

POLICY NOTE

The Alcohol (Minimum Pricing) (Scotland) Act 2012 (Commencement) Order 2017

SSI 2017/402 (C. 29)

The above noted instrument is made under section 5 of the Alcohol (Minimum Pricing) (Scotland) Act 2012 (“the 2012 Act”). It is not subject to any parliamentary procedure.

Policy Objectives

This order commences section 1 of the 2012 Act which will make amendments to the Licensing (Scotland) Act 2005. The amendments once made will allow the introduction of mandatory conditions of premises licences granted under the 2005 Act. The condition is that alcohol must not be sold on the premises at a price below the minimum price.

The minimum price as well as the labelling requirements which will apply to containers of alcohol will be set out in a separate order and it is intended that will come into force in the spring of next year. In order that they can make the order which fixes the minimum price the Ministers must make the commencement order which this policy note deals with to bring section 1 of the 2012 Act into force.

Consultation

No formal consultation was carried out in relation to this commencement order. However formal consultation in respect of the Bill for the 2012 Act was carried out prior to its introduction with the policy subject to full scrutiny, debate and the approval of the Parliament. Consultation and engagement with stakeholders continues during the implementation process, and on 21st November the Cabinet Secretary announced to the Scottish Parliament her intention to consult formally on the introduction of a minimum unit price fixed at a rate of 50 pence (and the labelling requirements which are also provided for by the amendments made to the licensing regime by the 2012 Act). The policy was also subject to judicial scrutiny and the UK Supreme court ruled that the 2012 Act was lawful in a judgment issued on Wednesday 15 November 2017. This commencement order will allow the Cabinet Secretary to make further subordinate legislation which gives effect to that policy and the Scottish Government expect it to be brought forward in the spring 2018.

Impact Assessment and Financial Effects

A Business and Regulatory Impact Assessment was undertaken for the Bill for the 2012 Act prior to its introduction to Parliament. This will be updated and provided to the Parliament alongside the order which fixes a minimum unit price when that is laid in Parliament (currently likely to be in spring 2018).

Directorate for Population Health
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