

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Weights and Measures (Intoxicating Liquor) Regulations, 1999 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* G.S.I. No. 23 of 1999; as amended by 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); the Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019 (G.S.I. No. 100 of 2019).

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ARRANGEMENT OF REGULATIONS

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SCHEDULE 1

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Explanatory Note.

(Made on 22nd June, 1999.)

The Weights and Measures (Intoxicating Liquor) Regulations, 1999

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 23rd June 1999.

(2) In these Regulations –

"**beer**" includes ale, porter, stout and any other description of beer or 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 not 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 licensed premises of a brewer) for sale which, on analysis of a sample, is found to have a strength not exceeding 0.5 per cent,

"[**the Committee**]" means the States of Guernsey [Committee for

^a Ordre en Conseil No. XVII of 1991.

Home Affairs] 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 Committee] may permit,

[**"CN Code"** means a code comprised in the Combined Nomenclature,]

[**"the Combined Nomenclature"** means the Combined Nomenclature of the European Union,]

"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 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.

[and references to a subheading are to a subheading of the Combined Nomenclature.]

(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.

NOTES

In regulation 1,

the words, first, "the Committee" and, second, "Committee for Home Affairs" 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 1(d), Schedule 2, Part 1, paragraph 3 and section 4, with effect from 1st May, 2016;¹

first, the definitions of the expressions "CN Code" and "the Combined Nomenclature" and, second, the words in the XTH pair of square brackets in paragraph (2) were inserted by the Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019, regulation 2, with effect from 30th September, 2019.

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of these Regulations 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 1(d), Schedule 2, Part 1, paragraph 3 and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

^b Ordres en Conseil Vol. XIII, p. 355.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

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 premises of the seller, only in a stamped capacity of serving measures of the quantity in question.

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

- (a) the quantity of the beer or cider 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 cider or beer 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 the customers in any part of the premises in which the beer or cider is normally ordered.

3. (1) Subject the paragraphs (2) to (4) below, unless pre-packed in a securely enclosed 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 25 ml or in a multiple of 25 ml, and
- (b) port, sherry, vermouth and any other fortified wine shall be sold by retail only in a quantity of 50 ml or in a multiple of 50 ml.

(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 liquors 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 black letters of not less than 5 mm 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 specified in column 1 of Schedule 1 to these Regulations shall be pre-packed only if they are made up in one of the quantities specified in column 3, subject to the exceptions specified in column 4.

(2) Paragraph (1) does not apply to the intoxicating liquors specified in column 1 of the said Schedule 1 when they are sold duty-free for consumption outside the Bailiwick.

(3) Where two or more pre-packages make up a multipack, the quantities specified in column 1 of the said Schedule 1 apply to each pre-package.

(4) For the purposes of this regulation –

- (a) **"pre-package"** means a combination of a product and the individual package in which it is pre-packed, and

- (b) **"pre-packed"** means made up in advance ready for retail sale or wholesale in a securely closed container.]

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, 75 cl 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 enclosed container whether

or not it is to be decanted at the request of the buyer before being served, or

- (b) [subject to regulation 7] is sold in the glass or other vessel from which it 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 [Schedule 2] to these Regulations and shall not include port, sherry, vermouth or 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 only be sold –

- (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 a 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 of, 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 4th 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 the quantity

by volume, subject to the exemptions specified in [column 2 of Schedule 2].

(2) Intoxicating liquor of any other description shall be 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 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.

NOTES

Regulation 5 was substituted by the Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019, regulation 3, with effect from 30th September, 2019.

In regulation 6, the words in square brackets were inserted by the Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019, regulation 4, with effect from 30th September, 2019.

In regulation 7, the words in square brackets were substituted by the Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019, regulation 5, with effect from 30th September, 2019.

In regulation 8, the words in square brackets were substituted by the Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019, regulation 6, with effect from 30th September, 2019.

Multipacks.

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

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- (a) the contents of the container in which the intoxicating liquor or other liquids is pre-packaged 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 the goods in 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

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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.

