



Alcoholic Liquor Duties Act 1979

1979 CHAPTER 4

PART IV

WINE AND MADE-WINE

54 Wine: charge of excise duty.

- (1) There shall be charged on wine—
 - (a) imported into the United Kingdom; or
 - (b) produced in the United Kingdom by a person who is required by subsection (2) below to be licensed to produce wine for sale,

a duty of excise at the rates shown in Schedule 1 to this Act and the duty shall, in so far as it is chargeable on wine produced in the United Kingdom, be charged and paid in accordance with regulations under section 56 below [^{F1}and with any regulations under section 1 of the Finance (No. 2) Act 1992].

- (2) Subject to subsection (4) below, a person who, on any premises in the United Kingdom, produces wine for sale must hold an excise licence under this subsection in respect of those premises for that purpose.

- (3) ^{F2}

[^{F3}(3A) For the purposes of this Act, the process of blending or otherwise mixing two or more wines (in this subsection referred to as “the constituent wines”) constitutes the production of wine if—

- (a) the rate of duty applicable to one of the constituent wines is different from that applicable to the other or, as the case may be, at least one of the others; and
- (b) the rate of duty applicable to the wine which is the product of the blending or other mixing is higher than that which is applicable to at least one of the constituent wines; and
- (c) the blending or other mixing is with a view to dealing wholesale in the wine which is the product thereof;

and for the purposes of this subsection the rate of duty applicable to any wine is that which is or would be chargeable under subsection (1) above on its importation

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into the United Kingdom or, as the case may be, on its production as mentioned in paragraph (b) of that subsection.

(3B) Where, by virtue of subsection (3A) above, wine is produced in the United Kingdom, duty shall be chargeable on that wine by virtue of paragraph (b) of subsection (1) above whether or not duty was previously charged on all or any of the constituent wines by virtue of paragraph (a) or paragraph (b) of that subsection; but nothing in this subsection shall affect the operation of any regulations under section 56 below giving relief from duty on wine so produced by reference to duty charged on all or any of the constituent wines.]

(4) A person who, in warehouse, produces wine for sale by rendering it sparkling in accordance with warehousing regulations need not hold an excise licence under subsection (2) above in respect of those premises.

[^{F4}(4A) A person who, on any premises, produces wine to which section 55A below applies by rendering it sparkling, need not on that account hold an excise licence under subsection (2) above in respect of those premises.]

(5) If any person who is required by subsection (2) above to hold a licence under that subsection in respect of any premises produces wine on those premises without being the holder of a licence under that subsection in respect of those premises [^{F5}his doing so shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties) which shall be calculated by reference to the amount of duty charged on the wine produced, and the wine] and all vessels, utensils and materials for producing wine found in his possession shall be liable to forfeiture.

Textual Amendments

- F1** Words in s. 54(1) inserted (1.12.1992) by Finance (No. 2) Act 1992 (c. 48), s. 1(5), **Sch. 1 para. 12**; S.I. 1992/2979, art. 3, **Sch. Pt. II**
- F2** S. 54(3) repealed by Finance Act 1986 (c. 41, SIF 40:1), s. 114, **Sch. 23 Pt. IV**
- F3** S. 54(3A)(3B) inserted (*retrospectively*) by Finance Act 1985 (c. 54, SIF 40:1), s. 5(1)(2)
- F4** S. 54(4A) inserted by Finance Act 1988 (c. 39, SIF 40:1), s. 1, **Sch. 1 Pt. II para. 4**
- F5** Words in s. 54(5) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. II para. 34** (with s. 19(3)); S.I. 1994/2679, art. 3

Modifications etc. (not altering text)

- C1** S. 54(1)(b) modified by S.I. 1985/403, **reg. 4**

55 Made-wine: charge of excise duty.

- (1) There shall be charged on made-wine—
- (a) imported into the United Kingdom; or
 - (b) produced in the United Kingdom by a person who is required by subsection (2) below to be licensed to produce made-wine for sale,

a duty of excise at the rates shown in [^{F6}Schedule 1] to this Act and the duty shall, in so far as it is chargeable on made-wine produced in the United Kingdom, be charged and paid in accordance with regulations under section 56 below [^{F7}and with any regulations under section 1 of the Finance (No. 2) Act 1992].

