

**1975 No. 1790****CUSTOMS AND EXCISE****The Wine and Made-wine Regulations 1975**

*Made - - - - 6th November 1975*

*Laid before Parliament 14th November 1975*

*Coming into Operation 1st January 1976*

## ARRANGEMENT OF REGULATIONS

## PART I

## PRELIMINARY

- Regulation 1. Citation and commencement.
- Regulation 2. Revocation.
- Regulation 3. Application.
- Regulation 4. Interpretation.

## PART II

## DETERMINATION OF DUTY AND THE RATES THEREOF

- Regulation 5. Charge to duty.

## PART III

## PRODUCTION, STORAGE AND REMOVAL

- Regulation 6. Licence to produce.
- Regulation 7. Entry.
- Regulation 8. Withdrawal of entry.
- Regulation 9. Production.
- Regulation 10. Use.
- Regulation 11. Gauging and measurement.
- Regulation 12. Storage.
- Regulation 13. Removal by pipe-line.
- Regulation 14. Removal without payment of duty.

## PART IV

## RECORDS, ACCOUNTS AND PAYMENT OF DUTY

- Regulation 15. Entry book.  
Regulation 16. Stocktaking.  
Regulation 17. Furnishing of returns and payment of duty.  
Regulation 18. Payment of duty on failure to furnish a return.  
Regulation 19. Accounts.

## PART V

## RELIEF FROM DUTY

- Regulation 20. Relief from payment of duty.  
Regulation 21. Claim for relief.

The Commissioners of Customs and Excise under the powers conferred upon them by sections 140(1) and 263(4) of the Customs and Excise Act 1952(a) as substituted and amended respectively by paragraphs 27 and 42 of Schedule 3 to the Finance (No. 2) Act 1975(b) 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 Wine and Made-wine Regulations 1975 and shall come into operation on 1st January 1976.

*Revocation*

2. The British Wines (Sweets) Regulations 1953(c) are hereby revoked.

*Application*

3. These Regulations apply to wine and made-wine produced in the United Kingdom.

*Interpretation*

- 4.—(1) The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) In these Regulations—

“the Act of 1952” means the Customs and Excise Act 1952;

“the Act of 1975” means the Finance (No. 2) Act 1975;

“approved” means approved by the Commissioners;

“Collector” means Collector of Customs and Excise for the Collection in which the winery is situate;

“duty” means the duty of excise charged on wine or made-wine;

(a) 1952 c. 44.

(c) S.I. 1953/643 (1953 II, p. 2262).

(b) 1975 c. 45.

(d) 1889 c. 63.

“fortifying” means increasing the strength of wine or made-wine by the addition of spirits;

“licence” means a licence held by a licensed producer of wine or made-wine respectively within the meaning of section 307 of the Act of 1952 as amended by paragraph 44 of Schedule 3 to the Act of 1975;

“month” means a calendar month or any period of four or five weeks allowed by the Commissioners for the purpose of accounting for duty;

“producer” means a person licensed or required to be licensed as a producer of wine or made-wine under section 14(2) or 15(2) of the Act of 1975;

“proper” and “officer” have the same meanings as in section 307 of the Act of 1952;

“warehouse” means a warehouse approved by the Commissioners under section 80 of the Act of 1952;

“wine”, “made-wine” and “non-excisable cider” have the same meanings as in sections 14(5) and 15(6) of the Act of 1975;

“winery” means the premises, rooms, places and vessels entered by a producer for use by him in his trade as a producer of wine or made-wine.

## PART II

### DETERMINATION OF DUTY AND THE RATES THEREOF

#### *Charge to duty*

5.—(1) Subject to Regulation 20 and to paragraph (2) of this Regulation, the duty on wine or made-wine, whether or not fortified in warehouse under conditions imposed by the Commissioners under section 142 or 144 of the Act of 1952, shall be charged when the wine or made-wine is sent out from a winery; and the rate of duty chargeable shall be that applicable at the time of sending out.

(2) Duty shall be charged on wine or made-wine at a time other than that prescribed in paragraph (1) of this Regulation if either—

(a) the business of a producer is discontinued at a winery having wine or made-wine therein, or

(b) any wine or made-wine is found to be deficient or missing from the premises of a producer,

and shall be charged on the wine or made-wine at the rate applicable at the time of discontinuance or at the time the deficiency occurred, as the case may be.

