

# GUERNSEY STATUTORY INSTRUMENT

1999 No 23

## The Weights and Measures (Intoxicating Liquor)

### Regulations, 1999

<i>Made</i>	<i>22<sup>nd</sup> June 1999</i>
<i>Laid before the States</i>	<i>28<sup>th</sup> July 1999</i>
<i>Coming into operation</i>	<i>23<sup>rd</sup> June 1999</i>

THE STATES BOARD OF INDUSTRY, in exercise of the powers conferred by sections 18(1) and (2), 20(1) and 61(1) of the Weights and Measures (Guernsey and Alderney) Law, 1991(a) and in exercise of all other powers enabling it in that behalf, hereby makes the following Regulations —

#### **Citation, commencement, interpretation and revocation**

1. — (1) These Regulations may be cited as the Weights and Measures (Intoxicating Liquor) Regulations, 1999 and shall come into force on 23<sup>rd</sup> June 1999.

(2) In these Regulations —

“beer” includes ale, porter, stout and any other description of beer, and any liquor which is made or sold as a description of beer or as a substitute for beer and which, on analysis of a sample, is found to be of a strength exceeding 0.5 per cent, but does not include —

(a) black beer the worts whereof before fermentation were of a specific gravity of 1200° or more; or

(b) liquor made (elsewhere than upon the licensed premises of a brewer) for sale, which, on analysis of a sample, is found to be of a strength not exceeding 0.5 per cent;

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(a) Ordre en Conseil No. XVII of 1991.

“the Board” means the States of Guernsey Board of Industry or like body of the States of Guernsey as may by resolution of the States be appointed to administer the Law;

“cider” means cider of a strength exceeding 1·2 per cent but less than 8·5 per cent obtained from the fermentation of apple juice without the addition at any time of any alcoholic liquor or of any liquor or substance which communicates colour or flavour other than such as the Board may permit;

“intoxicating liquor” includes spirits, wines, beer, porter and cider and includes any other liquors with an alcoholic content intended for human consumption but excludes any liquor where the alcoholic strength is less than 1·2 per cent;

“the Law” means the Weights and Measures (Guernsey and Alderney) Law, 1991;

“made wine” means any liquor which is of a strength exceeding 1·2 per cent and which is obtained from the alcoholic fermentation of any substance or by mixing a liquor so obtained, or a liquor derived from a liquor so obtained, with any other liquor or substance, but does not include wine, beer, black beer, spirits or cider;

“wine” means any liquor which is of a strength exceeding 1·2 per cent and which is obtained from the alcoholic fermentation of fresh grapes or of the must of fresh grapes, whether or not the liquor is fortified with spirits or flavoured with aromatic extracts.

(3) In this regulation “per cent” means the percentage of alcohol by volume at a temperature of 20 degrees Celsius.

(4) The Interpretation (Guernsey) Law, 1948 (b) applies to the interpretation of these Regulations as if they were an enactment.

(5) Part I of schedule 4 to the Law is hereby revoked.

### **Sale of Intoxicating Liquor**

2. — (1) Unless pre-packed in a securely closed container and except when sold as a constituent of a mixture of two or more liquids, beer or cider shall be sold by retail —

(a) only in a quantity of 1/3 pint, 1/2 pint or a multiple of 1/2 pint; and

(b) subject to paragraph (2) below, where sold for consumption on the premises of the seller, only in a stamped capacity serving measure of the quantity in question.

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(b) Ordres en Conseil Vol. XIII, p.355.

(2) Paragraph (1)(b) above shall not apply where —

- (a) the quantity of the beer or cider to be sold is ascertained by means of measuring equipment stamped in the prescribed manner;
- (b) the beer or cider is delivered directly from the measuring equipment into the container in which it is intended the buyer should receive it;
- (c) the beer or cider is so delivered after the buyer has ordered it; and
- (d) the measuring equipment (or that part of it from which the beer or cider is delivered) is installed in such a position that the delivery of the beer or cider into the container can readily be seen by customers in any part of the premises in which beer or cider is normally ordered.

3. — (1) Subject to paragraphs (2) to (4) below, unless pre-packed in a securely closed container —

- (a) brandy, gin, rum, vodka and whisky shall be sold by retail for consumption on the premises at which it is sold only in a quantity of 25ml or in a multiple of 25ml; and
- (b) port, sherry, vermouth and any other fortified wine shall be sold by retail only in a quantity of 50ml or in a multiple of 50ml.

(2) Such liquors are exempted from the requirements of this regulation when they form a constituent of a mixture of three or more liquids.

(3) Nothing in this regulation prohibits the sale, at the express request of the buyer, of any mixture of liquids containing any such liquor in a quantity not otherwise permitted by this regulation.

(4) (i) Intoxicating liquor of the descriptions in paragraph (1) above shall be sold by retail for consumption on the premises at which it is sold only if there is displayed on those premises a statement in writing showing the quantities in which such liquor is offered for sale on those premises; and

(ii) The statement in sub-paragraph (i) above shall be in clear and legible black letters of not less than five millimetres in height on a white background and shall be displayed in a prominent place in every bar, in such a position as to be readily available, without special request for inspection by the buyer, before the sale is made.

