(1) An authorised officer who believes that a person has contravened any provision of the [F³retained EU Regulations][F¹⁰or the 1416/2006 prohibition] may serve a notice under this regulation on the person (a “warning notice”).

(2) A warning notice must—

- (a) state the provision of the [F³retained EU Regulations] that the officer believes has been breached [F¹¹or, if relevant, state that the officer believes that the 1416/2006 prohibition has been contravened];
- (b) notify the person that any future breach of that provision by them may render the person liable to prosecution; and
- (c) give details of the right of appeal against the notice.

Extent Information

E4 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

F3 Words in Regulations substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **11(2)**

F10 Words in [reg. 10\(1\)](#) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(8)(a)**

F11 Words in [reg. 10\(2\)\(a\)](#) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(8)(b)**

Warning notices **N.I.**

10.—(1) An authorised officer who believes that a person has contravened any provision of the European Regulations [F³⁵or the 1416/2006 prohibition] may serve a notice under this regulation on the person (a “warning notice”).

(2) A warning notice must—

- (a) state the provision of the European Regulations that the officer believes has been breached [F³⁶or, if relevant, state that the officer believes that the 1416/2006 prohibition has been contravened];
- (b) notify the person that any future breach of that provision by them may render the person liable to prosecution; and
- (c) give details of the right of appeal against the notice.

Extent Information

E11 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F35** Words in [reg. 10\(1\)](#) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(8)(a)**
- F36** Words in [reg. 10\(2\)\(a\)](#) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(8)(b)**

Enforcement notices **E+W+S**

11.—(1) An enforcement notice is a notice requiring a person to take specified steps to remedy a contravention, to remedy a contravention to the fullest extent possible, or to remedy matters making it likely that a contravention will arise.

(2) An authorised officer may serve an enforcement notice on a person if the officer is of the opinion that the person—

- (a) has contravened [regulation 5](#); ^{F12}...
- (b) has contravened, is contravening or is likely to contravene any provision of the [^{F3}retained EU Regulations][^{F13}; or]
- [^{F14}(c) has contravened the 1416/2006 prohibition.]

(3) An enforcement notice must—

- (a) state that the officer is of that opinion;
- (b) specify the matters constituting the contravention or the matters making it likely that the contravention will arise, as the case may be;
- (c) specify the steps that must be taken to remedy the contravention or to remedy the matters making it likely that the contravention will arise, as the case may be;
- (d) specify the period within which those steps must be taken; and
- (e) give details of the right of appeal against the notice.

Extent Information

- E5** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F3** Words in Regulations substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **11(2)**
- F12** Word in [reg. 11\(2\)\(a\)](#) omitted (30.12.2020) by virtue of [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(9)(a)**
- F13** Word in [reg. 11\(2\)\(b\)](#) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(9)(b)**
- F14** [Reg. 11\(2\)\(c\)](#) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(9)(c)**

Enforcement notices **N.I.**

11.—(1) An enforcement notice is a notice requiring a person to take specified steps to remedy a contravention, to remedy a contravention to the fullest extent possible, or to remedy matters making it likely that a contravention will arise.

(2) An authorised officer may serve an enforcement notice on a person if the officer is of the opinion that the person—

- (a) has contravened regulation 5; ^{F37} ...
- (b) has contravened, is contravening or is likely to contravene any provision of the European Regulations [^{F38}; or]

[^{F39}(c) has contravened the 1416/2006 prohibition.]

(3) An enforcement notice must—

- (a) state that the officer is of that opinion;
- (b) specify the matters constituting the contravention or the matters making it likely that the contravention will arise, as the case may be;
- (c) specify the steps that must be taken to remedy the contravention or to remedy the matters making it likely that the contravention will arise, as the case may be;
- (d) specify the period within which those steps must be taken; and
- (e) give details of the right of appeal against the notice.

