



Isle of Man

Ellan Vannin

AT 2 of 1874

THE BREWERS' ACT, 1874



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Received Royal Assent: 7 July 1874
Promulgated: 11 September 1874
Commenced: 11 September 1874

AN ACT to Amend the Law as to Brewers and to provide for the Payment of a Duty in respect to Beer.

GENERAL NOTES

1. The maximum fines in this Act are as increased by the *Alcoholic Liquor Duties Act 1986* Sch 2 and by the *Criminal Justice (Penalties Etc.) Act 1993* s 1.
2. This Act, as amended by the *Brewers (Amendment) Act 1998*, appears also in the Schedule to the *Brewers (Amendment) Act 1998*.

1 Short title

This Act may be cited as 'The Brewers' Act, 1874'.

2 Interpretation clause

In this Act the following terms shall have the meanings hereby assigned to them unless repugnant to the context (that is to say): —

“**The Commissioners**” [Repealed]¹

“**The Board**” [Repealed]

“**The Officer**” [Repealed]²

“**Brewer**” shall mean a person who brews or makes beer for sale.

“**Beer**” shall include ale, porter, stout and any other description of beer, and any liquor which is made or sold as a description of beer or as a substitute for beer and which is of a strength exceeding 0.5 per cent., but does not include black beer the worts whereof before fermentation were of a specific gravity of 1200^o or more.³

“**Malt**” shall include roasted malt.

“**Sugar**” shall include syrup of sugar and any saccharine matter.

“**Bushel of malt**” [Repealed]⁴

“**Inspector of Breweries**” shall mean an inspector for the purposes of this Act, to be appointed from time to time by the Treasury.⁵

3 to 5 [Repealed]⁶

6 [Repealed]⁷

7 [Repealed]⁸

8 [Repealed]⁹

9 [Repealed]¹⁰

10 to 15 [Repealed]¹¹

16 [Repealed]¹²

17 **Inspection of books etc**

Every brewer shall exhibit to an inspector of breweries, and permit him to take extracts from, any books or papers kept by him as to the quantities and qualities of the beer brewed or made by him. And every such brewer shall also permit the inspector at any time to visit and inspect his premises, and to take samples of any wort, solution, or beer, or of any article or ingredients used in the making of beer on the premises of the brewer, for the purpose of having the same tested or analysed. For every offence against this section, the brewer shall be liable on summary conviction to a fine not exceeding £2,500.¹³

18 **No substitute for malt or sugar to be used**

No brewer shall use in the brewing, making, mixing with, recovering or colouring, any beer, or any liquid made to resemble beer, or have in his possession any article, ingredient, or preparation whatever, for, or as a substitute for, malt or sugar or hops. For any offence against this section, the person offending shall be liable —

- (a) on summary conviction to a fine not exceeding £5,000; or
- (b) on conviction on information to a fine.

And all such beer or other liquid brewed, made, or mixed as aforesaid, and also all the beer grounds and stale beer brewed, made, or mixed as aforesaid, and every ingredient, or preparation as aforesaid (other than malt and sugar) in the custody or possession of such brewer, together with every copper, cooler, tun, vat, or other vessel or utensil whatsoever, in which any such beer, liquid,

material, article, ingredient, or preparation shall be contained, or which shall have been made use of or employed for or in the brewing, making, mixing with, recovering, or colouring such beer or liquid, shall be forfeited to Her Majesty, her heirs and successors.¹⁴

18A Exemptions

- (1) The Treasury may by order —
 - (a) exempt from the prohibition contained in section 18 of this Act, the use or possession of any article, ingredient or preparation specified in the order;
 - (b) exempt from the operation of this Act, any beer specified in the order.
- (2) An order made under this section shall not come into operation unless it is approved by Tynwald.¹⁵

19 Dealers in beer not to use materials in mixing beer, etc

No dealer in or retailer of beer shall have in his possession, or shall mix with any beer, any malt or sugar, or any article, ingredient, or preparation whatever, for, or a substitute for, malt or sugar or hops. For any offence against this section, the person offending shall be liable to the like penalty and forfeiture to which a brewer is subject under the last preceding section: Provided always, that nothing in this section contained shall, as to sugar, apply to the sugar for the necessary and ordinary use of the family of any dealer or retailer of beer, nor to the sugar in the possession of a person carrying on the trade of a grocer for the ordinary purposes of his trade as a grocer who may be licensed to sell and retail beer, the proof whereof shall be on any such dealer, retailer, or grocer.¹⁶

20 [Repealed]¹⁷

21 As to seizure and disposal of forfeited goods, and recovery of penalties

Any articles which by this Act are liable to forfeiture may be seized, dealt with, adjudged, forfeited, and disposed of in like manner as if the same were unlawfully imported into the said Isle, under the *Customs and Excise Management Act 1986*, and all penalties for any offences against this Act shall be recovered summarily before the High-Bailiff or two Justices of the Peace. All moneys arising from penalties and forfeitures under this Act shall form part of the General Revenue of the Isle of Man.¹⁸

SCHEDULE¹⁹

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Definition of 'The Commissioners' repealed by GC29/80.

² Definitions of 'The Board' and 'The Officer' repealed by Alcoholic Liquor Duties Act 1986 Sch 3.

³ Definition of 'Beer' substituted by Brewers (Amendment) Act 1998 s 1.

⁴ Definition of 'Bushel of malt' repealed by Alcoholic Liquor Duties Act 1986 Sch 3.

⁵ Definition of 'Inspector of Breweries' amended by Transfer of Governor's Functions Act 1992 Sch 1.

⁶ Ss 3 to 5 repealed by Alcoholic Liquor Duties Act 1986 Sch 3.

⁷ S 6 repealed by Statute Law Revision Act 1983 Sch 2.

⁸ S 7 repealed by Alcoholic Liquor Duties Act 1986 Sch 3.

⁹ S 8 repealed by GC1/76.

¹⁰ S 9 repealed by GC1/76 as amended by GC58/76.

¹¹ Ss 10 to 15 repealed by Alcoholic Liquor Duties Act 1986 Sch 3.

¹² S 16 repealed by GC209/78.

¹³ S 17 amended by Alcoholic Liquor Duties Act 1986 Sch 3 and by Brewers (Amendment) Act 1998 s 1.

¹⁴ S 18 amended by Brewers (Amendment) Act 1998 s 1.

¹⁵ S 18A inserted by Brewers (Amendment) Act 1998 s 1.

¹⁶ S 19 amended by Brewers (Amendment) Act 1998 s 1.

¹⁷ S 20 repealed by Alcoholic Liquor Duties Act 1986 Sch 3.

¹⁸ S 21 amended by Alcoholic Liquor Duties Act 1986 Sch 2.

¹⁹ Sch repealed by Alcoholic Liquor Duties Act 1986 Sch 3.