



Alcoholic Liquor Duties Act 1979

1979 CHAPTER 4

PART II

SPIRITS

General provisions relating to manufacture of spirits and British compounds

24 Restriction on carrying on of other trades by distiller or rectifier.

- (1) [^{F1}Save with the permission of the Commissioners and subject to compliance with such conditions as they see fit to impose] a distiller or rectifier shall not—
 - (a) carry on upon his premises the trade of a [^{F2}registered brewer], producer of wine or of made-wine, maker of cider, vinegar-maker, refiner of sugar, wholesaler or retailer of wine, made-wine or beer, or retailer of methylated spirits or cider; or
 - (b) carry on the trade of a distiller or, as the case may be, rectifier on any premises communicating otherwise than by a public roadway with other premises on which any such trade as is mentioned in paragraph (a) above or that of a wholesaler of spirits is carried on.
- (2) Save with the permission of the Commissioners and subject to compliance with such conditions as they see fit to impose, a distiller or rectifier shall not—
 - (a) carry on upon his premises the trade of a retailer of spirits; or
 - (b) carry on the trade of a distiller or, as the case may be, rectifier on any premises communicating otherwise than by a public roadway with other premises on which the trade of retailer of spirits is carried on.
- (3) Save with the permission of the Commissioners and subject to compliance with such conditions as they see fit to impose, a distiller or rectifier shall not be concerned or interested in the trade of a retailer [^{F3}or wholesaler] of spirits carried on within [^{F43}kilometres] of his distillery or, as the case may be, rectifying house.

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- (4) If any person contravenes any provision of this section or contravenes or fails to comply with any condition imposed thereunder, [^{F5}his contravention or failure to comply shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).]

Textual Amendments

- F1** Words inserted by Finance Act 1981 (c. 35, SIF 40:1), s. 11(1), **Sch. 8 Pt. II para. 17(a)**
- F2** Words in s. 24(1)(a) substituted (1.6.1993) by Finance Act 1991 (c. 31, SIF 40:1), s. 7(4)(5), **Sch. 2 para. 1(a)**; S.I. 1993/1152, art. 3(2), **Sch. 1 Pt. II**.
- F3** Words inserted by Finance Act 1981 (c. 35, SIF 40:1), s. 11(1), **Sch. 8 Pt. II para. 17(b)**
- F4** Words in s. 24(3) substituted (31.8.1992) by S.I. 1992/1917, **art. 2(a)**.
- F5** Words in s. 24(4) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. II para. 25** (with s. 19(3)); S.I. 1994/2679, **art. 3**

25 Penalty for unlawful manufacture of spirits, etc.

- (1) Save as provided by or under this Act, any person who, otherwise than under and in accordance with an excise licence under this Act so authorising him—
- manufactures spirits, whether by distillation of a fermented liquor or by any other process; or
 -^{F6} uses a still for distilling, rectifying or compounding spirits; or
 - distils or has in his possession any low wines or feints; or
 - not being a vinegar-maker, [^{F7}produces] or makes or has in his possession any wort or wash fit for distillation,
- shall be liable on summary conviction to a penalty of [^{F8}level 5 on the standard scale].
- (2) Where there is insufficient evidence to convict a person of an offence under subsection (1) above, but it is proved that such an offence has been committed on some part of premises belonging to or occupied by that person in such circumstances that it could not have been committed without his knowledge, that person shall be liable on summary conviction to a penalty of [^{F9}level 3 on the standard scale].
- (3) Any person found on premises on which spirits are being unlawfully manufactured or on which a still is being unlawfully used for rectifying or compounding spirits may be detained.
- (4) All spirits and stills, vessels, utensils, wort, wash and other materials for manufacturing, distilling or preparing spirits—
- found in the possession of any person who commits an offence under subsection (1) above; or
 - found on any premises on which such an offence has been committed,
- shall be liable to forfeiture.
- (5) Notwithstanding any other provision of the Customs and Excise Acts 1979 relating to goods seized as liable to forfeiture, any officer by whom any thing is seized as liable to forfeiture under subsection (4) above may at his discretion forthwith spill, break up or destroy that thing.
- (6) Without prejudice to any other power conferred by the Customs and Excise Acts 1979, if any officer has reasonable grounds for suspecting that any thing liable to forfeiture

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under this section is in or upon any land or other premises in Northern Ireland, he may enter upon those premises, if need be by force, and search them and seize and remove any thing which he has reasonable grounds to believe to be so liable.

Textual Amendments

- F6** Words repealed by [Finance Act 1986 \(c. 41, SIF 40:1\)](#), s. 114, **Sch. 23 Pt. IV**
- F7** Word in [s. 25\(1\)\(d\)](#) substituted (1.6.1993) by [Finance Act 1991 \(c. 31, SIF 40:1\)](#), s. 7(4)(5), **Sch. 2 para. 1(b)**; [S.I. 1993/1152](#), art. 3(2), **Sch. 1 Pt. II**.
- F8** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G and (N.I.) by [S.I. 1984/703](#), (N.I. 3) art. 5
- F9** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G and (N.I.) by [S.I. 1984/703](#), (N.I. 3) arts. 5, 6

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