

# ORDER IN COUNCIL

ratlifying a Projet de Loi

ENTITLED

## **The Immature Spirits (Guernsey) Law, 1976**

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(Registered on the Records of the Island of Guernsey  
on the 6th day of April, 1976.)

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# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*THE 6th day of April, 1976, before Ernest Pattison Shanks, Esquire, C.B.E., Deputy Bailiff; present:—Claude Fortescue Nason, Esquire, Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C. and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.*

The Deputy Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 17th day of March, 1976, ratifying a *Projet de Loi* entitled "The Immature Spirits (Guernsey) Law, 1976", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

# At the Court at Buckingham Palace

THE 17th DAY OF MARCH 1976

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

WHEREAS there was this day read at the Board a report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 9th day of March 1976, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 4th day of June 1975, the States of Deliberation at a meeting held on the 26th day of November 1975, approved a Bill or “Projet de Loi” entitled “The Immature Spirits (Guernsey) Law, 1976”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Immature Spirits (Guernsey) Law, 1976”, and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi”.

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. E. Leigh.*

Projet de Loi referred to in the foregoing  
Order in Council.

## PROJET DE LOI

ENTITLED

### **The Immature Spirits (Guernsey) Law, 1976**

THE STATES, in pursuance of their Resolution of the fourth day of June, nineteen hundred and seventy-five, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Restriction  
on delivery  
of immature  
spirits.

1. (1) A person shall not deliver any spirits for use or consumption in this Island unless they have been warehoused in a place appointed in that behalf by the Board for a period of at least three years:

Provided that this subsection shall not apply—

- (a) to spirits delivered for any purpose for which they may for the time being be delivered without payment of duty; or
- (b) to mixtures, compounds or preparations charged with duty on importation in respect of the spirits contained in them or used in their preparation or manufacture; or
- (c) to spirits delivered to a licensed rectifier or a licensed compounder, a manufacturing chemist or a manufacturer of perfumes for use in his manufacture; or
- (d) to spirits delivered under and in accordance with the conditions of a licence in that behalf granted by the Board to such person and for such purposes as the Board sees fit

to authorise for the purposes of this section;  
or

(e) to imported British gin, imported Geneva, perfumed spirits or liqueurs; or

(f) to the supply of spirits of wine for the purpose of making medicines to persons authorised to practise in this Island as medical practitioners or pharmacists, and to hospitals.

(2) The States may, from time to time, by Ordinance—

(a) vary the minimum period of warehousing specified in subsection (1) of this section and may prescribe different minimum periods of warehousing for different types of spirits;

(b) add to or vary the exceptions to subsection (1) of this section specified in the proviso to the said subsection.

(3) For the purposes of this section, in the case of imported spirits, any period which is shown to the satisfaction of the Board to have elapsed between the dates of manufacture and importation shall be treated as a period during which the spirits have been warehoused in a place appointed in that behalf by the Board.

2. The Board may at any time—

(a) revoke; or

(b) vary the conditions attached to, any licence granted under this Law.

Revocation,  
etc. of  
licences.

3. (1) Any person who—

(a) being an applicant for the grant of a licence under this Law is aggrieved by the refusal

Appeals.

or failure of the Board to grant the licence or by any condition attached to the grant of the licence; or

- (b) being the holder of a licence granted by the Board under this Law, is aggrieved by the revocation thereof by the Board or by any variation of the conditions attached thereto,

may appeal to the Royal Court sitting as an Ordinary Court.

(2) An appeal under the last preceding subsection shall be instituted by way of summons served on the President of the Board to show cause why the decision appealed from should not be set aside or varied and such summons shall set out the material facts upon which the appellant relies.

(3) On any such appeal the Royal Court shall have power to make such order as it thinks fit and such order shall be final.

#### Offences.

4. If any person procures or attempts to procure the delivery of spirits in contravention of this Law or contravenes or fails to comply with any condition attaching to the grant of a licence under this Law, he shall be guilty of an offence and shall be liable, on conviction, to a penalty not exceeding one hundred pounds, and any spirits in respect of which the offence was committed may be forfeited at the discretion of the Court.

#### Interpretation.

5. (1) In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Board” means the States Board of Administration;

“British spirits” means spirits manufactured in Great Britain or Northern Ireland;

“this Island” means the Islands of Guernsey, Herm and Jethou;

“licensed compounder” means a person holding a licence as a compounder granted in that behalf by the Board under and for the purposes of this Law;

“licensed rectifier” means a person holding a licence as a rectifier granted in that behalf by the Board under and for the purposes of this Law;

“proof” has the meaning assigned to it by subsection (2) of this section;

“spirits” means spirits of any description and includes all liquors mixed with spirits and all mixtures, compounds or preparations made with spirits but does not include methylated spirits;

“spirits of wine” means plain British spirits of a strength of not less than forty-three degrees over proof.

(2) For the purposes of this Law—

- (a) spirits shall be deemed to be at proof if the volume of the ethyl alcohol contained therein made up to the volume of the spirits with distilled water has a weight equal to that of twelve-thirteenths of a volume of distilled water equal to the volume of the spirits, the volume of each liquid being computed as at fifty-one degrees Fahrenheit;
- (b) the expression “degree over proof” shall be construed by reference to a scale on which one hundred degrees denotes the strength of spirits at proof, and one hundred and one



degrees, or one degree over proof, denotes the strength of spirits which would be at proof if there were added thereto such quantity of distilled water as would increase by one per centum the volume of the spirits computed as at fifty degrees Fahrenheit, and so on in proportion for any other number of degrees.

Repeal.

6. The Immature Spirits (Guernsey) Law, 1955(a) is hereby repealed.

Citation and  
commence-  
ment.

7. This Law may be cited as the Immature Spirits (Guernsey) Law, 1976, and shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

W. J. GAUDION,  
Her Majesty's Deputy Greffier.