
STATUTORY INSTRUMENTS

1987 No. 2009

CUSTOMS AND EXCISE

The Methylated Spirits Regulations 1987

<i>Made</i>	- - - -	<i>25th November 1987</i>
<i>Laid before Parliament</i>		<i>3rd December 1987</i>
<i>Coming into force</i>	- -	<i>28th December 1987</i>

The Commissioners of Customs and Excise in exercise of the powers conferred on them by section 77 of the Alcoholic Liquor Duties Act 1979⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Methylated Spirits Regulations 1987 and shall come into force on 28th December 1987.

Interpretation

2. In these Regulations unless the context otherwise requires—

“approved denaturants, markers and dyes” means denaturants, markers and dyes permitted by regulation 15 of these Regulations and complying with the requirements of that regulation;

“authorised user” means a person authorised in accordance with these Regulations to receive, use or supply methylated spirits;

“Bitrex” means benzyldiethyl [(2, 6-xylylcarbamoyl) methyl] ammonium benzoate otherwise known as Denatonium Benzoate;

“chemist” and “dispensing chemist” mean persons entitled by law to use those or similar titles in the sale of goods by retail respectively with or without a medical practitioner’s certificate and a body corporate, firm or partnership lawfully carrying on a business of a like nature and so entitled;

(1) 1979 c. 4; section 77 was amended by the Finance Act 1981 (c. 35), section 11(1) and Schedule 8, paragraph 23.

“medical practitioner” means doctors, dentists, nurses, chiropodists, veterinary surgeons and other persons entitled by law to provide medical or veterinary services in the United Kingdom;

“medical use” means any medical, veterinary, surgical or dental purpose other than administration internally;

“methyrate” and like expressions means the mixing of denaturant and spirits so as to produce methylated spirits;

“methylator” means an authorised methylator under section 75(1) of the Alcoholic Liquor Duties Act 1979 or a person holding an excise licence as a methylator under section 75 of that Act;

“plant” means all vessels, utensils, pipes, fittings and other equipment used for the manufacture or storage of methylated spirits;

“records” include documents, copies of documents and information stored in a computer or produced from a computer;

“spirits” means spirits of the following types only:—

- (a) plain spirits of a strength not less than 85 per cent; or
- (b) rum of a strength not less than 68 per cent; or
- (c) such other spirits as the Commissioners may allow to be used in place of those referred to at (a) or (b) above for the manufacture of methylated spirits;

“tank-craft” means a ship or other craft equipped with tanks for the conveyance of spirits and methylated spirits and “tank-waggon” means any vehicle so equipped;

“wood naphtha” includes wood naphtha substitutes.

PART II

PREMISES AND PLANT

Approval of processes, premises and plant for methylation and storage

3.—(1) Any person intending to methylate spirits shall make written application to the proper officer for approval of the processes, premises and plant he intends to use for the methylation of spirits and the storage of denaturants, and any such application shall specify the classes of methylated spirits he intends to manufacture and which of those processes, premises and plant relate to which class or classes of methylated spirits.

(2) Any application made under the preceding paragraph shall be accompanied by such information connected with the application as the proper officer may require.

(3) No person shall begin to methylate spirits until he has received the proper officer’s approval of the processes, premises and plant referred to in his application under paragraph (1) above and any such approval may be made subject to conditions which may be varied by the Commissioners for reasonable cause.

(4) A person making application under this regulation shall ensure that the premises approved under this regulation for the methylation of spirits contain one or more mixing vats which must be fixed and no such vat shall have a capacity of less than 2,500 litres.

(5) Save as the proper officer may otherwise allow, no person shall use premises and plant approved under this regulation for the storage of denaturants for any other purpose.

Variation of approval

4.—(1) The person receiving the approval under regulation 3 above shall ensure that no variation, alteration or change is made to any of the approved processes, premises or plant without first receiving the proper officer's approval of the variation, alteration or change and the proper officer's approval may be given subject to conditions which may be varied by the Commissioners for reasonable cause.

(2) Any person making application for the approval of any variation, alteration or change to any processes, premises or plant shall do so in such form and manner and shall provide such information connected with the application as the proper officer may require.

Entry of premises and plant

5. Except in the case of premises approved as an excise warehouse or plant contained in such premises, a methylator shall make entry of his premises and plant approved under regulation 3 above, and of any variation, alteration or change approved under regulation 4 above before spirits are first methylated or before spirits are first methylated after that change is made.

Provision of facilities etc.

6. A methylator shall, if required to do so by the proper officer, provide and maintain to that officer's satisfaction, at his premises approved under regulation 3 above, office accommodation and sanitary and lavatory accommodation for officers, and shall ensure that such accommodation is lit, heated, furnished and cleaned free of expense to the Crown.

