1990 No. 219

FOOD

EUROPEAN COMMUNITIES

Spirit Drinks Regulations (Northern Ireland) 1990

Made	*6th June 1990*
Coming into operation . .	*16th July 1990*

The Department of Health and Social Services for Northern Ireland, being a designated Department(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to measures relating to the description of and other requirements relating to spirit drinks, in exercise of the powers conferred on it by the said section 2(2) and in exercise of the powers conferred on it by Article 73 of the Food (Northern Ireland) Order 1989(**c**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 72(2) of the said Order with such organisations as appear to it to be representative of interests substantially affected by these Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Spirit Drinks Regulations (Northern Ireland) 1990 and shall come into operation on 16th July 1990.

Interpretation

2.—(1) In these Regulations—

"the Council Regulation" means Council Regulation (EEC) No. 1576/89(**d**) laying down general rules on the definition, description and presentation of spirit drinks;

"specified Community provision" means a provision of the Council Regulation specified in column 1 of the Schedule, the subject matter of which is described in column 2 thereof.

(2) Other expressions used in these Regulations have, insofar as the context permits, the same meanings as in the Council Regulation.

(3) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these Regulations as it applies to a measure of the Northern Ireland Assembly.

(a) S.I. 1989/1327
(b) 1972 c. 68
(c) S.I. 1989/846 (N.I. 6)
(d) O.J. No. L160, 12.6.89, p. 1
(e) 1954 c. 33 (N.I.)

Enforcement

3.—(1) Each district council in its district shall secure the enforcement and execution of the specified Community provisions insofar as they relate to the importation and exportation of spirit drinks to or from the United Kingdom.

(2) The Department shall secure the enforcement and execution of the specified Community provisions insofar as they relate to any matter not mentioned in paragraph (1).

Powers of authorised officers

4.—(1) An authorised officer, having reasonable cause to suspect that an offence under regulation 5 has been or is being committed in respect of a specified Community provision which the council is required or empowered to enforce, may at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, require any person carrying on, or employed in connection with, a trade or business to produce any books or documents relating to that trade or business, and may take copies of any such book or document, or of any entry in any such book or document.

(2) An officer of the Department authorised in writing, having reasonable cause to suspect that an offence under regulation 5 has been or is being committed in respect of a specified Community provision which the Department is required or empowered to enforce, shall have like powers of requiring the production of books or documents and of the taking of copies of books or documents as are exercisable under paragraph (1).

Offences and penalties

5.—(1) If any person contravenes any specified Community provision he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,000 or on conviction on indictment to a fine.

(2) Paragraph (1) shall not apply in any case to which Article 1 of Commission Regulation (EEC) No. 3773/89(**a**) laying down transitional measures relating to spirituous beverages applies.

Repeal

6. Article 5(3) of the Food (Northern Ireland) Order 1989 is hereby repealed.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 6th June 1990.

(L.S.) *J. Scott*
Assistant Secretary

(a) O.J. No. L365, 5.12.89, p. 48