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STATUTORY INSTRUMENTS

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**2001 No. 686**

**The Common Agricultural Policy (Wine)  
(England and Northern Ireland) Regulations 2001**

**PART I**

**TITLE, COMMENCEMENT, INTERPRETATION AND REVOCATION**

**Title, extent and commencement**

1. These Regulations may be cited as the Common Agricultural Policy (Wine) (England and Northern Ireland) Regulations 2001, shall apply to England and to Northern Ireland, and shall come into force on 2nd April 2001.

**Interpretation and revocation**

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

“analysis” includes microbiological assay and any technique for establishing the composition of food;

“appropriate enforcement authority”, in relation to any part of England or Northern Ireland, means an enforcement authority in relation to that part;

“authorised officer” means any person (whether or not an officer of that authority) who is authorised for the purposes of these Regulations by an appropriate enforcement authority or, in relation to any particular provision of these Regulations, any person who is authorised by an appropriate enforcement authority for the purposes of that provision;

“the Commissioners” means the Commissioners of Customs and Excise;

“Community provision” means any provision of any Regulation of the European Communities which is referred to in Schedule 1, or of the Treaties relating to the accession to the European Communities, respectively, of the Hellenic Republic signed at Athens on 28th May 1979<sup>(1)</sup>, of the Kingdom of Spain and the Portuguese Republic signed, respectively, at Madrid and Lisbon on 12th June 1985<sup>(2)</sup>, and of the Kingdom of Sweden, the Republic of Austria and the Republic of Finland signed respectively at Stockholm, Vienna and Helsinki on 24th June 1994<sup>(3)</sup>, and where any such provision has been adapted by the European Economic Area Agreement, includes the adaptation to it effected thereby;

“controlled wine-sector product” means any wine-sector product the movement of which is for the time being prohibited pursuant to regulation 8;

“the Department” means the Department of Agriculture and Rural Development;

“enforcement authority” means—

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(1) OJ No. L291, 19.11.79, p. 17.

(2) OJ No. L302, 15.11.85, p. 23.

(3) OJ No. C241, 29.8.94, p. 1; the amendments made by Council Decision No. 95/1 are not relevant to these Regulations.

- (a) in relation to any part of England and Northern Ireland, the Commissioners or the Wine Standards Board;
- (b) in relation to England, the Minister;
- (c) in relation to Northern Ireland, the Department;
- (d) in relation to the area of a local authority, the local authority;

“the European Economic Area Agreement” has the same meaning as has “the Agreement” in section 6(1) of the European Economic Area Act 1993<sup>(4)</sup>;

“examination” means microbiological examination;

“food analyst” and “food examiner” mean, in relation to England, a person who is a food analyst or a food examiner, as the case may be, for the purposes of section 30 of the Food Safety Act 1990<sup>(5)</sup> and, in relation to Northern Ireland, a person who is a food analyst or a food examiner, as the case may be, for the purposes of articles 30 or 31 of the Food Safety (Northern Ireland) Order 1991<sup>(6)</sup>;

“local authority” means—

- (i) as respects England, an authority (other than the council of a non-metropolitan district) which is a food authority for the purposes of the Food Safety Act 1990;
- (ii) as respects Northern Ireland, a district council;

“manufacturing” means using wine or other wine-sector products, for the purpose of a trade or business (other than a catering business), in the composition, manufacture or preparation of any product;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“quality wines psr” has the meaning assigned to it by Article 54 of Council Regulation (EC) No. 1493/1999 on the common organisation of the market in wine<sup>(7)</sup>;

“relevant Community provision” means any Community provision referred to in column 1 or column 2 of Schedule 2 to these Regulations, the subject matter of which is described in column 3 thereof;

“retail sale” means any sale to a person buying otherwise than for the purpose of resale but does not include a sale to a caterer in the course of his catering business or to a manufacturer in the course of his manufacturing business;

“third country” means any country or territory not forming part of the United Kingdom;

“specified regions” means English Vineyards as defined in regulation 13;

“the Wine Standards Board” means the Wine Standards Board of The Vintners' Company.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in Council Regulation (EC) No. 1493/1999 and, in relation to aromatized wines, in Council Regulation (EEC) No. 1601/91, as amended, laying down general rules on the description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails<sup>(8)</sup>.

(3) In these Regulations any reference to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule so numbered in these Regulations.

(4) 1993 c. 51.

(5) 1990 c. 16.

(6) S.I.1991/762 (N.I. 7).

(7) OJ No. L179, 14.7.1999, p. 1.

(8) OJ No. L149, 14.6.91, p. 1, as last amended by Regulation (EC) No. 2061/96 of the European Parliament and the Council (OJ No. L277, 30.10.96, p. 1).

(4) The Common Agricultural Policy (Wine) Regulations 1996<sup>(9)</sup>, the Common Agricultural Policy (Wine) (Amendment) Regulations 1997<sup>(10)</sup>, the Common Agricultural Policy (Wine) (Amendment) Regulations 1998<sup>(11)</sup> and the Common Agricultural Policy (Wine) (Amendment) Regulations 1999<sup>(12)</sup> are hereby revoked in so far as they apply to England and to Northern Ireland.

(5) In the application of Part III of these Regulations, Schedule 3 (in so far as it relates to vine varieties for providing quality wines psr), and Schedules 4 and 5, that Part and those Schedules shall be read in relation to any wine produced—

- (a) from grapes harvested before 1st September 1993, as if their contents were identical to those of the corresponding Part of, and Schedules to, the Common Agricultural Policy (Wine) Regulations 1993<sup>(13)</sup>;
- (b) from grapes harvested on or after 1st September 1993 and before 1st September 1994, as if their contents were identical to those of the corresponding Part of, and Schedules to, the Common Agricultural Policy (Wine) Regulations 1994<sup>(14)</sup>;
- (c) from grapes harvested on or after 1st September 1994 and before 1st September 1995, as if their contents were identical to those of the corresponding Part of, and Schedules to, the Common Agricultural Policy (Wine) Regulations 1995<sup>(15)</sup>;
- (d) from grapes harvested on or after 1st September 1995 and before 1st September 1999, as if their contents were identical to those of the corresponding Part of, and Schedules to, the Common Agricultural Policy (Wine) Regulations 1996.

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<sup>(9)</sup> S.I. 1996/696.

<sup>(10)</sup> S.I. 1997/542.

<sup>(11)</sup> S.I. 1998/453.

<sup>(12)</sup> S.I. 1999/482.

<sup>(13)</sup> S.I. 1993/517, amended by S.I. 1993/3071 and revoked by S.I. 1994/674.

<sup>(14)</sup> S.I. 1994/674, revoked by S.I. 1995/615.

<sup>(15)</sup> S.I. 1995/615, revoked by S.I. 1996/696.