



Public Health (Minimum Price for Alcohol) (Wales) Act 2018

2018 anaw 5

General

VALID FROM 02/03/2020

24 Offences committed by partnerships and other unincorporated associations

- (1) Proceedings for an offence under this Act alleged to have been committed by a partnership are to be brought in the name of the partnership (and not in that of any of the partners).
- (2) Proceedings for an offence under this Act alleged to have been committed by an unincorporated association other than a partnership are to be brought in the name of the association (and not in that of any of its members).
- (3) Rules of court relating to the service of documents have effect as if the partnership or unincorporated association were a body corporate.
- (4) Section 33 of the Criminal Justice Act 1925 (c. 86) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) apply in proceedings for an offence brought against a partnership or an unincorporated association other than a partnership as they apply in relation to a body corporate.
- (5) A fine imposed on a partnership on its conviction for an offence under this Act is to be paid out of the partnership assets.
- (6) A fine imposed on an unincorporated association other than a partnership on its conviction for an offence under this Act is to be paid out of the funds of the association.

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VALID FROM 02/03/2020

25 Liability of senior officers etc.

- (1) This section applies where an offence under this Act is committed by—
 - (a) a body corporate;
 - (b) a partnership;
 - (c) an unincorporated association other than a partnership.
- (2) If the offence is proved to have been committed by, or with the consent or connivance of, or to be attributable to neglect on the part of—
 - (a) a senior officer of the body corporate or partnership or unincorporated association, or
 - (b) any person purporting to act in a capacity mentioned in paragraph (a), that senior officer or person (as well as the body corporate, partnership or association) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (3) In this section, “senior officer” means—
 - (a) in relation to a body corporate, a director, manager, secretary or other similar officer of the body corporate;
 - (b) in relation to a partnership, a partner in the partnership;
 - (c) in relation to an unincorporated association other than a partnership, any officer of the association or any member of its governing body.
- (4) In subsection (3), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

26 Regulations

- (1) A power to make regulations under this Act—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes;
 - (c) includes power to make supplementary, incidental, consequential, transitional, transitory and saving provision.
- (2) A statutory instrument containing regulations made under the following provisions may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales—
 - (a) section 1;
 - (b) section 22;
 - (c) paragraph 5(2) of Schedule 1;
 - (d) paragraph 9 of Schedule 1.
- (3) Any other statutory instrument containing regulations made under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

27 Interpretation

- (1) In this Act, “alcohol” means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor, but does not include any of the following—

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- (a) alcohol which is of a strength not exceeding 1.2% when supplied;
- (b) perfume;
- (c) flavouring essences recognised by Her Majesty's Commissioners for Revenue and Customs as not being intended for consumption as or with dutiable alcoholic liquor;
- (d) the aromatic flavouring essence commonly known as Angostura bitters;
- (e) alcohol which is, or is included in, a medicinal product or a veterinary medicinal product;
- (f) denatured alcohol;
- (g) methyl alcohol;
- (h) naphtha;
- (i) alcohol contained in liqueur confectionery.

(2) For the purposes of subsection (1)—

“denatured alcohol” (*“alcohol sydd wedi ei annatureiddio”*) has the same meaning as in section 5 of the Finance Act 1995 (c. 4);

“dutable alcoholic liquor” (*“diod alcoholiaidd dolladwy”*) has the same meaning as in the Alcoholic Liquor Duties Act 1979 (c. 4);

“liqueur confectionery” (*“melysion gwirod”*) means confectionery which—

- (a) contains alcohol in a proportion not greater than 0.2 litres of alcohol (of a strength not exceeding 57%) per kilogram of the confectionery, and
- (b) either consists of separate pieces weighing not more than 42g or is designed to be broken into such pieces for the purpose of consumption;

“medicinal product” (*“cynnyrch meddyginiaethol”*) has the same meaning as in section 130 of the Medicines Act 1968 (c. 67);

“veterinary medicinal product” (*“cynnyrch meddyginiaethol milfeddygol”*) has the same meaning as in regulation 2 of the Veterinary Medicines Regulations 2013 (SI. 2013/2033).

(3) For the purposes of this Act—

the “2003 Act” (*“Deddf 2003”*) means the Licensing Act 2003 (c. 17);

“club premises certificate” (*“tystysgrif mangre clwb”*) has the same meaning as in the 2003 Act;

“enactment” (*“deddfiad”*) means an enactment (whenever enacted or made) comprised in, or in an instrument made under—

- (a) an Act of Parliament;
- (b) a Measure or an Act of the National Assembly for Wales;

“local authority” (*“awdurdod lleol”*) means the council of a county or county borough in Wales;

“partnership” (*“partneriaeth”*) means—

- (a) a partnership within the Partnership Act 1890 (c. 39), or
- (b) a limited partnership registered under the Limited Partnerships Act 1907 (c. 24);

“premises” (*“mangre”*) has the same meaning as in the 2003 Act;

“premises licence” (*“trwydded mangre”*) has the same meaning as in the 2003 Act;

“qualifying premises” (*“mangre gymhwysol”*) has the meaning given in section 3;

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“regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers;

“sale by retail” (“*gwerthu drwy fanwerthu*”) has the same meaning as in the 2003 Act;

the “strength” (“*cryfder*”) of alcohol means its alcoholic strength, which—

- (a) in relation to alcohol contained in a bottle or other container that is marked or labelled in accordance with requirements imposed by or under any enactment or rule of law, is to be taken as being the alcoholic strength by volume as indicated by the mark or the label on the bottle or container;
- (b) otherwise, is to be computed in accordance with section 2 of the Alcoholic Liquor Duties Act 1979 (c. 4).

28 Coming into force

- (1) The following sections come into force on the day after the day on which this Act receives Royal Assent—
 - (a) sections 26 and 27;
 - (b) this section;
 - (c) section 29;
 - (d) section 30.
- (2) The other provisions of this Act come into force on such day as the Welsh Ministers may appoint by order made by statutory instrument.
- (3) An order under subsection (2) may—
 - (a) appoint different days for different purposes;
 - (b) make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.

29 Promoting public awareness of minimum pricing for alcohol

- (1) The Welsh Ministers must take steps to promote public awareness of the prospective commencement of the requirements as to minimum pricing introduced by this Act.
- (2) The steps taken must include steps to promote public awareness of the health risks of excessive alcohol consumption, and of how the introduction of a minimum price for alcohol is intended to reduce consumption.

30 Short title

The short title of this Act is the Public Health (Minimum Price for Alcohol) (Wales) Act 2018.

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