

Subsidiary Legislation made under s.51.

**Licensing and Fees (Manufacturing of Spirits) Rules 1995****LN.1995/052**

	<i>Commencement</i>	<b>7.4.1995</b>
Amending enactments	Relevant current provisions	Commencement date
LN. 1995/086 Sch		12.6.1995

**1961-29**

Licensing and Fees

**1995/052** Licensing and Fees (Manufacturing of Spirits) Rules 1995

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**ARRANGEMENT OF RULES**

Rule

1. Title.
2. Prescribed strength, type and quantity.
3. Provision of information.
4. Inspection.
4. Offences.

**SCHEDULE**

Prescribed strength, type and quantity.

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*In exercise of the powers conferred upon him by section 51 of the Licensing and Fees Act, and of all other enabling powers, the Governor has made the following rules—*

**Title.**

1. These rules may be cited as the Licensing and Fees (Manufacturing of Spirits) Rules 1995.

**Prescribed strength, type and quantity.**

2. The provisions contained in the Schedule shall have effect in respect of the prescribed strength, type and quantity of spirits that may be produced under the manufacturer's licence to which those provisions apply.

**Provision of information.**

3. A person to whom a manufacturer's licence has been issued (in these rules referred to as "the licensee") shall provide to the Collector of Customs such information in respect of the manufacturing process in such form with such frequency and at such times as the Collector may require for the purpose of satisfying himself that the provisions of the licence, as prescribed in the Schedule have been and are being complied with.

**Inspection.**

4.(1) For the purpose of satisfying himself that the provisions of a manufacturer's licence, as prescribed in the Schedule in respect of that licence, have been and are being complied with a customs officer —

- (a) shall be admitted to premises specified in the licence at any time at which any part of the manufacturing process is taking place;
- (b) may inspect —
  - (i) the manufacturing process and cause to have operated any part of the process;
  - (ii) the stocks of raw materials including bottling and packing materials;
  - (iii) bottled spirits before and after being corked and whether or not packed for distribution;
- (c) may take or cause to have taken samples and may remove such for the purpose of analysis and, if necessary, evidence;

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- (d) may inspect the records, howsoever maintained, relating to the manufacturing process, including records relating to the nature and amount of raw materials, spirits produced, spirits in production, bottling, packing, waste (in the course of and after production) and any stocks or stores of raw materials or of spirits bottled or at any stage of production and may take, retain and remove copies of such records.
- (2) The licensee shall permit and take or cause to be taken steps to facilitate the admission to the premises specified in the licence of a customs officer for the purposes of sub-rule (1).
- (3) Where the records referred to in sub-rule (1) are in a form other than in writing on paper, the licensee shall take or cause to be taken the action necessary to enable a customs officer to have access to those records in writing on paper and to take and remove copies thereof.
- (4) For the purposes of this rule “manufacturing process” includes in addition to any processes of mixing, distillation and fermentation, any process preparatory to manufacturing as well as the bottling, labeling or packing of spirits.

**Offences.**

- 4.(1) A failure to comply with the specified provisions of a manufacturer’s licence is an offence to which section 42 of the Act applies.
- (2) A person who fails to comply with the provisions of rule 3 or 4 or who obstructs a customs officer when he is carrying out, or seeking to carry out, his duties under that rule is guilty of an offence and liable on summary conviction by a fine at level 3 on the standard scale.
- (3) When an offence falling within sub-rule (1) or (2) which has been committed by a body corporate is shown to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate or any person who is purporting to act in such a capacity, he, as well as the body corporate, shall be guilty of that offence and liable to be proceeded against accordingly.
- (4) Where the affairs of a body corporate are managed by its members, sub-rule (3) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

SCHEDULE

Rule 2

**Prescribed strength, type and quantity.**

Wines.

1. The prescribed strength and type of spirit permitted under the manufacturer's licence issued to the Old Gibraltar Spirit Company Limited is wine of not more than 13<sup>o</sup>.
2. The prescribed quantity of wine permitted under the manufacturer's licence specified in paragraph 1 is not more than 30,000 bottles containing 75cl. per calendar month.

Spirits.

3. The prescribed strength and type of spirit permitted under the manufacturer's licence issued to the Old Gibraltar Spirit Company Limited is spirits of not more than 40% and may include gin, vodka, brandy and anisette.
4. The prescribed quantity of spirits of all types permitted under the

Provided that with the consent of the Collector of Customs given in writing in advance (which consent may be given no more than twice in any period of twelve months) the number of bottles produced per month may, for a period of no more than two consecutive months, be increased to the number specified by the Collector.