## PART III

### PRODUCTION, STORAGE AND REMOVAL

#### *Licence to produce*

6. A licence shall expire on 30th September next after it is issued.

#### *Entry*

7. No producer shall on any premises begin to produce wine or made-wine until he has made entry of those premises and of all rooms, places and vessels intended to be used by him thereon for that purpose.

*Withdrawal of entry*

8. Save as the Commissioners may otherwise allow, a producer shall not withdraw his entry while there remains in any place specified therein any wine or made-wine on which duty has not been paid or any materials for making wine or made-wine.

*Production*

9.—(1) A producer shall not mix wine with any made-wine so that the proportion of all wine in the resulting mixture would exceed 15 gallons of wine in 115 gallons of the resulting mixture.

(2) Save as the Commissioners may otherwise allow, no wine, made-wine or non-excisable cider for the production of which a licence is not required may be produced on the entered premises of a producer.

*Use*

10. The Commissioners may allow the use in a winery of wine or made-wine in the preparation of, or as ingredients of, goods intended for exportation or shipment as stores.

*Gauging and measurement*

11.—(1) A producer shall, if so required by the Commissioners, place and fix every vessel in which wine or made-wine is produced or stored in a place convenient for examination and with safe means of access so as to allow the contents to be accurately ascertained by gauge or measure; and shall not alter any such vessel in shape, position or capacity unless he has given 2 days' written notice to the proper officer.

(2) All vessels required to be fixed by paragraph (1) of this Regulation shall, if so required by the Commissioners, be gauged and calibrated to their satisfaction.

*Storage*

12. Save as provided in paragraph (1) of Regulation 9, a producer shall segregate wine from made-wine and shall segregate duty paid stock from stock upon which duty has not been paid.

*Removal by pipe-line*

13. Save as approved by the Commissioners, a producer shall not send out wine or made-wine from a winery by pipe-line.

*Removal without payment of duty*

14. Subject to such conditions as the Commissioners may impose, including any condition that security shall be given to their satisfaction, a producer may send out wine and made-wine from a winery without payment of duty for—

- (a) exportation or shipment as stores,
- (b) deposit in a warehouse for—
  - (i) fortifying,
  - (ii) exportation or shipment as stores,
  - (iii) use as ingredients of goods permitted to be produced in warehouse and intended for exportation or shipment as stores, or
  - (iv) such other purposes as the Commissioners may allow,
- (c) removal, subject to the prior approval of the Commissioners, to another winery, or
- (d) such use as trade samples as the Commissioners may allow.

## PART IV

## RECORDS, ACCOUNTS AND PAYMENT OF DUTY

*Entry book*

**15.—(1)** A producer shall for every winery in respect of which he holds a licence obtain from the proper officer an entry book in an approved form and shall—

- (a) keep the book in the winery at all times ready for inspection by any officer and permit him at any time to inspect the book and to make entries therein or to take extracts therefrom, and
- (b) make entries in the book at such times and in such detail as specified in the entry book or as otherwise directed by the proper officer.

(2) No entry in the entry book shall be obliterated or, except with the permission of the proper officer, cancelled or altered.

*Stocktaking*

**16.—(1)** A producer shall twice in every year on approved dates take stock at every winery in respect of which he holds a licence and deliver the return of stock to the proper officer immediately after the stocktaking.

(2) The return of stock required by this Regulation shall include separate entries for still wine, sparkling wine, still made-wine and sparkling made-wine and every entry shall include—

- (a) the name and number of every entered vessel containing such liquors and the quantity therein,
- (b) the number of casks, cases or other containers and unpacked bottles of each size and the separate quantities of liquors contained therein, and
- (c) the total quantities of such liquors in stock.

(3) Where a winery includes a warehouse the return required by this Regulation shall include such details of the made-wine therein as may be required by the proper officer.

*Furnishing of returns and payment of duty*

**17.—(1)** A producer shall furnish to the Collector or to such other person as the Commissioners may direct a return, in approved form—

- (a) not later than the first working day in every week of all wine and made-wine sent out for home use from the winery during the week ending on the preceding Saturday, or
- (b) where the Commissioners so permit, and subject to his giving such security as they may require, not later than the 15th day of every month of all wine and made-wine sent out for home use from the winery during the preceding month,

and in either case shall at the time of making the return pay to the Collector or such other person the amount appearing by the return to be due for the period to which the return relates.

