

# Society of Independent Brewers



*Your Local Brewer*

Members' Handbook 2007

March 3rd 2007

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## **FOREWORD**

The Society of Independent Brewers was founded in 1980 under the title The Small Independent Brewers Association (SIBA) to represent the interests of the growing numbers of independent brewing companies in the UK.

It changed its name in 1995 to reflect better the changing aspirations of its members, but maintained its original acronym. In order to pursue its permanent commercial interests, SIBA established a wholly owned subsidiary, SIBA (DDS) Ltd, in 2006.

SIBA aims to ensure that its members' products are always of high quality and membership is conditional upon adhering to the Society's Codes of Practice and Rules and Bye-Laws.

Beer and ale have been traditional and wholesome foods and beverages for well over 2000 years, and many styles are indigenous and unique to the British Isles. SIBA members seek to preserve these traditional styles and their traditional methods of manufacture, whilst at the same time demonstrating the skill of their craft through creativity, invention and innovation.

To demonstrate its commitment to the highest standards of production SIBA has adopted minimum standards and produced the Manual of Good Practice (MGP). Acceptance of these minimum standards is a fundamental tenet of SIBA Membership.

This Handbook incorporates all Codes of Practice and Rules and Bye Laws by which members agree to abide.

## Chapter 1

### **RULES AND BYE LAWS**

#### **Part I - Structure and Membership**

SIBA is a company limited by guarantee. Under its Memorandum of Association its objects are:-

To carry on business as a trade association, to further the interests of and to represent independent brewers.

An independent brewer is a sole trader, a partnership or a limited or public company that is not a subsidiary of a larger firm with attendant or other subsidiary brewing interests.

SIBA is under the direction of a Council of Trustees, of whom there may be no fewer than three. The Society is divided into seven regions, each of whom may appoint a maximum of three trustees.

SIBA is run in accordance with its Articles of Association, copies of which are available from the Secretariat, and according to Rules and Bye-Laws which are attendant upon the Articles.

These Rules and Bye-Laws are set out below. The word 'Article' refers to the relevant Article in the Articles of Association.

SIBA's permanent commercial interests are operated by SIBA (DDS) Ltd. under the direction of a Board of Directors appointed by SIBA Council.

#### **Part II - The Rules and Bye Laws of SIBA**

The Rules and Bye Laws can be changed by the Trustees at any time, but changes must be ratified by a majority of one of members attending a General Meeting.

The Association is known as 'The Society of Independent Brewers' trading as SIBA, a company limited by guarantee.

##### Section 1 - The Company of Members (Full Members)

1. A member of SIBA is a sole trader, partner or company which is manufacturing beer for sale commercially and production.
2. A member must provide proof of purchase or lease of casks on demand by the council or its representative.
3. A person or company intending to brew will be considered a provisional member with no voting rights.
4. If deemed appropriate by the Council of SIBA, a member may be considered a probationary member for a specified period.
5. Each member, under Article 20, has one vote at General Meetings.
6. There is no limit to the number of members.
7. Subscriptions are set by Council and are due on application and annually thereafter.

8. The procedure for disqualification of members who do not pay their subscriptions is: subscriptions six months overdue, a written reminder is sent from the Financial Controller, a personal call from the Regional Chairman, deleted from the membership list.
9. Any member who commissions contract brewing with a third party must include these volumes in their average weekly output.
10. A member whose conduct, in the reasonable opinion of the Council of Trustees, is deemed to be inappropriate will be deleted from the membership list. This decision will be final and binding on all parties.
11. The Trustees will not consider a complaint about a member unless received in writing and the author is declared.
12. New members: Article 2 (1) states" No person shall be admitted a member of the Company unless his application for membership is approved by the trustees."
13. A member unable to attend a General Meeting may appoint another member to vote on his or her behalf. That proxy must have written consent on member's official stationery and deposited with the Secretariat prior to the commencement of the General Meeting.
14. The Society may appoint a President. That person must be a member of the Society and shall be nominated and elected by its members at an AGM. The President may continue to serve until such time as they wish to resign or another nomination, supported by at least four full SIBA members, is received by the Secretariat at least two weeks prior to an AGM. A ballot will then take place unless the incumbent President wishes to stand down and no other nominations have been received.
15. Membership ceases if the company ceases trading or becomes insolvent or changes its legal entity.

