

Statutory Instrument 1996 No. 696

The Common Agricultural Policy (Wine) Regulations 1996

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STATUTORY INSTRUMENTS

1996 No. 696

AGRICULTURE

The Common Agricultural Policy (Wine) Regulations 1996

<i>Made</i>	<i>6th March 1996</i>
<i>Laid before Parliament</i>	<i>11th March 1996</i>
<i>Coming into force</i>	<i>1st April 1996</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated^[1] for the purposes of section 2(2) of the European Communities Act 1972^[2] in relation to the common agricultural policy of the European Community, acting jointly in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations—

PART I

TITLE, COMMENCEMENT, INTERPRETATION AND REVOCATION

Title, extent and commencement

1. These Regulations may be cited as the Common Agricultural Policy (Wine) Regulations 1996, shall apply throughout the United Kingdom, and shall come into force on 1st April 1996.

Interpretation and revocation

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

"analysis" has, in relation to England, Wales and Scotland, the same meaning as in section 53(1) of the Food Safety Act 1990^[3] and, in relation to Northern Ireland, the same meaning as in Article 2(2) of the Food Safety (Northern Ireland) Order 1991^[4];

"authorised officer" means any person (whether or not an officer of that authority) who is authorised for the purposes of these Regulations by an enforcement authority;

"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^[5], of the Kingdom of Spain and the Portuguese Republic signed, respectively, at Madrid and Lisbon on 12th June 1985^[6], 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^[7], 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 9;

"county" means in relation to England, a county established by section 1 of the Local Government Act 1972^[8] and in relation to Wales, a new principal area established by section 20^[9] of that Act and which is listed in Part I (counties)^[10] of Schedule 4 to that Act;

"county borough" means a new principal area in Wales established by section 20 of the Local Government Act 1972 and which is listed in Part II (county boroughs)^[11] of Schedule 4 to that Act;

"enforcement authority" means—

(a) in relation to any part of the United Kingdom, the Commissioners or the Wine Standards Board;

(b) in relation to England, the Minister of Agriculture, Fisheries and Food;

(c) in relation to Scotland or Wales, the Secretary of State;

(d) in relation to Northern Ireland, the Department of Health and Social Services for Northern Ireland and the Department of Agriculture for Northern Ireland acting jointly;

(e) in relation to the area of a local authority, the local authority;

"establishment" has the same meaning as in Article 1(3) of Council Regulation (EEC) No. 2392/89, as amended, laying down general rules for the description and presentation of wines and grape musts^[12];

"the European Economic Area Agreement" has the same meaning as does "the Agreement" in section 6(1) of the European Economic Area Act 1993^[13];

"examination" has, in relation to England, Wales and Scotland, the same meaning as in section 28(2) of the Food Safety Act 1990 and, in relation to Northern Ireland, the same meaning as in Article 2(2) of the Food Safety (Northern Ireland) Order 1991;

"food analyst" and "food examiner" respectively have, in relation to England, Wales and Scotland, the same meanings as in section 30(9) of the Food Safety

Act 1990 and, in relation to Northern Ireland, the same meanings as in Articles 30(9) and 31(3) of the Food Safety (Northern Ireland) Order 1991;
"local administrative area" has the same meaning as in Article 1(3) of Council Regulation (EEC) No. 2392/89, as amended, laying down general rules for the description and presentation of wines and grape musts;
"local authority" means—

- (i) as respects England and Wales, 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 Scotland, an authority which is a food authority for the purposes of the Food Safety Act 1990;
- (iii) 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, in relation to England, the Minister of Agriculture, Fisheries and Food, in relation to Scotland or Wales, the Secretary of State and, in relation to Northern Ireland, the Department of Health and Social Services for Northern Ireland and the Department of Agriculture for Northern Ireland acting jointly;

"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;

"the Wine Standards Board" means the Wine Standards Board of The Vintners' Company;

"wine" and "wine-sector product" shall include aromatized wine.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meanings as in Council Regulation (EEC) No. 2048/89 laying down general rules on controls in the wine sector^[14] 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^[15].

(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) The Common Agricultural Policy (Wine) Regulations 1995^[16] are hereby revoked.

(5) In the application of Part III of these Regulations and Schedules 4 to 6, that Part and those Schedules shall be read in relation to any wine produced from grapes harvested—

- (a) 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^[17];
- (b) 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^[18];
- (c) 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.

Notes:

[1] S.I. 1972/1811. [back](#)

[2] 1972 c. 68; the enabling powers conferred by section 2(2) were extended by virtue of section 1 of the European Economic Area Act [1993 \(c. 51\)](#). [back](#)

[3] [1990 c. 16](#). [back](#)

[4] S.I. [1991/762](#) (N.I.7). [back](#)

[5] OJ No. L291, 19.11.79, p.17. [back](#)

[6] OJ No. L302, 15.11.85, p.23. [back](#)

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

[8] 1972 c. 70. [back](#)

[9] Section 20 was substituted by s.1(1) of the Local Government (Wales) Act [1994 \(c. 19\)](#). [back](#)

[10] Part I of Schedule 4 was substituted by s.1(2) of the Local Government (Wales) Act [1994 \(c. 19\)](#). [back](#)

[11] Part II of Schedule 4 was substituted by s.1(2) of the Local Government (Wales) Act [1994 \(c. 19\)](#). [back](#)

[12] OJ No. L232, 9.8.89, p.13, the amendments to which are specified at item 35 in column 1 of Schedule 1 to these Regulations; they are not relevant to Article 1(3) of the Regulation. [back](#)

[13] [1993 c. 51](#). [back](#)

[14] OJ No. L202, 14.7.89, p.32. [back](#)

[15] OJ No. L149, 14.6.91, p.1, the amendments to which are specified at item 40 in column 1 of Schedule 1 to these Regulations. [back](#)

[16] S.I. [1995/615](#). [back](#)

[17] S.I. [1993/517](#), amended by S.I. [1993/3071](#) and revoked by S.I. [1994/674](#). [back](#)

[18] S.I. [1994/674](#), revoked by S.I. [1995/615](#). [back](#)