



# Finance (No. 2) Act 2023

## 2023 CHAPTER 30

### PART 2

#### ALCOHOL DUTY

### CHAPTER 3

#### SMALL PRODUCER RELIEF

##### *Mergers and demergers*

#### **64 Adjusted post-merger amount**

- (1) In Year 1, the adjusted post-merger amount is the alcohol production amount in relation to the larger producer's premises for the pre-merger year, determined in accordance with [section 57](#) (and the alcohol production amount attributable to the smaller producer for the pre-merger year is disregarded).
- (2) In Year 2, the adjusted post-merger amount is the total of—
  - (a) the adjusted post-merger amount in Year 1, and
  - (b) one-third of the production difference for Year 2.
- (3) In Year 3, the adjusted post-merger amount is the total of—
  - (a) the adjusted post-merger amount in Year 1, and
  - (b) two-thirds of the production difference for Year 3.
- (4) The amount of the "production difference" for a merger transition year is the difference between—
  - (a) the aggregate of the alcohol production amount, in relation to every set of post-merger production group premises, for the previous year (determined in accordance with [section 57](#)), and
  - (b) the adjusted post-merger amount in Year 1.

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*Status: This is the original version (as it was originally enacted).*

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- (5) If the alcohol production amount attributable to SP1’s premises for the pre-merger year is greater than the alcohol production amount attributable to SP2’s premises for that year—
- (a) SP1 is the “larger producer”, and
  - (b) SP2 is the “smaller producer”,
- and vice versa.
- (6) If the amount mentioned in [subsection \(5\)](#) is equal in relation to both SP1’s premises and SP2’s premises, either SP1 or SP2 may be treated as the “larger producer” for the purposes of [this section](#).
- (7) In [subsections \(1\), \(5\) and \(6\)](#), references to a person’s premises are references to—
- (a) the premises on which the person produces alcoholic products immediately before becoming connected with the other person mentioned in [section 61\(1\)](#), if those premises are (at that time) non-group premises, or
  - (b) if those premises are group premises, the production group which, at that time, includes those premises (and the reference in [subsection \(1\)](#) to the alcohol production amount in relation to those premises is a reference to the aggregate of the alcohol production amount in relation to those premises and every set of connected premises).