

Explanatory Memorandum to Tynwald Members

Issued by the Isle of Man Office of Fair Trading

To the President of Tynwald and the Hon Council and Keys in Tynwald assembled

1. Title of measure

Weights and Measures (Intoxicating Liquor) (Amendment) Order 2022 [*SD 2022/0164*] ("the Order")

2. Changes in policy

The Office of Fair Trading will continue to regulate most measures of alcohol sold by retail for consumption on premises but sales of wines (other than fortified wines) in the glass in small quantities should be deregulated to promote sensible drinking.

3. Effects of the measure

The Order amends the Weights and Measures (Intoxicating Liquor) Order 2001 [*SD 164/01*] to the effect that:-

- gin, rum, vodka, whisky and brandy must be sold by retail for consumption on the premises in quantities of 25ml (or multiples thereof) and not one fluid ounce or multiples (thereof) as is currently the case;
- fortified wines, e.g. sherry, port and madeira, sold in the glass must be sold in quantities of 50 ml or 70 ml or multiples of either of those quantities; and
- sales of wines (other than fortified wines) in the glass in quantities of less than 75 ml are deregulated.

It should be noted that one fluid ounce is equivalent to 28.4 ml, so the change will mean that those drinks will be sold in slightly smaller measures. One fluid ounce is also equivalent to 1/5 gill.

4. Reasons for the measure

In 2017¹ the OFT carried out a public consultation entitled "PROPOSALS FOR CHANGES TO THE LEGAL QUANTITIES FOR SALES OF INTOXICATING LIQUOR".

The consultation was driven by repeated concerns about the continued availability of approved ('stamped') measuring equipment, which is used to determine measures of gin, rum, vodka, whisky and brandy sold by retail for consumption on the premises at which it is sold, in addition to the need to promote sensible drinking and facilitate events such as wine tastings.

The current one fluid ounce (1/5 gill) quantity has become less widely used as other jurisdictions, in which the necessary measuring equipment is manufactured, have moved to metric quantities.

On the basis of the consultation responses, the OFT concluded that, whilst it recognised the argument for the Isle of Man retaining its uniqueness and in normal circumstances would wish to retain the status quo, a situation could not be allowed to develop where illegal measuring instruments, or even a mix of legal and illegal

¹ Changes were not made at the time as other matters covered by the same consultation required further consideration and, later, due to the COVID-19 pandemic.

measuring instruments, were being used in licensed premises due to the traditional one fluid ounce (1/5 gill) measuring instruments not being readily available.

The OFT is, therefore, in favour of introducing 25 ml as the new legal quantity for gin, rum, vodka, whisky and brandy, to replace the traditional imperial measurement of one fluid ounce (1/5 gill).

Both of the proposals concerning wine are driven by the need to promote sensible drinking and achieve this through reducing legal quantities. The OFT is obviously in favour of promoting sensible drinking.

In drafting this Order to make the change, the OFT has also taken the opportunity to undertake further consultation on this change with the Island's licensing industry, via the Licensing Forum. The feedback from the Forum has indicated this change in legislation is supported by the Licensing Industry.

If approved by Tynwald, this Order will come into operation on 30th September 2022.

5. Resource implications

None.

6. Tynwald procedure

Tynwald approval is required by section 62(1) of the Weights and Measures Act 1989.