33. WHISKY

The Scotch Whisky (Auction Sales) Order, 1949

1949 No. 526

Made - - - -	*24th March*, 1949
Laid before Parliament	*24th March*, 1949
Coming into Operation	*1st April*, 1949

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a) as extended by the Supplies and Services (Extended Purposes) Act, 1947(b), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

1. In this Order—

"The Minister" means the Minister of Food.

"Licensed dealer" means a person holding any excise licence authorising him to sell Scotch whisky by wholesale or by retail.

"Scotch whisky" has the same meaning as in Section 24 of the Finance Act, 1933(c), viz., whisky obtained by distillation in Scotland from a mash of cereal grains saccharified by the diastase of malt and matured in a bonded warehouse in casks for a period of at least three years.

2. Except under and in accordance with the terms and conditions of a licence granted to him by or on behalf of the Minister, no person shall sell any Scotch whisky by auction.

3. A licence granted under this Order shall be in addition to and not in substitution for any other licence which a person selling Scotch whisky by auction may be required by law to hold, and shall not operate to relieve the licensee from any obligation or restriction which may be imposed upon him by law.

4. Every person holding a licence granted under this Order shall keep or cause to be kept at some convenient place an accurate record of all sales by auction by him of Scotch whisky, such record to include in each case particulars identifying the person on whose behalf he sold, and the person to whom he sold, Scotch whisky, and particulars of the quantities and description of Scotch whisky sold and the prices paid.

5. Except under the authority of the Minister, a licensed dealer who has purchased any Scotch whisky at a sale by auction shall not re-sell the same or any part or quantity thereof to any other licensed dealer who is the holder of an excise licence similar to that held by the first-mentioned licensed dealer: provided that the restriction imposed by this Article shall not apply to the resale by any licensed dealer holding both a wholesale and a retail excise licence of Scotch whisky purchased by him at a sale by auction to another licensed dealer holding a retail excise licence only.

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615-25) II, pp. 39 and 45-56.

(b) 10 & 11 Geo. 6. c. 55.

(c) 23 & 24 Geo. 5. c. 19.

6. No person shall sell or cause to be sold by auction any Scotch whisky purchased after the date of the coming into force of this Order by any person at a sale by auction, and no person shall sell except at a reasonable price any Scotch whisky purchased by any person at a sale by auction.

7.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Minister and to any licence or authorisation which may be granted under this Order by or on behalf of the Minister.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Minister, and the licensee or any person being in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Minister, produce or deliver it to such person, or to a person of such class or description, and within such time, as may be specified in the request.

8.—(1) The Wine and Spirits (Prohibition of Auction Sales) Order, 1942, as amended(a), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

(2) Every person shall, notwithstanding the revocation of the said Order, retain any record required to be kept by him thereunder for one year from the date of the transaction to which it relates.

9. Infringements of this Order are offences against the Defence (General) Regulations, 1939.

10. This Order shall come into operation on the 1st day of April, 1949, and may be cited as the Scotch Whisky (Auction Sales) Order, 1949.

Dated the 24th day of March, 1949.

John Strachey,
Minister of Food.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes the Wine and Spirits (Prohibition of Auction Sales) Order, 1942, but continues the prohibition on the sale by auction of Scotch whisky.

(viii) WELFARE FOODS

The Welfare Foods (Amendment) Order, 1949

1949 No. 1902

Made - - - -	12*th October*, 1949
Laid before Parliament	13*th October*, 1949
Coming into Operation	16*th October*, 1949

In exercise of the powers conferred upon him by Regulations 55 and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the

(a) S.R. & O. 1942 (No. 1271) II, p. 1654 and 1943 (No. 80) II, p. 1593.