
STATUTORY INSTRUMENTS

1990 No. 998

SCOTCH WHISKY

The Scotch Whisky Order 1990

<i>Made</i>	- - - -	<i>30th April 1990</i>
<i>Laid before Parliament</i>		<i>11th May 1990</i>
<i>Coming into force</i>	- -	<i>1st June 1990</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred by sections 2(1) and 3(1) and (3) of the Scotch Whisky Act 1988⁽¹⁾ and of all other powers enabling them in that behalf hereby make the following Order:—

Title, extent and commencement

1. This Order, which may be cited as the Scotch Whisky Order 1990, shall apply in Great Britain and shall come into force on 1st June 1990.

Interpretation

2. In this Order, unless the context otherwise requires—

“the Act” means the Scotch Whisky Act 1988;

“excise warehouse” has the meaning assigned to it by section 1(1) of the Customs and Excise Management Act 1979⁽²⁾.

Definition of Scotch whisky

3. For the purpose of the Act “Scotch whisky” means whisky—

(a) which has been produced at a distillery in Scotland from water and malted barley (to which only whole grains of other cereals may be added) all of which have been—

(i) processed at that distillery into a mash;

(ii) converted to a fermentable substrate only by endogenous enzyme systems; and

(iii) fermented only by the addition of yeast;

(1) 1988 c. 22

(2) 1979 c. 2

- (b) which has been distilled at an alcoholic strength by volume of less than 94.8 per cent so that the distillate has an aroma and taste derived from the raw materials used in, and the method of, its production;
- (c) which has been matured in an excise warehouse in Scotland in oak casks of a capacity not exceeding 700 litres, the period of that maturation being not less than 3 years;
- (d) which retains the colour, aroma and taste derived from the raw materials used in, and the method of, its production and maturation; and
- (e) to which no substance other than water and spirit caramel has been added.

Minimum alcoholic strength of Scotch whisky

4. For the purposes of section 2(1)(b) of the Act there is hereby specified the alcoholic strength of 40 per cent by volume (being also the minimum alcoholic strength by volume prescribed in relation to whisky/whiskey by Article 3(1) of Council Regulation (EEC) No 1576/89 laying down general rules on the definition, description and presentation of spirit drinks).(3).

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th April 1990.

L.S.

John Selwyn Gummer
Minister of Agriculture, Fisheries and Food

30th April 1990

Sanderson of Bowden
Minister of State, Scottish Office

(3) OJ No L160, 12.6.89, p.1.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies in Great Britain and comes into force on 1st June 1990,—

- (a) defines Scotch whisky (article 3); and
- (b) specifies its minimum alcoholic strength (article 4).

By virtue of section 2(1) of the Scotch Whisky Act 1988 it is unlawful to sell as Scotch whisky any spirits not conforming to the definition laid down, or to sell Scotch whisky at an alcoholic strength less than that specified, in this Order.

Section 2(2) of that Act provides that the High Court in relation to England and Wales and the Court of Session in relation to Scotland may, if satisfied on the application of any person producing Scotch whisky, or a body representative of a group of such persons, that a contravention of section 2(1) has occurred, grant an injunction restraining (or in Scotland an interdict prohibiting) that contravention.