



Methylated Spirits (Sale by Retail) (Scotland) Act 1937

1937 CHAPTER 48

An Act to control the sale in Scotland of methylated spirits or surgical spirit and of methylated spirits in admixture; and for other purposes connected therewith. [13th July 1937]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1 Restrictions on sale of methylated, spirits.

- (1) It shall not be lawful to sell by retail any methylated spirits or surgical spirit unless—
- (i) either the seller is an authorised seller of poisons and the sale is effected on registered premises or the seller's name is entered in a local authority's list kept in pursuance of this Act, and the sale is effected on premises specified in that list; and
 - (ii) the bottle or other vessel in which such methylated spirits or surgical spirit are sold bears a label specifying the name of the seller and the premises on which they are sold and containing the words "methylated spirits" or "surgical spirit", as the case may be; and
 - (iii) the seller has, prior to the delivery of the methylated spirits or surgical spirit, made or caused to be made an entry in a book to be kept for that purpose, stating in the prescribed form the date of the sale, the name and address of the purchaser, the quantity of the methylated spirits or surgical spirit sold and the purpose for which they are stated by the purchaser to be required; and
 - (iv) either (a) the purchaser has affixed his signature to the entry aforesaid or (b) the seller has before delivery of the methylated spirits or surgical spirit received an order signed by the purchaser specifying his address, the quantity of the methylated spirits or surgical spirit to be purchased, and the purpose for which they are required, and the seller is reasonably satisfied that the signature

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affixed to such order is the signature of the person purporting to sign it, and the seller has entered in the place reserved for the signature of the purchaser in the book required by the last foregoing paragraph to be kept, the words "Signed order."

- (2) It shall not be lawful knowingly to sell by retail methylated spirits or surgical spirit to any person under the age of fourteen.
- (3) Nothing in the foregoing provisions of this section shall apply to surgical spirit sold by an authorised seller of poisons on registered premises or supplied by a duly qualified medical practitioner, registered dentist or registered veterinary surgeon for the purposes respectively specified in subsection (1) of section nineteen of the Pharmacy and Poisons Act, 1933, if the requirements of subsections (2) and (3) of the said section are complied with in relation to such sale or supply of surgical spirit in like manner as if it were a medicine.

2 Lists of persons entitled to sell methylated spirits.

- (1) Every local authority shall keep for the purposes of this Act a list containing the names of persons, other than authorised sellers of poisons, who are to be entitled (subject to the possession of the necessary excise licence), to sell methylated spirits or surgical spirit by retail, and specifying the premises on which such persons are respectively to be so entitled to sell, and subject as hereinafter provided, shall, on application in the prescribed form by any person having premises in the area of the authority to have his name and such premises entered in the list, enter the same therein:

Provided that the local authority may refuse to enter in, or may remove from, the list the name of any person who fails to pay the prescribed fees, or who in the opinion of the authority is, for any sufficient reason, not fit to be in the list.

- (2) Any person whose name is entered in a local authority's list shall be entitled on payment of the prescribed fee, to a certificate under the hand of the clerk or other officer of the local authority that his name is so entered.
- (3) Any person aggrieved by the refusal of the local authority to enter his name in the list or by the removal of his name therefrom under the foregoing provisions of this section may, in accordance with rules made for the purpose of this section by Act of Sederunt, appeal against the refusal or the removal to the sheriff within whose jurisdiction such person's place of business is situate.
- (4) Every person shall pay to the local authority such fees as may be prescribed, in respect of—
 - (a) the entry of such person's name in the local authority's list;
 - (b) the making of any alteration in the local authority's list in relation to the premises in which such person is entitled to sell;
 - (c) the retention of such person's name on the local authority's list in any year subsequent to the year in which his name is first entered therein ; and
 - (d) the issue of a certificate under the hand of the clerk or other officer of the local authority that the name of such person is entered in the local authority's list.
- (5) If any person whose name is entered in a local authority's list is convicted before any court of any criminal offence, which in the opinion of the court renders him unfit to have his name on the list, the court may, as part of the sentence, order his name to be

removed from the list and direct that he shall, for such period as may be specified in the order, be disqualified from having his name entered in any local authority's list.

- (6) In this section the expression " year " means a period of twelve months beginning on such date as the local authority may from time to time determine.

3 Excise licence for sale of methylated spirits not to be granted except on production of certificate of entry in list.

It shall not be lawful for any officer of Customs and Excise to grant or renew any excise licence for the sale by retail of methylated spirits unless the person applying for the grant or renewal of such licence produces either—

- (a) a statutory declaration that he is an authorised seller of poisons and that the premises for which the licence is sought are registered premises; or
- (b) a certificate issued under the hand of the clerk or other officer of a local authority that such person's name is in the list kept by that authority in pursuance of section two of this Act in respect of the premises for which the licence is sought.

4 Powers of entry and inspection.

Any police officer shall have power at all reasonable times to enter any premises in which he has reason to believe methylated spirits or surgical spirit are sold or exposed for sale by retail and to inspect any book required by section one of this Act to be kept.

5 Offences and penalties.

Any person who, by himself or his servant or agent, sells any methylated spirits or surgical spirit in contravention of the provisions of this Act, or who, being disqualified from having his name entered in any local authority's list kept in pursuance of this Act, applies to have his name entered in any such list, or who obstructs any police officer in the exercise of any power conferred on him by section four of this Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds or to imprisonment for a period not exceeding sixty days.

6 Interpretation.

In this Act, unless the context otherwise requires,—

the expressions " authorised seller of poisons " registered dentist ", and " registered veterinary surgeon ", have the like meanings as in the Pharmacy and Poisons Act, 1933, and the expression " registered premises" means premises duly registered under Part I of that Act;

the expression " local authority " means in the case of a large burgh, within the meaning of the Local Government (Scotland) Act, 1929, the town council, and in the case of a county including every burgh, other than a large burgh, situate in the county, the county council;

the expression " methylated spirits " means mineralised methylated spirits methylated in accordance with the regulations for the time being in force made by the Commissioners of Customs and Excise in that behalf;

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the expression " surgical spirit " means any preparation made with industrial methylated spirits in accordance with a formula approved by the Commissioners of Customs and Excise for the manufacture of surgical spirit;

the expression " sell by retail " means sell in any quantity not exceeding four gallons to any person other than a person who buys for the purpose of selling again;

the expression " prescribed " means prescribed by the Secretary of State.

7 Expenses of local authorities.

Any expenses incurred by a county or a town council under this Act shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine.

8 Short title, extent and commencement.

- (1) This Act may be cited as the Methylated Spirits (Sale by Retail) (Scotland) Act, 1937, and shall extend to Scotland only.
- (2) This Act shall come into operation on such day, not being later than the first day of January, nineteen hundred and thirty-eight, as the Secretary of State may appoint.