

2006 No. 1058

EXCISE

**The Beer, Cider and Perry, Spirits, and Wine and Made-wine
(Amendment) Regulations 2006**

<i>Made</i> - - - -	<i>5th April 2006</i>
<i>Laid before Parliament</i>	<i>6th April 2006</i>
<i>Coming into force</i> - -	<i>1st May 2006</i>

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by sections 2(3) and (4), 13(1) and (1A), 15(6), 19(1), 49(1)(a), (g) and (2), 55A(2), 56(1), and 62(5) of the Alcoholic Liquor Duties Act 1979(a):

Citation and commencement

1. These Regulations may be cited as the Beer, Cider and Perry, Spirits, and Wine and Made-wine (Amendment) Regulations 2006 and come into force on 1st May 2006.

Beer

- 2.—(1) Amend the Beer Regulations 1993(b) as follows.
- (2) Omit paragraph (3) of regulation 14.
- (3) At the end of paragraph (4) of regulation 22, add “unless the resulting mixture is charged with the rate of duty specified in section 36(1AA)(a) of the Act”.
- (4) Omit paragraph (2A) of regulation 23.
- (5) Make regulation 24 paragraph (3) of that regulation, and before it add—
- “(1) Without prejudice to paragraph (3), after small brewery beer has left the brewery where its production began water must not be added to it before the duty point.
- (2) Paragraph (1) does not prohibit any operation that is reasonably necessary to make small brewery beer fit for packaging in a package that is not a large pack.”

(a) 1979 c.4. Section 13(1A) was inserted by the Finance Act 1981(c.35), Schedule 8, paragraph 12. Section 49(1)(a), (g) and (2) was substituted by the Finance Act 1991(c.31), Schedule 2, paragraph 14. Section 55A(2) was inserted by the Finance Act 1988(c.39), Schedule 1, Part 2, paragraph 6. Section 56(1) was amended by the Finance Act 1986(c.41), Schedule 23, Part 4 and the Finance Act 1997(c.16), section 5(4). Section 62(5) was amended by the Finance Act 2001(c.9), section 5. Section 4(2) of the Alcoholic Liquor Duties Act 1979 provides for that Act to be construed as one Act with the Customs and Excise Management Act 1979(c.2), and section 4(3) applies the definitions in that latter Act. Section 1(1) of the Customs and Excise Management Act 1979 (amended by the Commissioners for Revenue and Customs Act 2005(c.11)) defines “the Commissioners”. The functions of the Commissioners of Customs and Excise were transferred to the Commissioners for Revenue and Customs by section 5(2) of the Commissioners for Revenue and Customs Act 2005. Section 50(1) of that Act provides that a reference to the Commissioners of Customs and Excise shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.

(b) S.I. 1993/1228, amended by S.I. 2002/1265; there are other amending instruments but none is relevant.

3. Omit paragraph (4) of regulation 2 of the Beer and Excise Warehousing (Amendment) Regulations 2002(a).

Cider and Perry

- 4.—(1) Amend the Cider and Perry Regulations 1989(b) as follows.
- (2) Omit regulations 16, 19, 20, and 21.
- (3) In regulation 4—
- (i) omit the definition of “the Collector”, and
 - (ii) at the end of the definition of “cider premises”, add “and any other premises on which cider is made by a maker for use by him in his trade as a maker”.
- (4) In the proviso to regulation 13, omit “made under regulation 20 below”.
- (5) In the opening words of paragraph (1) of regulation 23, omit “registered”.
- (6) In paragraphs (1)(a) and (2) of regulation 23, omit the words “the Collector, or to such other person as” and “may direct”.
- (7) In paragraph (1)(b) of regulation 23, for the words “Collector, or such other person as aforesaid” substitute “Commissioners”.

Spirits

- 5.—(1) Amend the Spirits Regulations 1991(c) as follows.
- (2) Omit regulations 5, 7, 8, 9, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 26(4) and Schedule 2.
- (3) Throughout the regulations, for “officer” substitute “Commissioners”.
- (4) In regulation 3—
- (i) omit the definitions of “approved saccharometer”, “document”, “hydrometer”, “officer”, “records”, “sugar”, and “thermometer”,
 - (ii) in the definition of “approved”, omit all after the word “Commissioners”, and
 - (iii) in the definition of “plant”, for “all vessels, utensils, pipes, fittings, and other equipment” substitute “the vessels”.
- (5) In paragraph (1) of regulation 4, for “written application” substitute “application in writing or by means of an electronic communication”.
- (6) In paragraph (2) of regulation 4, for “drawing, model or description distinctly showing the course, construction and use of all” substitute “description of”.
- (7) In paragraph (1) of regulation 6, after “not” insert “significantly”.
- (8) In paragraph (1) of regulation 10, omit all after the word “spirits”.
- (9) At the end of paragraph (1) of regulation 18, add—
- “or
- (c) by a method set out in the Annex to Commission Regulation (EC) No. 2870/2000(d).”
- (10) In paragraph (1) of regulation 26, omit all after the word “require”.
- (11) In paragraph (2) of regulation 26, omit all after the word “immediately”.
- (12) In paragraph (3) of regulation 26, for “declared in the entry book (or other records approved under regulation 21 above)” substitute “taken”.

(a) S.I. 2002/1265.

(b) S.I. 1989/1355, amended by S.I. 1996/2287; there are other amending instruments but none is relevant.

(c) S.I. 1991/2564, to which there are amendments not relevant to these Regulations.