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- (2) Subject to subsections (4) and (5) below, a person who, on any premises in the United Kingdom, produces made-wine for sale must hold an excise licence under this subsection in respect of those premises for that purpose.
- (3) ^{F8}
- (4) A person who, in warehouse, produces made-wine for sale be rendering it sparkling in accordance with warehousing regulations need not hold an excise licence under subsection (2) above in respect of those premises.
- [^{F9}(4A) A person who, on any premises, produces made-wine to which section 55A below applies by rendering it sparkling, need not on that account hold an excise licence under subsection (2) above in respect of those premises.]
- (5) A person need not hold an excise licence under subsection (2) above in respect of premises on which he produces made-wine for sale so long as all the following conditions are satisfied in relation to the production of made-wine by him on those premises, that is to say—
- [^{F10}(aa) he does not blend or otherwise mix two or more alcoholic liquors to which paragraphs (a) and (b) of section 66A(1) below or paragraphs (a) and (b) of section 66A(2) below apply;]
- (a) the duty chargeable on each alcoholic ingredient used by him has become payable before he uses it;
- (b) the ingredients he uses do not include cider or black beer;
- (c) he does not increase by fermentation the alcoholic strength of any liquor or substance used by him; and
- (d) he does not [^{F11}render sparkling any made-wine other than made-wine to which section 55A below applies]. . .
- ^{F12}(e)
- ^{F13}(5A)
- (6) If any person who is required by subsection (2) above to hold a licence under that subsection in respect of any premises produces made-wine on those premises without being the holder of a licence under that subsection in respect of those premises [^{F14}his doing so shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties) which shall be calculated by reference to the amount of duty charged on the made-wine produced, and the made-wine] and all vessels, utensils and materials for producing made-wine found in his possession shall be liable to forfeiture.

Textual Amendments

- F6** Words substituted by [Finance Act 1984 \(c. 43, SIF 40:1\)](#), s. 1(4)(6)
- F7** Words in s. 55(1) inserted (1.12.1992) by [Finance \(No. 2\) Act 1992 \(c. 48\)](#), s. 1(5), [Sch. 1 para. 13](#); [S.I. 1992/2979](#), art. 3, [Sch. Pt. II](#)
- F8** [S. 55\(3\)](#) repealed by [Finance Act 1986 \(c. 41, SIF 40:1\)](#), s. 114, [Sch. 23 Pt. IV](#)
- F9** [S. 55\(4A\)](#) inserted by [Finance Act 1988 \(c. 39, SIF 40:1\)](#), s. 1, [Sch. 1 Pt. II para. 5\(1\)](#)
- F10** [S. 55\(5\)\(aa\)](#) inserted (27.7.1993 with application in relation to the blending or other mixing of alcoholic liquors on or after 27.7.1993) by [1993 c. 34](#), s. 5(2)(4).
- F11** Words substituted by [Finance Act 1988 \(c. 39, SIF 40:1\)](#), s. 1, [Sch. 1](#), Pt. II para. 5(2)
- F12** [S. 55\(5\)\(e\)](#) and preceding word repealed (27.7.1993 with application in relation to the blending or other mixing of alcoholic liquors on or after 27.7.1993) by [1993 c. 34](#), ss. 5(3)(a)(4), 213, [Sch. 23 Pt. I\(2\)](#).

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- F13** S. 55(5A) repealed (27.7.1993 with application in relation to the blending or other mixing of alcoholic liquors on or after 27.7.1993) by 1993 c. 34, ss. 5(3)(b)(4), 213, **Sch. 1 Pt. I(2)**.
- F14** Words in s. 55(6) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. II para. 35** (with s. 19(3)); S.I. 1994/2679, **art. 3**

[^{F15}55A Wine and made-wine of a strength not exceeding 5.5 per cent.

- (1) This section applies to wine and made-wine of a strength ^{F16} . . . not exceeding 5.5 per cent.
- (2) The Commissioners may by regulations provide that, except in such cases and subject to such conditions as may be specified by or under the regulations, no wine or made-wine to which this section applies may be fortified at any time—
 - (a) after it leaves the entered or approved premises on which it was produced, or
 - (b) in the case of wine or made-wine produced outside the United Kingdom, after it is imported into the United Kingdom,
 and before it is sold by retail or otherwise supplied for consumption.
- (3) [^{F17}Where any person] contravenes or fails to comply with any regulation under this section (including any conditions imposed by or under any such regulation) [^{F17}his contravention or failure to comply shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties)], and the wine or made-wine and all vessels, utensils and materials for fortifying wine or made-wine found in his possession shall be liable to forfeiture.]