## Section 2 - Associate Members

1. An Associate Member is a sole trader, partner or company associated with the small brewing industry.
2. Associate members do not have voting rights.
3. Where appropriate all clauses of Section 1 apply to Associate Members.
4. Associate Members should be constrained by an expectation by SIBA of DUTY OF CARE of brewing members to ensure rapid and effective action should problems arise with products or services provided.

## Section 3 - The Regions

1. Each member will be entitled to attend a regional meeting and have one vote.
2. A region may make a resolution in order for the trustees to conduct better the business of SIBA. A resolution must be put to the vote of the meeting and shall be decided on a show of hands, with the Chairman being entitled to a casting vote in addition to any other vote, unless before, or on the declaration of a result of, the show of hands a poll is duly demanded by the Chairman or two voting members.
3. If a poll is demanded at a regional meeting, two scrutinisers must be elected, each without any dissent from any members present, and it shall take place within 30 days of the meeting. The Chairman is entitled to a casting vote in addition to any other vote.
4. The regions are as follows: South East, South West, Midlands, East and East Anglia, Wales and

West, North, Scotland.

5. A region is not constitutionally or financially independent. A region must follow the rules and bye laws of SIBA and is financially accountable to SIBA.
6. The frequency of the meetings is at the discretion of the region. Should a member of that region be dissatisfied with the frequency, the member may request from the Trustees the disbandment of that region and a transfer of members to another region.
7. Accurate records of meetings in the form of minutes must be taken. Minutes of the previous meeting should be circulated no later than with the agenda for the next meeting which itself should be in good time for the meeting. The chairman of that meeting will then sign the minutes as an accurate record with the agreement and in the presence of the attendees.
8. A region must appoint a Chairman, Secretary and Pub Liaison Officer. Other officers may be appointed appropriately. The Chairman must be a full member and not an Associate member.
9. A region is entitled to a maximum of three of its number being appointed trustees of SIBA.
10. The region must nominate a member to the Secretariat 14 – 35 clear days of the Annual General Meeting. All members at the Annual General Meeting will then vote on the election of that nominee. A region may request the Trustees to appoint a new Trustee with immediate effect. The Trustees must then follow procedures according to Article 36.

#### Section 4 - The Council of Trustees

1. Each region can be represented by three trustees and with seven regions there can be a maximum of twenty one trustees.
2. The Power, Appointment, Retirement, Disqualification, Removal and all other actions of the Trustees are regulated by the Articles of Association.
3. The Council of Trustees shall meet not less than four times annually. The meeting immediately prior to the AGM will consider any nominations and motions to be submitted to the AGM will be considered. The final acceptance of such, however, will be determined by postal/electronic voting taking place within two weeks of the AGM.
4. The Trustees at a time of their choosing shall nominate a Chairman from the Trustees who will, from the day after the AGM, chair the Trustee meetings and carry out any duties as requested by Council.
5. The Council's nomination of Chairperson will be proposed at the commencement of every AGM for ratification. A Chairman may be re-elected thrice, thereby providing a maximum of four years service, but can be considered for nomination after a lapse of a period of not less than twelve months.
6. The Council of Trustees is responsible for policy and strategic development and will direct a Secretariat to implement the decisions of the Council. The Secretariat will be formally reviewed every three years.
7. The Secretariat will consist of a Business Development Manager, appointed by the Council of Trustees, who in turn will employ the services of any individual or company considered appropriate to carry out the tasks of the Secretariat.

#### Section 5 - Business Development Manager

1. The Council of SIBA may appoint and appropriately remunerate a Business Development Manager. The Business Development Manager need not be a member or a Trustee of SIBA.
2. The Business Development Manager is directly accountable to the Council.

3. The Council will determine the Terms and Conditions of the Business Development Manager's appointment.
4. In the event of dispute the Business Development Manager is entitled to appeal to the Council.
5. The members of SIBA, other than Council Members, do not have any voting or arbitration rights concerning the employment of the Business Development Manager. Council members voting should be a true representation of their region.

