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STATUTORY INSTRUMENTS

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1988 No. 1852 (N.I. 19)

NORTHERN IRELAND

**The Scotch Whisky  
(Northern Ireland) Order 1988**

*Made* 26th October 1988

*Laid before Parliament* 9th November 1988

*Coming into operation on days to be appointed under Article 1(2)*

At the Court at Buckingham Palace, the 26th day of October 1988

Present,

The Queen's Most Excellent Majesty in Council

Whereas this Order is made only for purposes corresponding to those of the Scotch Whisky Act 1988:

1988 c. 22

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (as modified by section 4 of the said Act of 1988) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1974 c. 28

*Title and commencement*

1.—(1) This Order may be cited as the Scotch Whisky (Northern Ireland) Order 1988.

(2) This Order shall come into operation on such day or days as the Head of the Department may by order appoint.

(3) An order under paragraph (2) may include such transitional provision as appears to the Head of the Department to be necessary or expedient in connection with the provisions thereby brought into force.

*Interpretation, orders and consequential amendment*

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

1954 c. 33 (N.I.)

(2) In this Order—

“the Department” means the Department of Health and Social Services;

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“Scotch whisky” means such whisky (distilled and matured in Scotland) as conforms to a definition of Scotch whisky contained in an order made under this paragraph by the Department;

“sell” includes offering for sale, exposing for sale and having in possession for the purpose of sale;

“whisky” means spirits—

(a) which have been produced by the distillation of a mash of cereals which has been—

(i) saccharified by the diastase of the malt contained therein, with or without other natural enzymes; and

(ii) fermented by the action of yeast, to an alcoholic strength of less than 94.8 per cent by volume so that the distillate has an aroma and taste derived from the raw materials used; and

(b) which have matured for at least three years in wooden casks of a capacity not exceeding 700 litres.

(3) The Department may by order amend the definition of whisky in paragraph (2).

(4) Orders made by the Department under this Article or Article 3 shall be subject to negative resolution.

1969 c. 32 (5) In paragraph 1(b) of Schedule 7 to the Finance Act 1969 for the words from the beginning to “in Scotland” there shall be substituted—

“(b) the expression “Scotch whisky” shall have the same meaning as it has in Article 2(2) of the Scotch Whisky (Northern Ireland) Order 1988;”.

*Restrictions on sale of spirits as Scotch whisky*

3.—(1) It shall be unlawful—

(a) to sell as Scotch whisky any spirits not conforming to any definition of Scotch whisky contained in an order under Article 2(2); or

(b) to sell Scotch whisky at an alcoholic strength less than any such strength as may be specified for the time being in an order made by the Department under this Article.

(2) If the High Court is satisfied, on the application of—

(a) any person carrying on the business of producing Scotch whisky; or

(b) any person or body appearing to the High Court to be representative of any group of such persons,

that any person has contravened or is contravening paragraph (1), it may grant an injunction restraining the contravention.

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*Forfeiture of non-Scotch whisky produced in Scotland*

4.—(1) Where there is or has been any contravention of section 1(1) of the Scotch Whisky Act 1988 (prohibition of production in Scotland of whisky other than Scotch whisky), the spirits in question shall be liable to forfeiture. 1988 c. 22

(2) Sections 139, 141, 161 and 163 of, and Schedule 3 to, the Customs and Excise Management Act 1979 (spirits liable to forfeiture) shall apply as if any reference to forfeiture under the customs and excise Acts included a reference to forfeiture under this Order. 1979 c. 2

*G. I. de Deney*  
Clerk of the Privy Council

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is made only for purposes corresponding to those of the Scotch Whisky Act 1988.

It places restrictions on the sale of spirits as Scotch whisky, and provides for the forfeiture of whisky, other than Scotch whisky, produced in Scotland.