General provisions as to approved premises

7.—(1) A methylator shall ensure that all his premises approved under regulation 3 above are, to the proper officer's satisfaction, ventilated, lit and equipped with the means for taking account of spirits or denaturant.

(2) A methylator shall ensure that his containers approved for the storage of denaturant are conspicuously marked on the outside as being for use for that purpose only.

(3) The proper officer may, by giving written notice to a methylator, restrict the hours during which his approved premises or parts of them are permitted to be open, and he may vary the notice but except on public holidays no such restriction shall prevent the premises from being open during the hours from 8 am to 6 pm from Monday to Friday.

PART III

CONTROL OF GOODS

Storage of denaturant

8.—(1) A methylator shall ensure that all denaturants received into his premises approved for their storage are placed immediately in the proper vats or other receptacles which are to be secured in such manner as the proper officer may direct.

(2) A methylator shall ensure that all denaturants in his approved premises shall be dealt with in such manner as the proper officer may direct.

Restrictions on taking goods into methylators' premises

9.—(1) Save as the proper officer may otherwise allow, a methylator shall ensure that no person shall take into any of his premises approved for the methylation of spirits any substance except spirits for methylation, methylated spirit and approved denaturants and markers except that water intended for use in reducing methylated spirits may be taken in for immediate use for that purpose.

(2) Save as the proper officer may otherwise allow and notwithstanding paragraph (1) above, a methylator who is also a distiller shall not receive into his approved premises any methylated spirits which have been methylated outside those premises.

Provisions as to redistillation and recovery of methylated spirits

10.—(1) Save as the proper officer may otherwise allow, no person shall recover or redistil any spirits or methylated spirits from any methylated spirits whether or not those methylated spirits contain any other substance, and in cases where the proper officer does so allow he may impose such conditions as he sees fit.

(2) Where any spirits or methylated spirits are recovered or redistilled from methylated spirits in accordance with paragraph (1) above those spirits or methylated spirits shall be kept under the control of the person who recovered or redistilled them and shall be kept under lock or otherwise secured to the proper officer's satisfaction until disposed of or dealt with to his satisfaction.

Labelling of methylated spirits for medical purposes

11. No person shall put up for sale or supply for medical use any bottle or other container containing industrial methylated spirits unless it is conspicuously labelled "For external use only" or "Not to be taken" or otherwise to like effect.

Account of goods

12.—(1) A methylator shall control and take account of goods in his entered premises in such manner and to such extent as the proper officer may require.

(2) A methylator shall immediately record in such form and manner as the proper officer may require any deficiency, surplus or discrepancy in his stock or records and any explanation for that deficiency, surplus or discrepancy.

(3) In addition to recording the details required by paragraph (2) above a methylator shall inform the proper officer of any such deficiency, surplus or discrepancy in accordance with the proper officer's instructions.

(4) The proper officer may give instructions that stock to which a deficiency, surplus or discrepancy relates shall not be moved or disturbed without his permission, and no person shall move or disturb such stock without the officer's permission.

(5) Instructions given under paragraphs (3) and (4) above may apply differently to different circumstances and may be varied from time to time.

Samples

13. A methylator shall allow the proper officer to take samples of any denaturants, dyes or markers in his premises.

PART IV

DENATURANTS, MARKERS, DYES AND CLASSES OF METHYLATED SPIRITS

Classes of methylated spirits

14.—(1) Spirits may be mixed with denaturants, markers and dyes in order to make the following classes of methylated spirits—

- (a) industrial methylated spirits;
- (b) mineralised methylated spirits; and
- (c) denatured ethanol.

(2) A methylator shall ensure that the mixture of spirits with denaturants, markers and dyes is carried out in accordance with regulation 15 below.

Mixture of spirits with denaturants, markers and dyes

15.—(1) The 3 classes of methylated spirits referred to in regulation 14 above shall be manufactured by mixing denaturants with spirits and other goods in the following proportions—

- (a) in the case of industrial methylated spirits, with every 95 parts by volume of spirits there shall be mixed 5 parts by volume of wood naphtha;
- (b) in the case of mineralised methylated spirits, with every 90 parts by volume of spirits there shall be mixed 9.5 parts by volume of wood naphtha and 0.5 parts by volume of crude pyridine, and to the resulting mixture there shall be added mineral naphtha (petroleum oil) in the proportion 7.5 litres to every 2,000 litres of the mixture and synthetic organic dyestuff (methyl violet) in the proportion 3.0 grammes to every 2,000 litres of the mixture;
- (c) in the case of denatured ethanol, with every 999 parts by volume of spirits (which shall be of a strength not less than 85 per cent) there shall be mixed 1 part by volume of tertiary butyl alcohol and to the resulting mixture there shall be added “Bitrex” in the proportion 10 microgrammes per millilitre.