#### Section 6 - SIBA (DDS) Ltd

1. SIBA (DDS) Limited is a wholly owned subsidiary of SIBA, a company limited by guarantee.
2. SIBA DDS) Limited is operated under the direction of a Board of Directors, appointed by the Council of SIBA.
3. SIBA (DDS) Limited is to operate all commercial activities which fall outside the legal parameters of SIBA, a company limited by guarantee.
4. The profits and or losses are at the sole discretion of SIBA Council which will distribute funds in the best interests of all members of SIBA.
5. The Council of SIBA will appoint a trustee as Managing Director of SIBA (DDS) Ltd who will also conduct the role of Commercial Director of SIBA.

#### **Part III - Code of Conduct**

1. No SIBA member shall conduct their business in a way that shall bring the Society into disrepute.
2. No SIBA member shall use a cask belonging to another brewer except under the following circumstances:-
  - 2.1. They have the express permission of the cask owner.
  - 2.2. They have informed the Secretariat of any temporary or permanent arrangements with the cask owner.
3. No SIBA member shall paint over, label over, grind off or otherwise obscure any colour bands, chime stamps or any other identifying markings of any cask other than their own.
4. Any SIBA member who acquires second hand casks by means of private treaty or purchase of liquidated assets, shall inform the Secretariat of the purchase, provenance and original colour bandings of the purchased casks at the earliest possible opportunity.
5. New SIBA members shall decide upon their colour banding scheme and shall register that scheme with the Secretariat.
6. All SIBA members shall inform the Secretariat of any County Court Judgements against them – new members within the last three years, existing members as occurring.
7. Members shall abide by the sections 1,2,3,6 and 7 of the Wholesaling Code of Practice when handling other brewers' beers ( i.e. in the course of reciprocal trading, beer festivals and the like) and shall take care to ensure that handling of other brewers' dispense equipment is carried out in a responsible manner.
8. Any full or associate SIBA member purchasing goods from another full or associate SIBA member, agrees to pay for those goods within the time specified in the suppliers trading terms and conditions, unless a different arrangement has previously been agreed, or in the event of a dispute. Where a SIBA member is a persistent offender, their membership could be reviewed by SIBA Council.

## **Part IV – Arbitration**

The following arbitration clause defines the procedure open to all members to use to resolve trading disputes between members and may be offered to Claimants not members of SIBA where the Respondent is a member.

### SIBA ARBITRATION CLAUSE

All disputes and differences arising under or in connection with this contract shall be referred to arbitration under the following SIBA arbitration rules

The Arbitration tribunal shall consist of three arbitrators, one to be appointed by the Claimant, one to be appointed by the Respondent and the third to be appointed by the two appointed arbitrators.

The third member of the Tribunal shall be appointed as soon as practicable (and no later than 28 days) after the appointment of the two party-appointed arbitrators. The Tribunal shall be constituted upon the appointment of the third arbitrator.

The Arbitrators shall be persons (including those who have retired) with not less than ten years' experience within the brewing industry.

Where a party fails to appoint an arbitrator within 14 days of being called upon to do so or where the two party-appointed arbitrators fail to appoint a third within 28 days of their appointment, then upon application the Trustees will appoint an arbitrator to fill the vacancy. At any time prior to the appointment by the Trustees the party or arbitrators in default may make such appointment.

The Tribunal may in its sole discretion make such orders and directions as it considers being necessary for the final determination of the matters in dispute. The Tribunal shall have the widest discretion permitted under the law governing the arbitral procedure when making such orders or directions.

This procedure and any ensuing arbitration shall comply with the Arbitration Act 1996.

## Chapter 2

### MINIMUM STANDARDS AND MANUAL OF GOOD PRACTICE (MGP)

**It is an essential condition of membership that all members of the Society agree to abide by the practices and standards laid down in the Members' Handbook and to maintain the high quality of their products. To help maintain the quality of members' products the Manual of Good Practice (MGP) has been published separately to the Members Handbook and should be read in conjunction with the Members' Handbook. Members are also expected to read and put into action the recommendations of the MGP.**

#### Part I – Minimum Standards

SIBA members are expected to use good brewing practices to ensure their products are of the highest standards expected by customers and to this end the following minimum standards should be adopted:

1. Alcoholic Strength (\*) - must be more than 1.2% abv (\*) - should be within 0.1% abv (and no greater than 0.2% more than once per 6 months) of the figure stated on pump clips or other point of sale or invoice. (\*)
2. Cask Conditioned Beers - should ideally contain between 0.4 and 2.0 million cells per ml when racked to cask.
3. Flavour - all products should have flavour and aroma checked, and deemed true to type and free from defects, before dispatch from the brewery.
4. Shelf-Life - members should, as far as they are able, ensure that their products remain true to type throughout the shelf-life stated on the cask.
5. Bacterial count - Cask beers should ideally not contain more than 5000 colony forming units (cfu) per ml (excluding culture yeast) when dispatched from the brewery. Lactobacillus or wild yeast should be below 1,000 cfu per ml. Products containing greater than 100,000 cfu per ml in total should not be considered suitable for dispatch as they are unlikely to attain any reasonable shelf-life expectancy. Beers which are sterile filtered or pasteurised should contain zero cfu per ml after packaging.
6. Heavy Metals - should be below the legal limits set for foodstuffs as set out in below and should be checked for at regular intervals as detailed below:
  - Iron - not more than 7.0 milligrams per litre
  - Copper - not more than 2.0 milligrams per litre
  - Arsenic (\*) - not more than 0.2 milligrams per litre
  - Lead (\*) - not more than 0.2 milligrams per litre
  - Cadmium – not more than 0.1 milligrams per litre
7. Additives - contained in the products should be as specified in the current editions (with supplements) of the Food Chemicals Codex, the British pharmacopoeia, the European Pharmacopoeia, British Statutory Instruments, Reports of the EC Scientific Committee on Foods or the FAO Nutrition Meetings Report Series. See MGP

Items marked (\*) are mandatory and are specified in Customs and Excise Notice 226, issued December 2005

## Part II - Brewing Monitoring Procedures and Auditing by SIBA

SIBA members are expected to adopt the following procedures in order to monitor their products and ensure product consistency and the above minimum standards are achieved.

1. All regular products should be checked twice yearly for % abv by such methods as are approved by HM Customs and Excise. (i.e. Distillation).
2. All regular products should be checked twice yearly for O.G.; P.G.; Colour; Bitterness and pH to ensure products remain true to type.
3. Microbiological checks should be carried out on a minimum of 5% of all production twice yearly. (5 separate samples from either Fermenters or tanks would represent 100 batches or gyles). This should be undertaken twice yearly.
4. Regular checks should be carried out on pitching yeast and not less than once every six months for contaminating bacteria. If levels exceed 10,000 cfu / ml the yeast should be considered unsuitable for use.
5. Heavy metals analysis should be carried out on all regular products at periodic intervals not exceeding three years.
6. Full brewing records must be kept of every batch/gyle produced throughout its time in the brewery (as detailed in Customs and Excise Notice 226).
7. Each batch/gyle must be easily identified and traced from producer to wholesaler/retailer (as detailed in Customs and Excise Notice 226).
8. Shelf-life and 'Best before' dates must be realistic and should be ascertained by keeping samples of beer for the stated length of time or by forcing tests. (it is recommend one beer per month be put up in the brewery, in cask or polypin or sterile bottle, and checked throughout the stated shelf-life of the beer). Forced samples should be stored for one week at 27°C for one week, this being equal to four weeks at cellar temperature. Beers with a 'Best Before' date in excess of four weeks should be forced for two weeks at 27°C.
9. Records of all raw material purchases should be kept for up to 12 months after purchase (as detailed in Customs and Excise Notice 226).
10. Each batch/gyle should be checked for acceptability and trueness to type by a responsible person before the product leaves the brewery and the result recorded on the brewing records.
11. Weekly finings trials to determine the volume and compactness of settleable solids should be conducted on all cask products. Results should be recorded on the brewing records.
12. Initial and final gravity checks must be carried out with saccharometers accurate to 0.1° and these figures used to calculate the %abv of each batch/gyle and the result recorded in the brewing records (as detailed in Customs and Excise Notice 226).
13. All beer must be checked and deemed, as far as is practicable, in the condition expected by wholesaler / retailer / consumer prior to dispatch.