Extent Information

E12 This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

F37 Word in reg. 11(2)(a) omitted (30.12.2020) by virtue of [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(9)(a)**

F38 Word in reg. 11(2)(b) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(9)(b)**

F39 Reg. 11(2)(c) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(9)(c)**

Prohibition notices **E+W+S**

12.—(1) A prohibition notice is a notice prohibiting the movement, marketing or export of a wine sector product.

(2) An authorised officer may serve a prohibition notice on a person who appears to be in control of a wine sector product if the officer is of the opinion that there has been or may have been a contravention of any provision of the [^{F3}retained EU Regulations][^{F15}or the 1416/2006 prohibition] in relation to the product.

(3) A prohibition notice must give details of the right of appeal against the notice.

(4) The officer may mark any wine sector product or container in relation to which a prohibition notice has been served (and remove or alter any such mark).

Extent Information

- E6** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F3** Words in Regulations substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **11(2)**
- F15** Words in [reg. 12\(2\)](#) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(10)**

Prohibition notices **N.I.**

12.—(1) A prohibition notice is a notice prohibiting the movement, marketing or export of a wine sector product.

(2) An authorised officer may serve a prohibition notice on a person who appears to be in control of a wine sector product if the officer is of the opinion that there has been or may have been a contravention of any provision of the European Regulations [^{F40}or the 1416/2006 prohibition] in relation to the product.

(3) A prohibition notice must give details of the right of appeal against the notice.

(4) The officer may mark any wine sector product or container in relation to which a prohibition notice has been served (and remove or alter any such mark).

Extent Information

- E13** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

Textual Amendments

- F40** Words in [reg. 12\(2\)](#) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(10)**

Appeals against notices etc.

13.—(1) A person who is aggrieved by a notice served under these Regulations may appeal against it.

(2) The right of appeal is to a person nominated by the ^{F16}... Agency.

(3) An appeal must be brought within the period of 28 days beginning with the date on which the notice is served.

(4) A notice is not suspended pending an appeal unless the person nominated under paragraph (2) decides otherwise.

(5) The person hearing the appeal may either cancel or confirm the notice, with or without modification.

(6) A notice must be in writing.

(7) An authorised officer may at any time withdraw or vary a notice in writing.

(8) A person on whom an enforcement notice or a prohibition notice is served must comply with it at their own expense.

Textual Amendments

F16 Words in [reg. 13\(2\)](#) omitted (28.3.2019) by virtue of [The Wine \(Amendment\) Regulations 2019 \(S.I. 2019/524\)](#), [regs. 1, 8\(2\)](#)

Offences **E+W+S**

14.—(1) A person who breaches any of the following provisions of the [^{F3}retained EU Regulations] is guilty of an offence—

- (a) [^{F17}Article 103(2) of Regulation (EU) 2013] (which provides protection for protected designations of origin and protected geographical indications and the wines using those protected names in conformity with the product specification);
- (b) the first sub-paragraph of [^{F18}Article 113(1) of Regulation (EU) 2013] (which protects the use of traditional terms for products produced in accordance with [^{F18}Article 112]);
- (c) [^{F19}Article 80(1), third sub-paragraph, of Regulation (EU) 2013] (which requires that wine sector products are produced and conserved in accordance with EU laws);
- (d) [^{F20}Article 90(2) of Regulation (EU) 2013] (which concerns the production requirements for wine imported into the EU);
- [^{F21}(e) Article 29 of Commission Regulation (EU) 2018/273 (which requires operations to be recorded in the register).]

[^{F22}(1A) Any person who contravenes the 1416/2006 prohibition is guilty of an offence.]

(2) It is an offence for a person to—

- (a) fail to comply with an enforcement notice or a prohibition notice;
- (b) fail to comply with a provision of the [^{F3}retained EU Regulations] at any time after that person has received a warning notice in respect of that provision.