<i>(1)</i> <i>Product</i>	<i>(2)</i> <i>Product definition</i>	<i>(3)</i> <i>Specified quantities</i>	<i>(4)</i> <i>Exceptions</i>
Still wine	Wine as defined in point (1) of Part II of Annex VII to the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No. 1037/2001 and (EC) No. 1234/2007, as amended from time to time.	Only the following specified quantities: 100 ml 187 ml 250 ml 375 ml 500 ml 750 ml 1000 ml 1500 ml	Containers of a capacity of less than 100 ml or more than 1500 ml
Yellow wine	Wine using the traditional term "vin jaune" listed and defined in the "E-Bacchus" database in accordance with Article 40(1) of Commission Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms,	Only the following specified quantity: 620 ml	Containers of a capacity of less than 100 ml or more than 1500 ml

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	labelling and presentation of certain wine sector products.		
Sparkling wine, quality aromatic sparkling wine, aerated sparkling wine, semi-sparkling wine and aerated semi-sparkling wine	As those wines are defined (respectively) in points (4) to (9) of Part II of Annex VII to the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, as amended from time to time.	Only the following specified quantities: 125 ml 200 ml 375 ml 750 ml 1500 ml	Containers of a capacity of less than 125 ml or more than 1500 ml
Liqueur wine	Liqueur wine as defined in point (3) of Part II of Annex VII to the Regulation of the European Parliament and of the Council adopted on 16 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, as amended from time to time.	Only the following specified quantities: 100 ml 200 ml 375 ml 500 ml 750 ml 1000 ml 1500 ml	Containers of a capacity of less than 100 ml or more than 1500 ml
Aromatised wine	Aromatised wine as defined in Article 2(1)(a) of Council	Only the following specified	Containers of a capacity of

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	Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (OJ L 149, 14.6.1991, p 1) as last amended by the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union (OJ L 157, 21.6.2005, p 1) (CN Code 2205).	quantities: 100 ml 200 ml 375 ml 500 ml 750 ml 1000 ml 1500 ml	less than 100 ml or more than 1500 ml
Spirit drinks	Spirit drinks as defined in Article 1(2) of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks (OJ L 160, 12.6.1989, p 1) as last amended by the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union (OJ L 157, 21.6.2005, p 1) (CN Code 2208).	Only the following specified quantities: 100 ml 200 ml 350 ml 500 ml 700 ml 1000 ml 1500 ml 1750 ml 2000 ml	Containers of a capacity of less than 100 ml or more than 2000 ml

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NOTE

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Schedule 1 was substituted by the Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019, regulation 7, Schedule, with effect from 30th September, 2019.

[SCHEDULE 2

Part I

(1) <i>Description and subheading</i>	(2) <i>Exemptions from quantity markings</i>
<p>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, of subheadings 2204 21 21 to 2204 21 39 inclusive, 2204 29 21 to 2204 29 39 inclusive and 2204 30 10</p> <p>"Yellow" wines entitled to use the following designations of origin: "Côtes du Jura", "Arbois", L'Etoile" and "Château-Chalon"</p>	<p>Less than 5 ml More than 10 L</p>

Part II

(1) <i>Description and subheading</i>	(2) <i>Exemptions from quantity markings</i>
<p>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 20C, of</p>	<p>Less than 5 ml More than 10 L</p>

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subheadings 2204 10 11, 2204 10 90, 2204 2110 and 2204 29 10	
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Part III

<i>(1)</i> <i>Description and subheading</i>	<i>(2)</i> <i>Exemptions from quantity markings</i>
Spirits, liqueurs and other spirituous beverages and compound alcoholic preparations of a kind used for the manufacture of beverages, of subheadings 2208 1010 to 2208 90 79 inclusive	Less than 5 ml More than 10 L

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NOTE

Schedule 2 was inserted by the Weights and Measures (Intoxicating Liquor) (Amendment) Regulations, 2019, regulation 7, Schedule, with effect from 30th September, 2019.

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 1/3 pint, 1/2 pint or multiples of 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 measures (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 25 ml or multiples of 25 ml (regulation 3(1)(a)).
- (d) Port, sherry, vermouth and other fortified wines, except when pre-packed, must be sold in a quantity of 50 ml or multiples of 50 ml (regulation 3(1)(b)).
- (e) As from 4th January 2000 certain wine by the glass must be sold in a quantity of 125 ml or 175 ml 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

** The text of this Explanatory Note is as it was when the Statutory Instrument was first made – that is to say that the Explanatory Note has not been updated to take account of any changes made by subsequent amending Statutory Instruments with their own Explanatory Notes.

(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).

¹ 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 5 and section 5, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of these Regulations were previously transferred to them from the Board of Industry and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 5 and section 5, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.