Textual Amendments

- F15** S. 55A inserted by Finance Act 1988 (c. 39, SIF 40:1), s. 1, **Sch. 1 Pt. II para. 6**
- F16** Words in s. 55A(1) repealed (1.5.1995 with effect in accordance with s. 1 of the amending Act) by 1995 c. 4, s. 162, **Sch. 29 Pt. I** Note
- F17** Words in s. 55A(3) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. II para. 36(a)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**

[^{F18}55B Cider labelled as made-wine.

- (1) For the purposes of this Act, any liquor which would apart from this section be cider and which—
 - (a) is in an up-labelled container, or
 - (b) has, at any time after 31st December 1996 when it was in the United Kingdom, been in an up-labelled container,
 shall be deemed to be made-wine, and not cider.
- (2) Accordingly, references in this Act to producing made-wine include references to—
 - (a) putting cider in an up-labelled container; or
 - (b) causing a container in which there is cider to be up-labelled.
- (3) For the purposes of this Act, where any liquor is deemed by this section to be made-wine, it shall be deemed—
 - (a) if it is in an up-labelled container, to be made-wine of the strength that the labelling for the container states or tends to suggest; and

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- (b) if it is no longer in an up-labelled container, to be made-wine of the strength stated or suggested by the labelling for the up-labelled container in which it was contained when it was first deemed by this section to be made-wine.
- (4) Subsection (3)(a) above has effect subject to any provision that may be made by regulations under section 2(3) above.
- (5) Where, by virtue of this section, any duty is charged under section 55 above on any liquor, a rebate shall be allowed in respect of the amount of any duty charged on that liquor under section 62 below.
- (6) For the purposes of this section a container is up-labelled if the labelling for the container states or tends to suggest that the strength of any liquor in that container is or exceeds 8.5 per cent.
- (7) In this section references to the labelling for any container are references to anything on—
 - (a) the container itself,
 - (b) a label or leaflet attached to or used with the container, or
 - (c) any packaging used for or in association with the container.]

Textual Amendments

F18 S. 55B inserted (*retrospective* to 1.1.1997) by 1997 c. 16, s. 5(1)(5)

56 Power to regulate making of wine and made-wine and provide for charging duty thereon.

- (1) The Commissioners may with a view to managing the duties on wine and made-wine produced in the United Kingdom for sale make regulations—
 - (a) regulating the production of wine and made-wine for sale, and the issue, . . .^{F19} and cancellation of excise licences therefor;
 - (b) for determining the duty and the rates thereof and in that connection prescribing the method of charging the duty;
 - (c) prohibiting or restricting the use of wine in the production of made-wine;
 - (d) for securing and collecting the duty;
 - (e) for relieving wine or made-wine from the duty in such circumstances and to such extent as may be prescribed in the regulations.
- (2) If any person contravenes or fails to comply with any regulation made under this section, [^{F20}his contravention or failure to comply shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and any article in respect of which any person contravenes or fails to comply with any such regulation shall be liable to forfeiture.]

Textual Amendments

F19 Word repealed by Finance Act 1986 (c. 41, SIF 40:1), s. 114, Sch. 23 Pt. IV

F20 Words in s. 56(2) substituted (1.1.1995) by 1994 c. 9, s. 9, Sch. 4 Pt. II para. 37 (with s. 19(3)); S.I. 1994/2679, art. 3

Status: Point in time view as at 20/02/1997.

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57 Mixing of made-wine and spirits in warehouse.

The Commissioners may, subject to such conditions as they see fit to impose, permit the mixing in an excise warehouse with made-wine (whether imported into or produced in the United Kingdom [^{F21}or removed to the United Kingdom from the Isle of Man]) of duty-free spirits in a proportion not exceeding [^{F22}12 litres of alcohol to 1 hectolitre of made-wine], so, however, that the mixture shall not by virtue of this section be raised to a greater strength than [^{F22}18·3 per cent.]

