



# Alcohol (Minimum Pricing) (Scotland) Act 2012

2012 asp 4

## *Minimum price of alcohol*

### **1 Minimum price of alcohol**

- (1) The Licensing (Scotland) Act 2005 is amended as follows.
- (2) In schedule 3 (premises licences: mandatory conditions), before paragraph 6B insert—

“6A (1) Alcohol must not be sold on the premises at a price below its minimum price.

(2) Where alcohol is supplied together with other products or services for a single price, sub-paragraph (1) applies as if the alcohol were supplied on its own for that price.

(3) The minimum price of alcohol is to be calculated according to the following formula—

$$\text{MPU} \times \text{S} \times \text{V} \times 100$$

where—

MPU is the minimum price per unit,

S is the strength of the alcohol, and

V is the volume of the alcohol in litres.

(4) The Scottish Ministers are to specify by order the minimum price per unit for the purposes of sub-paragraph (3).

(5) For the purposes of sub-paragraph (3), where—

- (a) the alcohol is contained in a bottle or other container, and
- (b) the bottle or other container is marked or labelled in accordance with relevant labelling provisions,

the strength is taken to be the alcoholic strength by volume as indicated by the mark or label.

- (6) The Scottish Ministers are to specify by order the enactments which are relevant labelling provisions for the purposes of sub-paragraph (5).”.
- (3) In schedule 4 (occasional licences: mandatory conditions), before paragraph 5B insert—

“5A (1) Alcohol must not be sold on the premises at a price below its minimum price.

(2) Where alcohol is supplied together with other products or services for a single price, sub-paragraph (1) applies as if the alcohol were supplied on its own for that price.

(3) The minimum price of alcohol is to be calculated according to the following formula—

$$\text{MPU} \times \text{S} \times \text{V} \times 100$$

where—

MPU is the minimum price per unit,

S is the strength of the alcohol, and

V is the volume of the alcohol in litres.

(4) The Scottish Ministers are to specify by order the minimum price per unit for the purposes of sub-paragraph (3).

(5) For the purposes of sub-paragraph (3), where—

(a) the alcohol is contained in a bottle or other container, and

(b) the bottle or other container is marked or labelled in accordance with relevant labelling provisions,

the strength is taken to be the alcoholic strength by volume as indicated by the mark or label.

(6) The Scottish Ministers are to specify by order the enactments which are relevant labelling provisions for the purposes of sub-paragraph (5).”.

(4) In section 146—

(a) in subsection (4)(a), for “or 150(2)” substitute “, 150(2), paragraph 6A(4) of schedule 3, or paragraph 5A(4) of schedule 4”,

(b) in subsection (5)(a), for “or 123(6)” substitute “, 123(6), paragraph 6A(4) of schedule 3, or paragraph 5A(4) of schedule 4”.

## **2 Duration of minimum pricing provisions**

- (1) The minimum pricing provisions expire at the end of the 6 year period, unless an order is made under subsection (2).
- (2) The Scottish Ministers may by order, after the end of the 5 year period but before the end of the 6 year period, provide that the minimum pricing provisions are to continue in effect despite subsection (1).
- (3) The Scottish Ministers may by order make such provision (including provision modifying any enactment) as may be necessary or expedient in consequence of the expiry of the minimum pricing provisions by virtue of subsection (1).

- (4) An order under subsection (2) or (3) is subject to the affirmative procedure.
- (5) In this section—
  - “the 5 year period” means the period of 5 years beginning with the day on which section 1 comes fully into force,
  - “the 6 year period” means the period of 6 years beginning with that day,
  - “the minimum pricing provisions” means paragraph 6A of schedule 3 to the Licensing (Scotland) Act 2005 and paragraph 5A of schedule 4 to that Act.

### **3 Report on operation and effect of minimum pricing provisions**

- (1) The Scottish Ministers must, as soon as practicable after the end of the 5 year period, lay before the Scottish Parliament a report on the operation and effect of the minimum pricing provisions during that period.
- (2) The report must, in particular, contain information about the effect that the operation of the minimum pricing provisions has had on—
  - (a) the licensing objectives specified in section 4 of the Licensing (Scotland) Act 2005 (“the 2005 Act”),
  - (b) such categories of person as the Scottish Ministers consider appropriate, and
  - (c) the businesses of—
    - (i) holders of premises licenses granted under the 2005 Act, and
    - (ii) producers of alcohol.
- (3) The categories mentioned in subsection (2)(b) may be determined by reference to characteristics including—
  - (a) age,
  - (b) gender,
  - (c) social and economic deprivation,
  - (d) alcohol consumption, and
  - (e) such other characteristics as the Scottish Ministers consider appropriate.
- (4) In preparing the report, the Scottish Ministers must consult—
  - (a) such persons as appear to them to be representative of the interests of—
    - (i) holders of premises licenses granted under the 2005 Act,
    - (ii) producers of alcohol,
  - (b) such persons as they consider appropriate having functions in relation to—
    - (i) health,
    - (ii) prevention of crime,
    - (iii) education,
    - (iv) social work,
    - (v) children and young people, and
  - (c) such other persons (if any) as they consider appropriate.
- (5) The Scottish Ministers must, as soon as practicable after the report has been laid before the Parliament, publish the report in such manner as they consider appropriate.
- (6) In this section, “the 5 year period” and “the minimum pricing provisions” have the meanings given in section 2(5).