(3) It is an offence—

- (a) intentionally to obstruct an authorised officer acting in the execution of these Regulations or of the [^{F3}retained EU Regulations] (including obstruction by the alteration or removal of a mark made under regulation 12(4));

[^{F23}(aa) intentionally to obstruct an authorised officer acting in the enforcement of the 1416/2006 prohibition;]

- (b) without reasonable cause, to fail to give to any such officer any assistance or information which that officer may reasonably require;
- (c) to furnish to any such officer any information knowing it to be false or misleading; or
- (d) to fail to produce a document, record or passport to any such officer when required to do so.

(4) It is an offence for a person, including a servant of the Crown, to disclose any information received from the Commissioners for Her Majesty's Revenue and Customs under regulation 7(1) if—

- (a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure,
- (b) the disclosure is for a purpose other than that specified in regulation 7(1), and
- (c) the Commissioners have not given their prior consent to the disclosure.

(5) It is a defence for a person charged with an offence under paragraph (4) to prove that the person reasonably believed—

- (a) that the disclosure was lawful, or
- (b) that the information had already and lawfully been made available to the public.

Extent Information

E7 This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F3** Words in Regulations substituted (E.W.S.) (31.12.2020) by *The Agricultural Products, Food and Drink (Amendment etc.) (EU Exit) Regulations 2020* (S.I. 2020/1637), regs. 1(7), **11(2)**
- F17** Words in reg. 14(1)(a) substituted (1.1.2014) by *The Single Common Market Organisation (Consequential Amendments) Regulations 2013* (S.I. 2013/3235), regs. 1, **13(4)(a)**
- F18** Words in reg. 14(1)(b) substituted (1.1.2014) by *The Single Common Market Organisation (Consequential Amendments) Regulations 2013* (S.I. 2013/3235), regs. 1, **13(4)(b)**
- F19** Words in reg. 14(1)(c) substituted (1.1.2014) by *The Single Common Market Organisation (Consequential Amendments) Regulations 2013* (S.I. 2013/3235), regs. 1, **13(4)(c)**
- F20** Words in reg. 14(1)(d) substituted (1.1.2014) by *The Single Common Market Organisation (Consequential Amendments) Regulations 2013* (S.I. 2013/3235), regs. 1, **13(4)(d)**
- F21** Reg. 14(1)(e) substituted (28.3.2019) by *The Wine (Amendment) Regulations 2019* (S.I. 2019/524), regs. 1, **9(2)**
- F22** Reg. 14(1A) inserted (30.12.2020) by *The Spirit Drinks, Wine and European Union Withdrawal (Consequential Modifications) (Amendment) (EU Exit) Regulations 2020* (S.I. 2020/1636), regs. 1(2), **3(11)(a)**
- F23** Reg. 14(3)(aa) inserted (30.12.2020) by *The Spirit Drinks, Wine and European Union Withdrawal (Consequential Modifications) (Amendment) (EU Exit) Regulations 2020* (S.I. 2020/1636), regs. 1(2), **3(11)(b)**

Offences **N.I.**

14.—(1) A person who breaches any of the following provisions of the European Regulations is guilty of an offence—

- (a) [^{F41}Article 103(2) of Regulation (EU) 2013] (which provides protection for protected designations of origin and protected geographical indications and the wines using those protected names in conformity with the product specification);
- (b) the first sub-paragraph of [^{F42}Article 113(1) of Regulation (EU) 2013] (which protects the use of traditional terms for products produced in accordance with [^{F42}Article 112]);
- (c) [^{F43}Article 80(1), third sub-paragraph, of Regulation (EU) 2013] (which requires that wine sector products are produced and conserved in accordance with EU laws);
- (d) [^{F44}Article 90(2) of Regulation (EU) 2013] (which concerns the production requirements for wine imported into the EU);
- [^{F45}(e) Article 29 of Commission Regulation (EU) 2018/273 (which requires operations to be recorded in the register).]

[^{F46}(1A) Any person who contravenes the 1416/2006 prohibition is guilty of an offence.]