(2) This Regulation does not apply to any wine sent out from a winery without payment of duty under paragraph (2) of Regulation 20.

*Payment of duty on failure to furnish a return*

**18.** If a producer fails to furnish a return as required by these Regulations or furnishes an incorrect or incomplete return the Commissioners may, without

prejudice to any penalties which may be incurred by him, determine the amount of duty appearing to them to be due from him; and the amount so determined shall be deemed to be the duty properly due and shall be paid within 7 days of demand, unless within that time it is shown to the satisfaction of the Commissioners that some other amount is properly due and thereupon such other amount shall immediately become due and payable.

#### *Accounts*

**19.—(1)** A producer shall—

- (a) keep, in addition to the entry book, such accounts relating to—
- (i) the materials used in the winery,
  - (ii) the quantities of wine and made-wine produced or rendered sparkling in the winery, and
  - (iii) the quantities of wine and made-wine received at, returned to and sent out or removed from the winery,
- as will enable the officer to satisfy himself as to the correctness of any entry made in the entry book and of any return furnished under these Regulations, and
- (b) at any reasonable time permit any officer to inspect and make entries in, copy or take extracts from any accounts required to be kept under this Regulation and any other books, accounts or documents relating to his business as a producer which the officer may require to inspect.

(2) Save as the Commissioners may otherwise allow, a producer shall preserve and keep at the winery all books, accounts and documents relating to his business as a producer at that winery for not less than 2 years from the date of the last entry therein.

### PART V

#### RELIEF FROM DUTY

##### *Relief from payment of duty*

**20.—(1)** Notwithstanding Regulation 5 of these Regulations, payment of duty shall not be required on wine or made-wine which—

- (a) is produced at premises, other than a winery, by a person not required to be licensed as a producer in respect of those premises, or
- (b) is produced in but shown to be deficient or missing from a winery if the producer can account for the deficiency to the satisfaction of the Commissioners.

(2) Wine produced from grapes grown in the United Kingdom may be sent out from a winery without payment of duty for the domestic consumption of the grower in such quantity as the Commissioners may on application from him allow.

##### *Claim for relief*

**21.** A producer claiming remission or repayment of duty in respect of wine or made-wine which has been sent out or removed from his winery and which has accidentally become spoilt or otherwise unfit for use shall—

- (a) immediately any such wine or made-wine has been returned to the winery, give to the proper officer such particulars thereof as the Commissioners may require, and

- (b) retain such wine or made-wine in the vessels in which it was returned to the winery and without making any addition thereto for a period of 48 hours after its return or until it has been examined by the proper officer.

*L. D. Hawken,*

Commissioner of Customs and Excise.

6th November 1975.

King's Beam House,  
Mark Lane,  
London EC3R 7HE.

---

#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

1. These Regulations, which come into force on 1st January 1976, prescribe the arrangements for managing the excise duties on wine and made-wine so far as their production in the United Kingdom is concerned. These excise duties, introduced by the Finance (No. 2) Act 1975, supersede with effect from 1st January 1976 the excise duty on British wine.

2. The Regulations revoke and replace the British Wines (Sweets) Regulations 1953 and generally provide the same arrangements for control of wine and made-wine produced in the United Kingdom as apply to British wine. The principal changes introduced by the Regulations are as follows:

- (a) although duty will generally continue to be chargeable when a dutiable product is sent out from the entered premises of a winery, provision is also made to enable duty to be collected on stocks when a producer ceases business or there are deficiencies in a producer's stocks,

- (b) limitations are imposed on the proportion of duty free wine of fresh grapes irrespective of origin which may be used in the manufacture of made-wine prior to payment of made-wine duty (the same limitations now apply to the mixing of duty paid imported wine with British wine),
- (c) provision is made for relief from duty on limited quantities of wine produced from grapes grown in the United Kingdom intended for the domestic consumption of the grower.
3. The Regulations are in five parts:
- Part I deals with definitions and other incidental matters.
- Part II governs when duty becomes due and the determination of the rates applicable.
- Part III contains the requirements for licensing and entry of premises, certain restrictions on production and conditions under which wine or made-wine may be stored in or removed from the winery without payment of duty.
- Part IV specifies entry book requirements and the procedures to be followed for stocktaking, keeping accounts and payment of duty.
- Part V provides for certain reliefs from excise duty.

SI 1975/1790  
ISBN 0-11-051790-3

