

PROJET DE LOI

ENTITLED

The Immature Spirits (Guernsey) Law, 1976 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXVI, p. 13; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Immature Spirits (Guernsey) Ordinance, 1976 (Recueil d'Ordonnances Tome XX, p. 387); the Immature Spirits (Rum) (Guernsey) Ordinance, 1983 (Recueil d'Ordonnances Tome XXII, p. 473); the Immature Spirits (Guernsey) Ordinance, 1990 (Recueil d'Ordonnances Tome XXV, p. 152); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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ARRANGEMENT OF SECTIONS

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2. Revocation, etc. of licences.
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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 Committee] for a period of at least three years [...] [or, in the case of brandy and cognac, for a period of at least 6 months in an oak cask with a capacity of less than 1,000 litres or for a period of at least one year in any other oak receptacle]:

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 Committee] to such person and for such purposes as [the Committee] sees fit to authorise for the purposes of this section, or

- (e) to imported British gin, imported Geneva, [imported vodka,] [imported rum,] 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 Committee] 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 Committee].

NOTES

In section 1,

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016;

the words omitted in the second pair of square brackets in subsection (1) were repealed by the Immature Spirits (Rum) (Guernsey) Ordinance, 1983, section 1(a), with effect from 25th May, 1983;¹

the words in the third pair of square brackets in subsection (1) were inserted by the Immature Spirits (Guernsey) Ordinance, 1990, section 1, with effect from 27th September, 1990;

the words in the first pair of square brackets in paragraph (e) of subsection (1) were inserted by the Immature Spirits (Guernsey) Ordinance, 1976, section 1(b), with effect from 1st August, 1976;

the words in the second pair of square brackets in paragraph (e) of subsection (1) were inserted by the Immature Spirits (Rum) (Guernsey) Ordinance, 1983, section 1(b), with effect from 25th May, 1983.

The following Ordinances have been made under section 1:

*Immature Spirits (Guernsey) Ordinance, 1976;
Immature Spirits (Rum) (Guernsey) Ordinance, 1983;
Immature Spirits (Guernsey) Ordinance, 1990.*

Revocation, etc. of licences.

2. [The Committee] may at any time –

- (a) revoke, or
- (b) vary the conditions attached to,

any licence granted under this Law.

NOTE

In section 2, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.

Appeal.

3. (1) Any person who –

- (a) being an applicant for the grant of a licence under this Law is aggrieved by the refusal or failure of [the Committee] 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 Committee] under this Law, is aggrieved by the revocation thereof by [the Committee] 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 Committee] 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.

NOTE

In section 3, the words "the Committee" and "the President" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 7 and section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.²

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 [level 2 on the uniform scale], and any spirits in respect of which the offence was committed may be forfeited at the discretion of the Court.

NOTE

In section 4, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

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 Committee]" means the States [Committee for Home Affairs],

"**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 Committee] 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 Committee] 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.

NOTES

In section 5, the words, first, "the Committee" and, second, "Committee for Home Affairs" in square brackets in the definition of the expression "the Committee" in subsection (1) and, third, the words "the Committee" in square brackets wherever else occurring were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 7, section 2, Schedule 1, paragraph 6(a) and section 5(1), Schedule 3, paragraph 7, with effect from 1st May, 2016.³

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁴

Repeal.

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

^a Ordres en Conseil Vol. XVI, p. 156.

Citation and commencement.

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.

NOTE

The Law was brought into force on 1st August, 1976 by the Immature Spirits (Guernsey) Law, 1976 (Commencement) Ordinance, 1976, section 1.

¹ These words were originally inserted by the Immature Spirits (Guernsey) Ordinance, 1976, section 1(a), with effect from 1st August, 1976.

² The words "the President" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

³ The words "Committee for Home Affairs" were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004.

⁴ The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), Schedule 2, paragraph 2(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.