(d) OJ No. L333, 29/12/2000, p.20.

(13) In paragraph (5) of regulation 26, omit all after the word “receiver” (where it occurs for the second time).

6. At the end of paragraph (1) of regulation 3 of the Spirits (Rectifying, Compounding and Drawback) Regulations 1988(a), add “or where the rectifier or compounder is authorised as described in section 8(1) or section 10(1) of the Alcoholic Liquor Duties Act 1979”.

Wine and Made-wine

7.—(1) Amend the Wine and Made-wine Regulations 1989(b) as follows.

(2) Omit regulations 16, 19, 20, and 21.

(3) In regulation 4—

(i) omit the definition of “the Collector”, and

(ii) at the end of the definition of a “winery”, add “and any other premises on which wine or made-wine is made by a producer for use by him in his trade as a producer”.

(4) In the proviso to regulation 13, omit “made under regulation 20 below”.

(5) In the opening words of paragraph (1) of regulation 23, omit “licensed”.

(6) In paragraphs (1)(a) and (2) of regulation 23, omit the words “the Collector, or to such other person as”, and “may direct”.

(7) In paragraph (1)(b) of regulation 23, for the words “Collector, or such other person as aforesaid” substitute “Commissioners”.

8. Revoke the Wine and Made-wine of a Strength exceeding 1.2 per cent. and not exceeding 5.5 per cent. (Prohibition of Fortification) Regulations 1989(c).

Other revocations

9.—(1) Revoke the Excise Duty (Relief on Alcoholic Ingredients) Regulations 1978(d).

(2) Revoke the Alcoholic Liquors (Amendment of Units and Methods of Measurement) Regulations 1979(e).

(3) Revoke the Excise Duty (Relief on Alcoholic Ingredients) (Amendment) Regulations 1992(f).

David Varney
Mike Eland

5th April 2006

Two of the Commissioners for Her Majesty’s Revenue and Customs

(a) S.I. 1988/1760, to which there are amendments not relevant to these Regulations.

(b) S.I. 1989/1356; amended by S.I. 1996/2752, 1997/658.

(c) S.I. 1989/916.

(d) S.I. 1978/1786; amended by S.I. 1979/1146, 1992/3157.

(e) S.I. 1979/1146.

(f) S.I. 1992/3157.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 1st May 2006. They amend the Beer Regulations 1993 (S.I. 1993/1228), the Cider and Perry Regulations 1989 (S.I. 1989/1355), the Spirits Regulations 1991 (S.I. 1991/2564), the Spirits (Rectifying, Compounding and Drawback) Regulations 1988 (S.I. 1988/1760), and the Wine and Made-wine Regulations 1989 (S.I. 1989/1356).

Beer

These Regulations amend the Beer Regulations 1993 to relax the prohibition on mixing beers that are subject to different rates of excise duty. The amendment requires the product of such mixing to be chargeable at the standard rate of excise duty. A prohibition on the addition of other substances to beer is removed and replaced with a restriction on the addition of water. They also remove provisions relating to the keeping of stock records.

Cider and Perry

These Regulations amend the Cider and Perry Regulations 1989 to remove provisions relating to the examination and gauging of vessels, the keeping of entry books, records and accounts and stocktaking. They also provide for the collection of excise duty on cider and perry that is made in unregistered premises.

Spirits

These Regulations amend the Spirits Regulations 1991 to remove in their entirety the provisions relating to entry of premises, examination of plant, general provisions as to plant, special conditions and requirements, sugar, gravity of wort or wash, ascertainment of original gravity after fermentation has commenced (both methods), taking account, entry books, notice of commencement of process, preservation and production of records, requirements in respect of distillation periods and Schedule 2 (table for determining original gravity). They also amend the provision covering approval of plant and process to require less detail from the distiller and allow application to be made by electronic communication. The provision covering warehousing has been revised to reflect the abolition of entry books and the requirement to take account.

These Regulations remove the requirement for a rectifier or compounder who is authorised to receive duty-free spirits to make entry of his premises.

Wine and Made-wine

These Regulations amend the Wine and Made-wine Regulations 1989 to remove the provisions relating to the examination and gauging of vessels, the keeping of entry books, records and accounts and stocktaking. These Regulations also provide for the collection of excise duty on wine and made-wine that is produced in unlicensed premises.

These Regulations revoke the Wine and Made-wine of a strength exceeding 1.2 per cent. and not exceeding 5.5 per cent. (Prohibition of Fortification) Regulations 1989 (S.I. 1989/916) which control the fortification of both UK manufactured and imported wines and made-wines of a strength exceeding 1.2 per cent. but not exceeding 5.5 per cent.

Other revocations

These Regulations revoke the Excise Duty (Relief on Alcoholic Ingredients) Regulations 1978 (S.I. 1978/1786), the Alcoholic Liquors (Amendment of Units and Methods of Measurement) Regulations 1979 (S.I. 1979/1146), and the Excise Duty (Relief on Alcoholic Ingredients) (Amendment) Regulations 1992 (S.I. 1992/3157) which provide for the repayment of excise duty charged on beer, cider and perry, spirits, and wine and made-wine used in the production or manufacture of beverages and foodstuffs.

A full Regulatory Impact Assessment of the effect these regulations will have on the costs of business, charities and voluntary bodies is available at www.hmrc.gov.uk.

2006 No. 1058

EXCISE

**The Beer, Cider and Perry, Spirits, and Wine and Made-wine
(Amendment) Regulations 2006**

£3.00

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0563 4/2006 160563T 19585