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## STATUTORY INSTRUMENTS

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# 2008 No. 3206

## The Spirit Drinks Regulations 2008

### Interpretation **E+W+S**

3.—(1) In these Regulations—

“authorised officer” means any person appointed by an enforcement authority under regulation 8;

“Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“enforcement authority” means an authority exercising a function conferred on it by regulation 7;

“food authority”—

(a) in relation to England, means—

- (i) a county council;
- (ii) a metropolitan district council;
- (iii) a non-metropolitan district council for an area for which there is no county council;
- (iv) a London borough council;
- (v) the Common Council of the City of London (in their capacity as a local authority); and
- (vi) the Council of the Isles of Scilly;

(b) <sup>F1</sup>...

(c) in relation to Scotland, means a council constituted under section 2(1) of the Local Government etc. (Scotland) Act 1994<sup>(1)</sup>; and

(d) in relation to Wales, means a county council or a county borough council;

“officer” —

(a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body; and

(b) in relation to an unincorporated body, means any member of its governing body or a chief executive, manager or other similar officer of the body;

“penalty” means the amount specified in a penalty notice;

“penalty notice” means a notice offering the opportunity, by payment, in accordance with these Regulations, of a specified amount, to discharge any liability to be convicted of the penalty offence to which the notice relates;

“penalty offence” means an offence for which a penalty notice may be given under regulation 22;

“port health authority” means—

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W+S - England, Wales and Scotland extent N.I. - Northern Ireland extent*  
*Changes to legislation: There are currently no known outstanding effects for the*  
*The Spirit Drinks Regulations 2008, Section 3. (See end of Document for details)*

- (a) in relation to the London port health district (within the meaning given by section 7(1) of the Public Health (Control of Disease) Act 1984<sup>(2)</sup>), the Common Council of the City of London; and
- (b) in relation to any port health district constituted by order under section 2(3) of that Act, the port health authority for that district;

“premises” includes any place, vehicle or trailer, shipping container (whether used for transporting cargo or for storage), stall or moveable structure, and ship or aircraft;

[<sup>F2</sup>“registered geographical indication” means a geographical indication listed in [<sup>F3</sup>the] register drawn up in accordance with Article 33(1) of Regulation (EU) 2019/787;]

<sup>F4</sup> ...

“Regulation (EC) No 110/2008” means Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89, as amended from time to time;

[<sup>F5</sup>“Regulation (EC) No 936/2009” means Commission Regulation (EC) No 936/2009 applying the agreements between the European Union and third countries on the mutual recognition of certain spirit drinks<sup>(2)</sup>;

[<sup>F6</sup>“Regulation (EU) 2019/787” means Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008;]

“relevant court” means—

- (a) [<sup>F7</sup>in relation to England and Wales, a magistrates' court;
- (b) in relation to Scotland, a sheriff;]

“spirit drink” has the meaning given in paragraph (1) of Article 2 of Regulation (EC) No 110/2008 as read with paragraphs (2) and (3) of that Article.

(2) Other expressions used in these Regulations and Regulation (EC) No 110/2008 have their meaning in Regulation (EC) No 110/2008.

(3) Part 1 of Schedule 2 applies to the interpretation of Part 2 of that Schedule.

#### Extent Information

- E1** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Textual Amendments

- F1** Words in reg. 3(1) omitted (E.W.S.) (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **10(3)(a)**
- F2** Words in reg. 3 inserted (31.10.2019) by [The Spirit Drinks and Scotch Whisky \(Amendment\) Regulations 2019 \(S.I. 2019/1289\)](#), regs. 1, **2(2)(a)**
- F3** Word in reg. 3(1) substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **10(3)(b)**

(2) 1984 c. 22.  
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*Changes to legislation: There are currently no known outstanding effects for the The Spirit Drinks Regulations 2008, Section 3. (See end of Document for details)*

- F4** Words in reg. 3 omitted (31.10.2019) by virtue of [The Spirit Drinks and Scotch Whisky \(Amendment\) Regulations 2019 \(S.I. 2019/1289\)](#), regs. 1, **2(2)(b)**
- F5** Words in reg. 3(1) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **2(2)**
- F6** Words in reg. 3 inserted (31.10.2019) by [The Spirit Drinks and Scotch Whisky \(Amendment\) Regulations 2019 \(S.I. 2019/1289\)](#), regs. 1, **2(2)(c)**
- F7** Words in reg. 3(1) substituted (E.W.S.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **10(3)(c)**