(2) It is an offence for a person to—

- (a) fail to comply with an enforcement notice or a prohibition notice;

- (b) fail to comply with a provision of the European Regulations at any time after that person has received a warning notice in respect of that provision.
- (3) It is an offence—
- (a) intentionally to obstruct an authorised officer acting in the execution of these Regulations or of the European Regulations (including obstruction by the alteration or removal of a mark made under regulation 12(4));
- [^{F47}(aa) intentionally to obstruct an authorised officer acting in the enforcement of the 1416/2006 prohibition;]
- (b) without reasonable cause, to fail to give to any such officer any assistance or information which that officer may reasonably require;
- (c) to furnish to any such officer any information knowing it to be false or misleading; or
- (d) to fail to produce a document, record or passport to any such officer when required to do so.
- (4) It is an offence for a person, including a servant of the Crown, to disclose any information received from the Commissioners for Her Majesty’s Revenue and Customs under regulation 7(1) if—
- (a) the information relates to a person whose identity is specified in the disclosure or can be deduced from the disclosure,
- (b) the disclosure is for a purpose other than that specified in regulation 7(1), and
- (c) the Commissioners have not given their prior consent to the disclosure.
- (5) It is a defence for a person charged with an offence under paragraph (4) to prove that the person reasonably believed—
- (a) that the disclosure was lawful, or
- (b) that the information had already and lawfully been made available to the public.

Extent Information

- E14** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
-

Textual Amendments

- F41** Words in reg. 14(1)(a) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/3235\)](#), regs. 1, **13(4)(a)**
- F42** Words in reg. 14(1)(b) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/3235\)](#), regs. 1, **13(4)(b)**
- F43** Words in reg. 14(1)(c) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/3235\)](#), regs. 1, **13(4)(c)**
- F44** Words in reg. 14(1)(d) substituted (1.1.2014) by [The Single Common Market Organisation \(Consequential Amendments\) Regulations 2013 \(S.I. 2013/3235\)](#), regs. 1, **13(4)(d)**
- F45** Reg. 14(1)(e) substituted (28.3.2019) by [The Wine \(Amendment\) Regulations 2019 \(S.I. 2019/524\)](#), regs. 1, **9(2)**
- F46** Reg. 14(1A) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(11)(a)**
- F47** Reg. 14(3)(aa) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **3(11)(b)**

Penalties

15. A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

Proceedings against partnerships and unincorporated associations

16.—(1) Proceedings for an offence under these Regulations alleged to have been committed by a partnership or unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings the following apply as if the partnership or unincorporated association were a body corporate—

- (a) rules of court relating to the service of documents;
- [^{F24}(b) section 33 of the Criminal Justice Act 1925(1) and Schedule 3 to the Magistrates' Court Act 1980(2);]
- [^{F24}(c) section 70 and section 143 of the Criminal Procedure (Scotland) Act 1995(3);]
- [^{F25}(d) section 18 of the Criminal Justice Act (Northern Ireland) 1945(4) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981(5).]

(3) A fine imposed on a partnership or unincorporated association is to be paid out of the funds of the partnership or association.

Textual Amendments

- F24** Reg. 16(2)(b)(c) omitted (N.I.) (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **14(9)**
- F25** Reg. 16(2)(d) omitted (E.W.S.) (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **11(9)**

Offences by bodies corporate, partnerships and unincorporated associations

17.—(1) Where a body corporate is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person, as well as the body corporate, is guilty of the offence.

