1990 No. 170

SCOTCH WHISKY

Scotch Whisky Order (Northern Ireland) 1990

Made	*3rd May 1990*
Coming into operation . .	*11th June 1990*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 2(2) and 3(1) of the Scotch Whisky (Northern Ireland) Order 1988(**a**) and of all other powers enabling it in that behalf hereby makes the following order:

Citation and commencement

1. This order may be cited as the Scotch Whisky Order (Northern Ireland) 1990 and shall come into operation on 11th June 1990.

Interpretation

2. In this order—

"excise warehouse" has the meaning assigned to it by section 1(1) of the Customs and Excise Management Act 1979(**b**);

"the Order" means the Scotch Whisky (Northern Ireland) Order 1988.

Definition of Scotch whisky

3. For the purposes of the Order "Scotch whisky" means whisky—

(*a*) which has been produced at a distillery in Scotland from water and malted barley (to which only whole grains of other cereals may be added) all of which have been—

(i) processed at that distillery into a mash;

(ii) converted to a fermentable substrate only by endogenous enzyme systems; and

(iii) fermented only by the addition of yeast;

(*b*) which has been distilled at an alcoholic strength by volume of less than 94.8 per cent so that the distillate has an aroma and taste derived from the raw materials used in, and the method of, its production;

(*c*) which has been matured in an excise warehouse in Scotland in oak casks of a capacity not exceeding 700 litres, the period of that maturation being not less than 3 years;

(*d*) which retains the colour, aroma and taste derived from the raw materials used in, and the method of, its production and maturation; and

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(**a**) S.I. 1988/1852 (N.I. 19)
(**b**) 1979 c. 2

(*e*) to which no substance other than water and spirit caramel has been added.

Minimum alcoholic strength of Scotch whisky

4. For the purposes of Article 3(1)(*b*) of the Order there is hereby specified the alcoholic strength of 40 per cent by volume (being also the minimum alcoholic strength by volume prescribed in relation to whisky/whiskey by Article 3(1) of Council Regulation (EEC) No. 1576/89(**a**) laying down general rules on the definition, description and presentation of spirit drinks).

Sealed with the Official Seal of the Department of Health and Social Services on 3rd May 1990.

(L.S.) *R. McMurray*
Assistant Secretary

(**a**) O.J. No. L160, 12.6.89, p. 1

EXPLANATORY NOTE

(This note is not part of the Order.)

This order, which comes into operation on 11th June 1990,—

(*a*) defines Scotch whisky (article 3); and

(*b*) specifies its minimum alcoholic strength (article 4).

By virtue of Article 3(1) of the Scotch Whisky (Northern Ireland) Order 1988 it is unlawful to sell as Scotch whisky any spirits not conforming to the definition laid down, or to sell Scotch whisky at an alcoholic strength less than that specified, in this order.

Article 3(2) of the Scotch Whisky (Northern Ireland) Order 1988 provides that the High Court may, if satisfied on the application of any person producing Scotch whisky, or a body representative of a group of such persons, that a contravention of Article 3(1) of that Order has occurred, grant an injunction restraining that contravention.

The enabling provisions under which this order is made, together with the other provisions of the Scotch Whisky (Northern Ireland) Order 1988, are brought into operation on 11th June 1990 by virtue of the Scotch Whisky (1988 Order) (Commencement and Transitional Provisions) Order (Northern Ireland) 1990 (S.R. 1990 No. 169 (C. 5)).