4. A liquor set out in regulation 3(1) above shall only be sold to a customer by being delivered from the measuring instrument or measure from which it is to be delivered into the container in which it is intended that the customer should receive it, if the delivery can be readily seen by the customer.

5. — (1) The intoxicating liquor and other liquids specified in column 1 of the Schedule to these Regulations shall be pre-packed or, in the case of those in Part III of the Schedule, otherwise made up in a container for sale, only if they are made up in one of the quantities by volume specified in column 2, subject to the exceptions specified in column 3.

(2) This regulation applies to intoxicating liquor specified in column 1 in Part II of the Schedule to these Regulations made up after 31st December 1990, and to intoxicating liquor specified in column 1 in Part III of the Schedule made up after 31st December 1991.

6. — (1) Subject to paragraph (2) of this regulation, wine and made-wine for consumption on the premises at which it is sold shall —

(a) be pre-packed only in one of the following quantities, that is to say —

(i) 25 cl, 50 cl, 75cl or 1 L; or

(ii) 10 fl oz, or 20 fl oz;

(b) when not pre-packed, be sold only in those quantities; and

(c) whether pre-packed or not, be sold only if a statement in writing showing the quantities in which wine or made-wine is for sale is either displayed on those premises in accordance with sub-paragraph (4)(ii) of regulation 3 above or is contained in every wine list and menu which is available to the buyer on those premises before the sale is made and which indicates that wine or made-wine is for sale for consumption on those premises.

(2) Paragraph (1) above shall not apply in the case of wine or made-wine which —

(a) is pre-packed in a securely closed container whether or not it is to be decanted at the request of the buyer before being served; or

(b) is sold in the glass or other vessel from which it is intended to be drunk.

7. — (1) For the purposes of this regulation “wine” shall mean only the intoxicating liquor and other liquids specified in column 1 of Part I of the Schedule to these Regulations and shall not include port, sherry, vermouth and any other fortified wine.

(2) Subject to paragraph (4) below, when sold in the glass or other vessel from which it is intended to be drunk, wine for consumption on the premises at which it is sold shall be sold only —

(a) in, or in a multiple of, the following quantities, that is to say, 125 ml and

175 ml; and

(b) if a statement in writing of the kind required by sub-paragraph (c) of regulation

6 (1) above is displayed or otherwise provided as required by that sub-paragraph.

(3) Nothing in this regulation shall make unlawful the sale, at the express request of the buyer, of any mixture of liquids containing wine in a quantity not otherwise permitted by this regulation.

(4) This regulation shall come into force on 4<sup>th</sup> January 2000.

8. — (1) Intoxicating liquor and other liquids specified in column 1 of the Schedule to these Regulations shall be pre-packed in a closed container (or, in the case of those specified in Part III of the Schedule, otherwise made up in such a container for sale) only if the container is marked with an indication of quantity by volume, subject to the exemptions specified in column 4 of the Schedule.

(2) Intoxicating liquor of any other description shall pre-packed in a closed container in a quantity of 5 ml or more but not exceeding 5 L only if the container is marked with an indication of quantity by volume.

9. — (1) Without prejudice to the provisions of section 21 of the Law, if regulation 2(1)(b), 3(4), 6(1)(c) or 7(2)(b) above is contravened, the occupier of the premises in question shall be guilty of an offence.

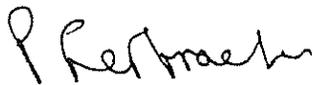
(2) Any person guilty of an offence under sub-paragraph (1) above shall be liable on summary conviction to a fine not exceeding twice level 5 on the uniform scale.

### **Multipacks**

10. — Nothing in these Regulations shall require any container to be marked with any information or to enclose intoxicating liquor or other liquids of a particular quantity if all the following provisions are satisfied:-

(a) the contents of the container in which any intoxicating liquor or other liquids is pre-packed consist of two or more packs of goods;

- (b) where the goods in any pack, if sold individually, would be required by these Regulations to be made up in a specified quantity, the goods in any such pack are so made up;
- (c) where any pack, if sold individually, would be required by these Regulations to be marked with an indication as to the quantity of the goods, the pack is so marked;
- (d) (i) the container is marked with a description of the goods in each pack, the total number of packs containing goods of each description and, where paragraph (c) above applies, with an indication as to the quantity of the goods in each such pack; or
  - (ii) where each pack to which paragraph (c) above applies contains the same quantity of identical goods, an indication as to the quantity of the goods in at least one such pack is clearly visible, and the total number of such packs is clearly visible and capable of being easily counted, through the container; or
  - (iii) where each pack does not contain goods of the same description or does contain such goods but does not contain them in the same quantity, an indication as to the quantity of any goods in each pack to which paragraph (c) above applies, or, if there are two or more identical such packs, an indication as to the quantity of the goods in at least one of them is clearly visible, and the total number of such packs of each description is clearly visible and capable of being easily counted, through the container.