-
- (1) [1925 c. 86](#). Section 33 was amended by Schedule 6 to the Magistrates Courts Act [1952 \(c.55\)](#), section 56(1) of and Part II of Schedule 8 to the Courts Act [1971 \(c.23\)](#) and section 109 of and paragraph 71 of Schedule 8, and Schedule 10 to Courts Act [2003 \(c.39\)](#).
 - (2) [1980 c. 43](#). Schedule 3 was amended by sections 25(2), 101(2) of and Schedule 13 to the Criminal Justice Act [1991 \(c. 53\)](#), section 47 of and paragraph 13 of Schedule 1 to the Criminal Procedure and Investigations Act [1996 \(c.25\)](#), and sections 41 and 332 of and paragraph 51 of Schedule 3, and Part 4 of Schedule 37 to the Criminal Justice Act [2003 \(c.44\)](#).
 - (3) [1995 c. 46](#). Section 70 was amended by article 3(1) of and paragraph 104(2) of Schedule 1 to [S.I. 2001/1149](#), section 10(6) of the Criminal Procedure (Amendment) (Scotland) Act [2004 \(asp 5\)](#) and section 28 of the Criminal Proceedings etc. (Reform) (Scotland) Act [2007 \(asp 6\)](#). Section 143 was amended by regulation 5 of and paragraph 3 of Schedule 4 to [S.I. 2001/128](#) and by section 17 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007.
 - (4) [1945 c.15 \(NI\)](#) Section 18 was amended by the [Magistrates' Courts Act \(NI\) 1964 c.\(NI\)](#), the [Prosecution of Offences \(NI\) Order 1972 \(SI No 538 \(NI 1\)\)](#), the [Insurance Companies Act 1974 \(c.49\)](#), the [Banking Act 1979 \(c.37\)](#), the [Insurance Companies Act 1980 \(c.25\)](#), and the [Justice \(NI\) Act 2002 \(c.26\)](#).
 - (5) [S.I. 1981/1675 \(N.I. 26\)](#).

(2) In paragraph (1), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(3) Where a partnership or a Scottish partnership is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of a partner, the partner, as well as the partnership, is guilty of the offence.

(4) In paragraph (3) “partner” includes a person purporting to act as a partner.

(5) Where an unincorporated association is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of an officer of the association, that officer, as well as the association, is guilty of the offence.

(6) In paragraph (5) “officer”, in relation to an unincorporated association, means—

- (a) an officer of the association or a member of its governing body; or
- (b) a person purporting to act in that capacity.

[^{F26}Transitional provision: the Trade and Cooperation Agreement

17A.—(1) An authorised officer must not take any enforcement action under this Part, and an enforcement authority, and the Director of Public Prosecutions, must not prosecute an offence under regulation 14 (offences), in respect of EU Annex 15 wine (including EU Annex 15 wine labelled on or after 1st May 2021) that is placed on the market in Great Britain—

- (a) by a wholesaler or producer during the period beginning on 1st January 2022 and expiring on 1st May 2023;
- (b) by a retailer on or after 1st January 2022.

(2) In this regulation—

- (a) “enforcement action” means the service of a notice under regulation 10 (warning notices), 11 (enforcement notices) or 12 (prohibition notices);
- (b) “enforcement authority” has the same meaning as in regulation 3(7);
- (c) “EU Annex 15 wine” means wine—

- (i) to which Article 5 (transitional measures) of Annex 15 (trade in wine) to the Trade and Cooperation Agreement, as read with Article 1(1) (scope) of that Annex, applies, and

- (ii) that is imported into Great Britain from a member State;

- (d) “the Trade and Cooperation Agreement” has the same meaning as in section 37(1) of the European Union (Future Relationship) Act 2020.

(3) In this regulation, “placed on the market” is to be construed taking into account the definition of “placing on the market” in point 8 of Article 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.]

Textual Amendments

F26 Reg. 17A inserted (E.W.S.) (1.1.2022) by [The Wine \(Amendment\) Regulations 2021 \(S.I. 2021/1471\)](#), regs. 1(1), 3

Changes to legislation: *There are currently no known outstanding effects for the The Wine Regulations 2011, PART 3. (See end of Document for details)*

Changes to legislation:

There are currently no known outstanding effects for the The Wine Regulations 2011, PART 3.