**SIBA Members may be required to be audited from time to time to ensure they are complying with the minimum standards and are undertaking the required monitoring procedures.**

### **Part III - Relevant Legal Requirements**

Details of Statutory Instruments are given in detail in the MGP Technical Addendum. The most relevant requirements are given below:

Customs and Excise Notice No.226 December 2005 and Alcoholic Liquor Duties Act 1979 (amended). Beer is defined as:

- 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 whose, alcoholic strength exceeds 0.5% ABV \*. This includes, mixtures of beer with non-alcoholic drinks, (e.g. with lemonade to produce shandy). Also classified as beer for duty purposes are certain mixtures of beer with alcoholic liquors or substances where the final product strength does not exceed 5.5% abv.

This description does not include:

- black beer made from worts at a gravity of 1200° or more before fermentation.

\* No duty is charged on beer that does not exceed 1.2% ABV. (The MGP does not cover products which are below 1.2% abv)

The main laws governing the production storage and packaging of beer are:

- Alcoholic Liquor Duties Act 1979;
- The Beer Regulations 1993 (SI 1993/1228)
- The Beer (Amendment) Regulations 1995 (SI1995/3059)

Other legislation also applies to brewers and packagers of beer. This includes:

- The Customs and Excise Management Act 1979;
- The Revenue Traders (Accounts and Records) Regulations 1992 (SI 1992/3150), which cover the keeping of records;
- The Excise Goods (Holding, Movement, Warehousing and REDS) Regulations 1992 (SI 1992/3135), which cover the intra-community movement and storage of goods;
- The Excise Duties (Drawback) Regulations 1995 (SI 1995/1046).
- The Beer and Excise Warehousing (Amendment) Regulations 2002.

Copies of Acts and Regulations are available from Her Majesty's Stationery Office. PO Box 276 London SW8 5DT.

### **Part IV - Auditing of the Code of Practice**

1. SIBA has established a reputable method by which it can be seen to audit the activities of its members in compliance with the minimum standards laid down for the production of beer as detailed in Chapter 2 Part I and are undertaking the prescribed monitoring detailed in Chapter 2 Part II. Compliance with these standards and the monitoring of products is a fundamental tenet of SIBA membership.
2. SIBA will require a number of breweries to be audited each year, selected from each region, to certify that they are complying and are checking their products on a regular basis either internally, by a qualified person(s), or externally, using accredited laboratories, to the minimum standards required.
3. Any member not able to supply the necessary documentation may be required to be re-audited, at their own expense, in order for the Council to ascertain the members compliance with the minimum standards required.
4. Where an audit indicates that a member is not adhering to the minimum standards then the Council shall ascertain themselves of the facts and decide upon what further action is necessary.

Compliance with requirements laid out in the Members' Handbook, and the minimum standards contained therein, does not limit the responsibilities of individual members to comply with the requirements of current food legislation.

## Chapter 3

### CONTAINERS

#### Definitions

In this Code:

“average contents” means .the total contents of the large containers in a batch divided by the number of such containers;

“batch” means all the casks or all the kegs of the same declared, contents passed as ready for dispatch on the same day at the same premises;

“cask” means a large container which is not a keg;

“declared contents” in relation to a large container means the quantity set opposite the description of that container in Appendix A;

“keg” means a large container which has an integral self-sealing system under which the container is sealed automatically after filling; and,

“large container” means a keg or cask of any of the descriptions set out in Appendix A.

#### Compliance

Casks manufactured by firms complying to the industry standard laid down by the BLRA code shall be deemed to comply with 1 (a) and (b) above provided they are brimful.

#### Part I – Contents

When beer in a large container is sold on the basis that the sale complies with the requirements of this Code, this means that-

1. The average contents of the large containers of the batch from which that container is drawn is not less than the declared contents.
2. The actual contents of that container are not less than 98% of the declared contents in the case of kegs or 97% of the declared contents in the case of casks; and, 1.3. A proper record is kept of the monitoring and control procedures used by the packer to ensure that the requirements of sub-paragraphs (a) and (b) of this paragraph are met.

#### Part II – Ownership

##### Section 1 - Ownership and Identification

1. All brewers must take every opportunity to promote the message that they ALWAYS retain ownership of their containers and that these containers are returnable assets.
2. Terms and conditions of trade must emphasise that the customer is responsible for ensuring that empty containers are returned to the supplier/owning company.
3. All containers should be marked with as many ownership details as practicable (for instance company name stamped into the metal, colour bands, registered by the SIBA), and a warning ("this container remains the property of xxxx - third party use or disposal prohibited") should be clearly visible on every container.
4. A record of container serial numbers should be kept as part of an asset register.