P T R FERBRACHE

President of the States of Guernsey Board of Industry

# SCHEDULE

Régulations 5, 7 and 8

## PART 1

(1) <i>Description and subheading</i>	(2) <i>Prescribed quantities</i>	(3) <i>Exceptions from prescribed quantities</i>	(4) <i>Exemptions from quantity marking</i>
Wine of fresh grapes; grape must with fermentation prevented or arrested by the addition of alcohol, including wine made of unfermented grape juice blended with alcohol, grape must in fermentation or with fermentation arrested otherwise, than by the addition of alcohol.	10 cl 18.7 cl (x) 25 cl 37.5 cl 50 cl 75 cl 1 L 1.5 L 2 L 3 L 4 L 5 L 6 L 8 L 9 L 10 L	(a) less than 5 ml, more than 10 L  (b) when made up in securely closed containers before 1st January 1989  (c) wine to which regulation 6(1)(a) applies  (d) not more than 25 cl, when for consumption on the premises of the seller	less than 5 ml, more than 10 L
“Yellow” wines entitled to use the following designations of origin: “Côtes du Jura”, “Arbois”, “L’Étoile” and “Château-Chalon”	62 cl		

(x) for consumption on board aircraft, ships and trains, or for sale duty-free.

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PART II

(1) <i>Description and subheading</i>	(2) <i>Prescribed quantities</i>	(3) <i>Exceptions from prescribed quantities</i>	(4) <i>Exemptions from quantity marking</i>
Sparkling wine and wine in bottles with "mushroom" stoppers held in place by ties or fastenings, and wine otherwise made up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20 °C.	12.5 cl	(a) less than 5 ml, more than 10 L	less than 5 ml, more than 10 L
	20 cl		
	37.5 cl	(b) for consumption on board aircraft, ships and trains, or for sale duty-free	
	75 cl		
	1.5 L		
	3 L		
	4.5 L		
	6 L		
	9 L		

PART III

(1) <i>Description and subheading</i>	(2) <i>Prescribed quantities</i>	(3) <i>Exceptions from prescribed quantities</i>	(4) <i>Exemptions from quantity marking</i>
Spirits, liqueurs and other spirituous beverages and compound alcoholic preparations of a kind used for the manufacture of beverages.	2 cl	(a) less than 5 ml, more than 10 L	less than 5 ml, more than 10 L
	3 cl		
	4 cl	(b) less than 10 cl, where aerated water or soda has been added	
	5 cl		
	7.1 cl		
	10 cl		
	20 cl		
	35 cl		
	50 cl		
	70 cl		
	1 L	(c) for consumption on board aircraft, ships and trains, or for sale duty free	
	1.125 L (y)		
	1.5 L		
	2 L		
	2.5 L		
	3 L		
4.5 L	(d) when made up in securely closed containers before 1 <sup>st</sup> January 1992		
5 L (y)			
10 L (y)			

(y) for non-retail sales only

## EXPLANATORY NOTE

### (This is not part of the Regulations)

These regulations consolidate and amend the provisions of Part I of schedule 4 to the Weights and Measures (Guernsey and Alderney) Law, 1991. The said Part I was amended by regulations in 1991 (S.I. 1991 No. 57) and for clarity has been revoked and the provisions repeated in these Regulations.

The principal provisions of the Regulations are —

- (a) Draught beer and cider may only be sold in quantities of  $\frac{1}{3}$  pint,  $\frac{1}{2}$  pint or multiples of  $\frac{1}{2}$  pint (regulation 2 (1)).
- (b) Except when stamped measuring equipment such as a beer meter is used the beer or cider must be sold in a stamped measure (e.g. a stamped glass) (regulations 2(1)(b) and (2)).
- (c) Brandy, gin, rum, vodka and whisky, except when pre-packed, must be sold in a quantity of 25ml or multiples of 25ml (regulation 3(1)(a)).
- (d) Port, sherry, vermouth and other fortified wines, except when pre-packed, must be sold in a quantity of 50ml or multiples of 50ml (regulation 3(1)(b)).
- (e) As from 4<sup>th</sup> January 2000 certain wine by the glass must be sold in a quantity of 125ml or 175ml or multiples thereof (regulation 7(2)(a)).
- (f) A sign must be displayed showing the quantities in which liquor is offered for sale (regulations 3(4), 6(1)(c) and 7(2)(b)).
- (g) Liquors may only be pre-packed in prescribed quantities (regulations 5, 6(1)(a) and 8(1)).
- (h) Certain exemptions from prescribed quantities are granted (regulations 2(1), 3(2) and (3), 5(1), 6(2), 7(3) and 8(1)).
- (i) Special provisions are made for multipacks (regulation 10).

These regulations closely follow the United Kingdom Weights and Measures (Intoxicating Liquor) Order 1988 (S.I. 1988 No. 2039) as amended by the Weights and Measures (Various Foods) (Amendment) Order 1990 (S.I. 1990 No. 1550), by the Weights and Measures (Intoxicating Liquor) (Amendment) Order 1994 (S.I. 1994 No. 1883) and by the Weights and Measures (Metrication) (Miscellaneous Goods) (Amendment) Order 1994 (S.I. 1994 No. 2868).