STATUTORY INSTRUMENTS

1985 No. 252

CUSTOMS AND EXCISE

The Beer (Amendment and Gauging of Vessels) Regulations 1985

Made - - - - -	*25th February* 1985
Laid before Parliament	*6th March* 1985
Coming into Operation	*1st April* 1985

The Commissioners of Customs and Excise, in pursuance of the powers conferred on them by sections 93 and 114 of the Customs and Excise Management Act 1979**(a)**, sections 3, 43, 46 and 49 of the Alcoholic Liquor Duties Act 1979**(b)** and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. These Regulations may be cited as the Beer (Amendment and Gauging of Vessels) Regulations 1985 and shall come into operation on 1st April 1985.

2. In these Regulations, unless the context otherwise requires—

"the 1978 Regulations" means the Beer Regulations 1978**(c)**;

"brewer" means a person holding a licence under section 47(2)(*a*) of the Alcoholic Liquor Duties Act 1979;

"gauging" means the ascertainment of the liquid capacity of a vessel and the provision of means whereby the volume of the liquid content of the vessel, whether wholly or partly filled, may be readily ascertained, and "gauged", "gauger", "regauging" and "regauged" shall be construed accordingly.

3. For regulation 3 of the 1978 Regulations there shall be substituted the following:—

"*Entry of brewery premises and marking of vessels*

3.—(1) The brewer shall ensure that no brewing or preparation of solution shall commence before entry has been made of all premises, rooms, places and vessels to be used in connection with such brewing or preparation.

(2) Except as the Commissioners otherwise allow, the brewer shall ensure that each such vessel is marked with uniquely identifying particulars and that the said mark is shown upon the said entry.

(3) The brewer shall ensure that the said entry is maintained up to date at all times.".

(a) 1979 c. 2. **(b)** 1979 c. 4.
(c) S.I. 1978/893, amended by S.I. 1978/1186.

4. For regulation 25 of the 1978 Regulations there shall be substituted the following:—

"*Application*

25. This Part of these Regulations applies only to beer upon which duty has been charged and which is intended for exportation, for removal to the Isle of Man, or for shipment as stores, and is without prejudice to any provision of the Customs and Excise Acts 1979**(a)**.".

5. For regulation 28 of the 1978 Regulations there shall be substituted the following:—

"*Containers in which beer may be warehoused*

28. Beer may be warehoused only in such containers as the Commissioners allow.".

6. For regulation 32 of the 1978 Regulations there shall be substituted the following:—

"*Restriction on removal from warehouse*

32. The occupier shall ensure that, except as the Commissioners otherwise allow, beer deposited in warehouse is removed therefrom only for exportation, removal to the Isle of Man, shipment as stores or for removal to another warehouse for rewarehousing.".

7. For regulation 34 of the 1978 Regulations there shall be substituted the following:—

"*Entry of warehouse on brewery premises*

34. The brewer shall ensure that entry is made of any warehouse situated on his brewery premises.".

8.—(1) Except as the Commissioners otherwise allow, the brewer shall ensure that no vessel is used unless and until it has been gauged or regauged to the satisfaction of the Commissioners.

(2) Where any vessel is to be brought into use, or where the capacity of any vessel changes or is changed in any way, the brewer shall give not less than 48 hours notice in writing of that fact to the Commissioners and, except as the Commisssioners otherwise allow, shall ensure that the vessel is gauged or regauged to the satisfaction of the Commissioners before it is brought into use or used again after that change occurs.

(3) If at any time the Commissioners become dissatisfied with the gauging or regauging or the recorded capacity of any vessel, they may give notice in writing of the fact to the brewer who shall ensure that that vessel is not used or used again unless and until it has been regauged to the satisfaction of the Commissioners unless they otherwise allow.

(4) Where any vessel is gauged or regauged under paragraphs (1) to (3) of this regulation, the brewer shall ensure that, except as the Commissioners otherwise allow, the vessel is marked or remarked with a fixed mark in such a way as to allow any contents to be measured by dry dip.

(a) 1979 c. 2, 3, 4, 5, 6 and 7.

(5) Where any vessel has been gauged or regauged in accordance with paragraphs (1) to (3) of this regulation, the brewer shall provide the Commissioners with full written details of the vessel and of the gauging or regauging and in particular with—

(*a*) all measurements and specifications of the vessel;

(*b*) except as the Commissioners otherwise allow, a table in duplicate showing the volume in litres rounded down to the nearest whole litre of the contents of the vessel at each 2 millimetres of depth of the liquid content when measured vertically downwards from the mark provided in accordance with paragraph (4) of this regulation; and

(*c*) details of the method of gauging used by the gauger together with his record of all aspects of the gauging,

so as to permit the ascertainment to their satisfaction of the volume of the liquid content.

(6) Where any vessel is taken permanently out of use the brewer shall ensure that prior written notice of the fact is given to the proper officer and that the entry of brewery premises required by regulation 3 of the 1978 Regulations is amended accordingly.

(7) In this regulation "vessel" means any vessel used for the collection or fermentation of worts or beer, for mixing or dilution, for the collection of priming or colouring solution on priming premises or for the taking account of spoilt beer.

9. The following are hereby revoked:—

(*a*) regulations 27, 29, 30, 31, 33, 35, 36, 37 and 46 and Schedules 5, 6 and 10 of the 1978 Regulations, and

(*b*) the Beer (Amendment) Regulations 1978**(a)**.

Bryce Knox,
Commissioner of Customs and Excise.

King's Beam House,
Mark Lane, London, EC3R 7HE.
25th February 1985.

(a) S.I. 1978/1186.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Beer Regulations 1978 by reducing the number of separate provisions for the warehousing of beer, so that they must be read with the Excise Warehousing (Etc) Regulations 1982 (S.I. 1982/612). They also revoke the prohibition on the use of substances giving the organoleptic impression of enhanced gravity.

In addition these Regulations prescribe the arrangements whereby the brewer is responsible for ensuring the correct gauging and tabulation of certain brewery vessels.

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