## Section 2 - Disposal and Records

All brewers should follow the agreed industry policy on disposal of containers no longer required for trading purposes. The policy states that:

1. All kegs and casks that are either damaged beyond repair, or otherwise no longer serviceable, should be destroyed by the manufacturer or some other organisation specifically authorised by the owning brewery for this purpose.
2. Any keg or cask that is still serviceable but no longer required for production may be sold or transferred directly to another brewer. In this case the owning brewer should ensure that all existing company identification is removed before release to the purchaser.
3. A record of any sales should be kept (indefinitely) and should contain the following details:

**The name and address of the purchasing company**  
**The number and size of the containers sold**  
**The serial number of each of the containers**  
**The date of the sale**  
**The invoice number**

4. All invoices raised in connection with the sale of containers should bear the serial numbers of the containers they relate to.
5. Containers should only be offered for sale to legitimate brewing companies and under no circumstances should they be sold to casual callers.

## **Part III – Conduct**

### Section 1 - Collection of Empties

It is unreasonable to expect customers to take responsibility for empty containers if the owning brewers do not ensure that all empties are collected on a regular basis. Keg Watch suggests minimum standards which companies might be expected to follow:

1. Uplift a minimum of 1 for 1 draught beer containers on normal scheduled deliveries.
2. Crews should uplift all available draught containers, within loading capacity of the vehicle.
3. Crews should communicate with the depot to arrange uplift of surplus empties on a future date or on the return journey (where the delivery route is linear).
4. Customers reporting surplus empties to telesales/ depots/ customer service centres should get uplift within one working week or sooner if quantities are significant.
5. It is imperative that employees who are likely to receive an "uplift request" from a customer are made aware of the owning company's policy on the collection of empties and have a point of contact for communicating the uplift request.
6. Where an account is lost or closed, sales staff should ensure that the appropriate department knows how many containers need to be collected. Uplifts should be made within one working week.

## Section 2 - Container Theft / Losses

1. All losses/thefts of containers from brewer's sites or vehicles should be investigated at the earliest opportunity.
2. Where containers are stolen from a customer's premises, the customer should be responsible for ensuring that the local police and the owning brewer are informed. The owning brewer must therefore ensure that each customer knows who to contact.
3. Reports of theft or loss must be recorded by the owning brewer.
4. Where an account has an unusually low rate of container returns, this should be brought to the attention of the relevant company department and investigations should be made as soon as possible.

## Section 3 - Transport

1. Brewers should ensure that a robust system of recording empty container movements is in place.
2. Only reputable hauliers should be used to transport containers and in all cases hauliers should have strict conditions of employment placed upon them. These conditions should include restrictions on the parking of unattended, loaded vehicles on insecure sites, lorry parks and in lay-bys.
3. Brewers should also ensure that wherever possible either curtain sided or enclosed trailers are used and that the curtains/doors are secured throughout the journey.
4. On arrival, loads should be checked against documentation and any discrepancies investigated.
5. All empties returning on dray vehicles should be checked in against the documentation held by the dray crew.

## Chapter 4

### SIBA Wholesaling Code of Practice

1. Wholesalers shall pay brewers within the period agreed.
2. Wholesalers shall have a published procedure for the return of brewers' casks. This published procedure will be presented to brewers as part of the terms and conditions of trade.
3. Wholesalers coming across stray casks shall endeavor to repatriate them.
4. Wholesalers wishing to carry out any 'cash and carry' transactions shall have a stock of their own casks. Colour bands for those casks shall be uniform and the banding pattern shall be registered with the SIBA Secretariat and the BLRA.
5. Wholesalers shall not carry out 'cash and carry' trade in casks other than (a) their own or (b) casks belonging to the owner of the beer contained therein.
6. Where wholesalers are supplied beer in foreign casks the casks should be returned to the owning brewery.
7. Wholesalers shall inform the SIBA Secretariat via the extant procedures of instances of cask misuse that they encounter.

In this code a foreign cask shall be deemed to be a cask which is 'out of circulation', and for which the possessor has no legitimate claim or title.