(2) Wood naphtha, crude pyridine, mineral naphtha, tertiary butyl alcohol, “Bitrex” and dyes used in making methylated spirits in accordance with these Regulations shall, unless the proper officer otherwise permits, conform to the requirements of the Schedule to these Regulations.

(3) Water may be mixed with spirits before methylation or with methylated spirits, but the quantity of water added must not reduce the proportion or quantity of denaturants in the resulting mixture below the proportions or quantities given above for the appropriate class of methylated spirits. For the purpose of ascertaining the proportion or quantity of denaturants in any such mixture the water shall be treated as if it were spirits.

PART V

OPERATIONS OF METHYLATORS

Notices

16. Before a methylator begins to methylate any spirits he shall give notice to the proper officer in the form required by the proper officer for that purpose and save as the proper officer may otherwise allow he shall give at least 24 hours notice in calculating of which no account shall be taken of Saturdays, Sundays or public holidays.

Vats etc.

17.—(1) A methylator shall not use any vat, tank or other receptacle which has not been approved under regulation 3 above.

(2) A methylator shall not mix spirits and denaturants except at premises approved under regulation 3 above for that purpose.

(3) Save as the proper officer may otherwise allow, a methylator shall not place any spirits in a vat or tank which already contains any other liquid unless that other liquid is an approved denaturant.

Minimum quantity of spirits for methylation

18. Save as the proper officer may otherwise allow, the methylator shall ensure that no spirits are methylated in a quantity of less than 2,000 litres at any one time.

Method of methylation

19.—(1) Save as the proper officer may otherwise allow, the methylator shall ensure that such part of the denaturants as the proper officer may require are placed in the mixing vat before any of the spirits to be methylated are added and that the remainder of the denaturants are subsequently added and mixed with the spirits without delay in such a manner that the final product consists of a homogeneous mixture.

(2) The methylator shall ensure that the contents of any mixing vat are not disturbed for at least one hour after the mixing is completed.

PART VI

MOVEMENT AND DISTRIBUTION OF GOODS

Security for spirits removed for methylation

20. Save as the proper officer may otherwise allow, no person shall convey any spirits to the premises where they are to be methylated unless security has been given in respect of them by a bond in such amount and containing such conditions as may be required.

Removal from warehouse etc.

21.—(1) No spirits for methylation shall be received by a methylator from an excise warehouse without the Collector's approval except that an authorised methylator may remove spirits from his own distillers warehouse without such approval.

(2) Spirits intended for methylation may be removed from an excise warehouse to the approved premises of a methylator by tank-waggon, tank-craft, pipeline or such other means as the proper officer may approve, and the methylator shall ensure that the means for taking account of spirits so removed shall be provided to the satisfaction of the proper officer.

(3) No person shall remove any spirits intended for methylation except under conditions of security approved by the proper officer.

Minimum quantity which may be supplied by a methylator

22.—(1) A methylator shall not supply less than 20 litres of methylated spirits to any person at one time.

(2) This regulation does not apply to mineralised methylated spirits.

Marking containers

23. Save as the proper officer may otherwise allow, a methylator shall legibly and indelibly mark each container in which he keeps or supplies methylated spirits so as to describe the class of methylated spirits contained therein.

Restriction on the receipt of certain methylated spirits etc.

24.—(1) No person shall receive any industrial methylated spirits or denatured ethanol unless he has been authorised in writing by the proper officer to receive them.

(2) A person wishing to be authorised to receive those methylated spirits under this regulation shall apply to the proper officer in the required form and shall supply such information with his application as the proper officer may require.

(3) When granting an authority under this regulation the proper officer may make that authority subject to conditions and restrict it to the receipt of methylated spirits for certain purposes only and such methylated spirits shall thereafter only be used for those purposes.

(4) The proper officer may at any time for reasonable cause vary or revoke any authority granted under this regulation or the conditions attached to it.

(5) The person to whom any authority is granted under this regulation shall ensure that all conditions and requirements are complied with.

Procedure for supply of methylated spirits

25.—(1) No person shall send out from his premises any methylated spirits unless he has first received a written statement signed by the person to whom they will be sent that he is authorised to receive them; such authorisation may have been granted either under regulation 24 above or under any corresponding provision having effect in the Isle of Man.

(2) No such statement shall relate to a period in excess of 12 months and the person who issues the statement shall immediately notify the person to whom it is issued of any change in his authority to receive methylated spirits.

