

Draft Order laid before the Scottish Parliament under section 146(5)(a) of the Licensing (Scotland) Act 2005 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2018 No.

**PUBLIC HEALTH
FOOD**

The Alcohol (Minimum Price per Unit) (Scotland) Order 2018

<i>Made</i>	- - - -	<i>2018</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>2018</i>
<i>Coming into force</i>	- -	<i>1st May 2018</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by paragraphs 6A(4) and (6) of schedule 3 and paragraphs 5A(4) and (6) of schedule 4 of the Licensing (Scotland) Act 2005 (“the 2005 Act”)(1) and all other powers enabling them to do so(2).

There has been a consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(3).

In accordance with section 146(5)(a) of the 2005 Act(4), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Alcohol (Minimum Price per Unit) (Scotland) Order 2018 and comes into force on 1st May 2018.

(2) In this Order—

“schedule 3” means schedule 3 (premises licences: mandatory conditions) of the Licensing Scotland Act 2005; and

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- (1) 2005 asp 16. Paragraph 6A of schedule 3 and paragraph 5A of schedule 4 were inserted by section 1 of the Alcohol (Minimum Pricing) (Scotland) Act 2012 (asp 4) (“the 2012 Act”).
- (2) The powers to make this Order are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) (“the 2010 Act”). The Order is subject to the affirmative procedure by virtue of section 33(3) of the 2010 Act.
- (3) OJ L 31, 1.2.2002, p.1, last amended by Regulation (EU) No 652/2014 (OJ L 189, 27.6.2014, p.1).
- (4) Section 146(5)(a) has been modified by paragraph 5 of schedule 3 of the 2010 Act and was amended by section 1(4) of the 2012 Act.

“schedule 4” means schedule 4 (occasional licences: mandatory conditions) of the Licensing (Scotland) Act 2005.

Minimum price per unit

2. For the purposes of paragraph 6A(3) of schedule 3 and paragraph 5A(3) of schedule 4, the minimum price per unit is 50 pence.

Labelling provisions

3. For the purposes of paragraph 6A(5)(b) of schedule 3 and paragraph 5A(5)(b) of schedule 4, the relevant labelling provisions are the Food Information (Scotland) Regulations 2014(5).

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

(5) [S.S.I. 2014/312](#) (“the 2014 Regulations”) as amended by [S.S.I. 2015/410](#) and [S.S.I. 2016/191](#). The 2014 Regulations enforce provisions of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p.18). Article 9(1)(k) of Regulation 1169/2011 sets out mandatory provisions about labelling in relation to alcoholic strength of beverages containing more than 1.2% by volume of alcohol. Failure to comply with Article 9 and other related labelling provisions is an offence in terms of regulation 10 of the 2014 Regulations.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under paragraphs 6A(4) and (6) of schedule 3 and paragraphs 5A(4) and (6) of schedule 4 of the Licensing (Scotland) Act 2005 (“the 2005 Act”). It comes into force on 1st May 2018.

The Order specifies the minimum price per unit for alcohol (50 pence). This applies for the purpose of calculating the minimum price of alcohol relevant to the licensing conditions in paragraph 6A of schedule 3 and paragraph 5A of schedule 4 of the 2005 Act which provide that alcohol may not be sold at a price below the minimum (article 2).

The Order also specifies relevant labelling provisions for the purpose of those licensing conditions. These are the Food Information (Scotland) Regulations 2014 which regulate indications of the alcoholic strength of beverages set out on labels (including for example tags, marks etc.) on bottles or containers of alcohol (article 3).

A full Business and Regulatory Impact Assessment of the effect that this instrument will have on the costs and benefit to business, public sector and consumers has been prepared by the Scottish Government and a copy of it placed in the Scottish Parliament Information Centre. Copies may be obtained from the Scottish Government Directorate for Population Health, St Andrews House, Edinburgh EH1 3DG and online at www.legislation.gov.uk.

The Order was notified in draft to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council (OJ L 241, 17.9.2015, p.1) which lays down a procedure for the provision of information in the field of technical regulations and rules on Information Society Services.