Textual Amendments

F21 Words inserted by [Isle of Man Act 1979 \(c. 58\), Sch. 1 para. 31](#)

F22 Words substituted by [S.I. 1979/241, art. 23](#)

58 Mixing of wine and spirits in warehouse.

- (1) The Commissioners may, subject to such conditions as they see fit to impose, permit the mixing in an excise warehouse with wine (whether imported into or produced in the United Kingdom [^{F23}or removed to the United Kingdom from the Isle of Man]) of duty-free spirits in a proportion not exceeding [^{F24}^{F25}12 litres] of alcohol to 1 hectolitre of wine], so, however, that the mixture shall not, [^{F25}by virtue of this section], be raised to a greater strength than [^{F25}22 per cent.]

^{F26}(2)

Textual Amendments

F23 Words inserted by [Isle of Man Act 1979 \(c. 58\), Sch. 1 para. 32](#)

F24 Words substituted by [S.I. 1979/241, art. 24](#)

F25 Words in s. 58(1) substituted (27.7.1993 with application in relation to mixing done on or after that date) by 1993 c. 34, s. 6(1)(a)(b)(c)(3).

F26 S. 58(2) repealed (27.7.1993 with application in relation to mixing done on or after that date) by virtue of 1993 c. 34, ss. 6(2)(3), 213, [Sch. 23 Pt. I\(3\)](#).

59 Rendering imported wine or made-wine sparkling in warehouse.

[^{F27}(1) Wine or made-wine which—

- (a) is imported or is removed to the United Kingdom from the Isle of Man; and

[^{F28}(b) is wine or made-wine of a strength exceeding 5.5 per cent.]

shall not be rendered sparkling, whether by aeration, fermentation or any other process, except in warehouse in accordance with warehousing regulations.]

[^{F29}(2) Where any person contravenes subsection (1) above or is concerned in such a contravention, his contravention or, as the case may be, his being so concerned shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).]

- (3) All imported wine and imported made-wine rendered or being rendered sparkling in contravention of subsection (1) above, and all machinery, utensils, bottles and materials (including wine or made-wine) used or intended to be used in any process for rendering any wine or made-wine sparkling in contravention of that subsection shall be liable to forfeiture.

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Textual Amendments

- F27** S. 59(1) substituted by Finance Act 1988 (c. 39, SIF 40:1), s. 1, **Sch. 1 Pt. II para. 7**
- F28** S. 59(1)(b) substituted (1.5.1995 with effect as mentioned in s. 1(5) of the amending Act) by 1995 c. 4, s. 1(4)
- F29** S. 59(2) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. II para. 38** (with s. 19(3)); S.I. 1994/2679, art. 3

60 Repayment of duty on imported wine or made-wine used in the production or manufacture of other beverages, etc.

- F30**(1)
- F31**(1A)
- F30**(2)

Textual Amendments

- F30** S. 60(1)(2) repealed (1.5.1995) by 1995 c. 4, s. 162, **Sch. 29 Pt. I(2)**
- F31** S. 60(1A) repealed (1.5.1995 with effect in accordance with s. 1 of the amending Act) by 1995 c. 4, s. 162, **Sch. 29 Pt. I(1)** Note

61 Remission or repayment of duty on spoilt wine or made-wine.

- (1) Where it is shown to the satisfaction of the Commissioners that any wine or made-wine which has been removed from the entered premises of a licensed producer of wine or of made-wine has accidentally become spoilt or otherwise unfit for use and, in the case of wine or made-wine delivered to another person, has been returned to the producer as so spoilt or unfit, the Commissioners shall, subject to compliance with such conditions as they may by regulations impose, remit or repay any duty charged or paid in respect of the wine or made-wine.
- (2) If any person contravenes or fails to comply with any regulation made under subsection (1) above, [^{F32}his contravention or failure to comply shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).]

Textual Amendments

- F32** Words in s. 61(2) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. II para. 39** (with s. 19(3)); S.I. 1994/2679, art. 3

Status:

Point in time view as at 20/02/1997.

Changes to legislation:

There are currently no known outstanding effects for the Alcoholic Liquor Duties Act 1979, Part IV.