(3) The requirements of this regulation shall not apply in the following cases—

- (a) where the supply consists of mineralised methylated spirits; or
- (b) where a chemist or dispensing chemist supplies industrial methylated spirits in a quantity of 3 litres or less to a medical practitioner on a written order signed by that practitioner; or
- (c) where the supply is by a dispensing chemist who has received industrial methylated spirits in accordance with an authority granted under regulation 24 above and has manufactured them into articles in accordance with any conditions imposed under that regulation or where he has manufactured those methylated spirits into articles which are sold on the prescription of a medical practitioner or where he sells those methylated spirits for medical use on the prescription or order of a medical practitioner; or
- (d) where the spirits are sent out for delivery to a place outside both the United Kingdom and the Isle of Man.

Disposal of stocks in certain circumstances

26.—(1) If a methylator or an authorised user discontinues his business while holding stocks of methylated spirits or if any authority or licence under which he holds those stocks is revoked he shall within a reasonable time and to the satisfaction of the proper officer dispose of any methylated spirits in his possession.

(2) Where the discontinuance of a business is caused by the death of a methylator or authorised user his personal representatives shall dispose of any methylated spirits which were in his possession at the time of his death in the manner required by paragraph (1) above.

PART VII

RECORDS AND RETURNS

Business records of methylators and authorised users

27.—(1) A methylator or authorised user shall keep such records relating to his business as methylator or authorised user as the proper officer may require, and those records shall be kept in such form and manner and in such place and shall contain such particulars as the proper officer may require.

(2) When a methylator receives spirits from the occupier of an excise warehouse he shall furnish to that occupier a receipt in such form and manner and containing such particulars as the proper officer may require, and that receipt shall be furnished within such period as he may require.

General provisions as to records

28.—(1) Save as the proper officer may otherwise allow, any records relating to the business of a methylator or authorised user shall be preserved for not less than 2 years.

(2) If any of the records required to be kept by or under these Regulations are not made or preserved in a form which is easily readable or which is not readable without the aid of equipment, the person keeping those records shall, at the request of the proper officer, produce the information contained in those records in the form of a transcript or other permanent legible reproduction.

(3) The methylator or authorised user shall produce to the proper officer and allow him to inspect, copy or take extracts from any records referred to in these Regulations and any transcript or other permanent legible reproduction required to be produced under paragraph (2) above and the proper officer shall be allowed to remove them at a reasonable time and for a reasonable period.

Returns by methylators

29. Within 10 days of the end of every month or such other period as the proper officer may direct every methylator shall make a return to the proper officer in the form and manner required by him showing the quantity of spirits and denaturants received in that period, the quantity of spirits methylated in that period, the quantity of methylated spirits sent out from his premises in that period and the quantities of spirits, methylated spirits and denaturants in stock at his premises at the end of that period.

Returns by authorised users

30. Every authorised user shall, if the proper officer so requires, furnish to him on such date as he may require, a return in a form required by him showing the quantity of each class of methylated spirits used during the year ending on the date on which the return is required.

PART VIII

REVOCATION

Revocation

- 31.** The Methylated Spirits Regulations 1983⁽²⁾ shall cease to have effect.

King's Beam House,
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25th November 1987

Peter Jefferson-Smith
Commissioner of Customs and Excise

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 15(2)

CONDITIONS TO WHICH DENATURANTS, MARKERS AND DYES MUST CONFORM

Wood Naphtha

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

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

Crude Pyridine

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

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

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

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

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

(6) 100 millilitres slowly heated under the conditions laid down for Benzol for Motor Fuel by the British Engineering Standards Association (B.S. Specification 2 D 15) should give a distillate of at least 50 millilitres at a temperature of 140 degrees C and of 90 millilitres at 160 degrees C.

Mineral Naphtha (Petroleum Oil)

The mineral naphtha (petroleum oil) must be of a specific gravity of not less than 0.800 and must possess the characteristic odour and taste of commercial paraffin oil used for burning purposes.

Methyl Violet Dye (Colour Index No. 680)

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

Tertiary Butyl Alcohol and "Bitrex"

Tertiary butyl alcohol and "Bitrex" must be of normal commercial quality.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Methylated Spirits Regulations 1983. They differ from the 1983 Regulations in the following respects.

Regulation 15(1)(c) introduces a single new formulation of denatured ethanol. This replaces the 3 formulations of denatured ethanol specified in the corresponding 1983 regulation. Regulation 15(2) and the Schedule contain consequential changes.

Regulation 25(1) requires the receipt of written statements of authority from customers in the Isle of Man (in addition to those in the United Kingdom). Regulation 25(3)(d) contains a consequential change.

Regulation 25(3)(c) relieves a dispensing chemist from the requirement to obtain a written statement of authority where he sells industrial methylated spirits for medical use on the prescription or order of a medical practitioner.

The other regulations remain as before.