## Interpretation **N.I.**

### 3.—(1) In these Regulations—

“authorised officer” means any person appointed by an enforcement authority under regulation 8;

“Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“enforcement authority” means an authority exercising a function conferred on it by regulation 7;

[<sup>F8</sup>“food authority” means a district council;]

“officer” —

(a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body; and

(b) in relation to an unincorporated body, means any member of its governing body or a chief executive, manager or other similar officer of the body;

“penalty” means the amount specified in a penalty notice;

“penalty notice” means a notice offering the opportunity, by payment, in accordance with these Regulations, of a specified amount, to discharge any liability to be convicted of the penalty offence to which the notice relates;

“penalty offence” means an offence for which a penalty notice may be given under regulation 22;

[<sup>F9</sup>“port health authority” means, in relation to any port health district constituted by order under section 2(3) of the Public Health (Control of Disease) Act 1984, the port health authority for that district;]

“premises” includes any place, vehicle or trailer, shipping container (whether used for transporting cargo or for storage), stall or moveable structure, and ship or aircraft;

[<sup>F10</sup>“registered geographical indication” means a geographical indication listed in Annex 3 of Regulation (EC) No 110/2008 or a geographical indication included in any register drawn up in accordance with Article 33(1) of Regulation (EU) 2019/787;]

<sup>F11</sup> ...

“Regulation (EC) No 110/2008” means Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89, as amended from time to time;

[<sup>F12</sup>“Regulation (EC) No 936/2009” means Commission Regulation (EC) No 936/2009 applying the agreements between the European Union and third countries on the mutual recognition of certain spirit drinks;]

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*Changes to legislation: There are currently no known outstanding effects for the*  
*The Spirit Drinks Regulations 2008, Section 3. (See end of Document for details)*

[<sup>F13</sup>“Regulation (EU) 2019/787” means Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008;]

<sup>F14</sup>  
 ...

“spirit drink” has the meaning given in paragraph (1) of Article 2 of Regulation (EC) No 110/2008 as read with paragraphs (2) and (3) of that Article.

(2) Other expressions used in these Regulations and Regulation (EC) No 110/2008 have their meaning in Regulation (EC) No 110/2008.

(3) Part 1 of Schedule 2 applies to the interpretation of Part 2 of that Schedule.

#### Extent Information

**E2** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### Textual Amendments

- F8** Words in reg. 3 substituted (N.I.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **13(4)(a)**
- F9** Words in reg. 3 substituted (N.I.) (31.12.2020) by [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **13(4)(b)**
- F10** Words in reg. 3 inserted (31.10.2019) by [The Spirit Drinks and Scotch Whisky \(Amendment\) Regulations 2019 \(S.I. 2019/1289\)](#), regs. 1, **2(2)(a)**
- F11** Words in reg. 3 omitted (31.10.2019) by virtue of [The Spirit Drinks and Scotch Whisky \(Amendment\) Regulations 2019 \(S.I. 2019/1289\)](#), regs. 1, **2(2)(b)**
- F12** Words in reg. 3(1) inserted (30.12.2020) by [The Spirit Drinks, Wine and European Union Withdrawal \(Consequential Modifications\) \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1636\)](#), regs. 1(2), **2(2)**
- F13** Words in reg. 3 inserted (31.10.2019) by [The Spirit Drinks and Scotch Whisky \(Amendment\) Regulations 2019 \(S.I. 2019/1289\)](#), regs. 1, **2(2)(c)**
- F14** Words in reg. 3 omitted (N.I.) (31.12.2020) by virtue of [The Agricultural Products, Food and Drink \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1637\)](#), regs. 1(7), **13(4)(c)**

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W+S - England, Wales and Scotland extent
- N.I. - Northern Ireland extent

**Changes to legislation:**

There are currently no known outstanding effects for the The Spirit Drinks Regulations 2008, Section 3.