

*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

2020 No.

**PUBLIC HEALTH
FOOD**

**The Alcohol (Minimum Price per Unit)
(Scotland) Amendment Order 2020**

Made - - - - 2020
Coming into force - - 3rd April 2020

The Scottish Ministers make the following Order in exercise of the powers conferred by section 146(2), paragraph 6A(4) of schedule 3 and paragraph 5A(4) of schedule 4 of the Licensing (Scotland) Act 2005(1) (“the 2005 Act”) and all other powers enabling them to do so.

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(2).

In accordance with section 146(5)(a) of the 2005 Act(3), a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Alcohol (Minimum Price per Unit) (Scotland) Amendment Order 2020 and comes into force on 3 April 2020.

Sales to trade

2.—(1) The Alcohol (Minimum Price per Unit) (Scotland) Order 2018(4) is amended in accordance with this article.

(2) In article 1(2) (interpretation), before the definition of “schedule 3”, insert—

(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) OJ L 31, 1.2.2002, p.1, last amended by Regulation (EU) 2019/1243 (OJ L 198, 25.7.2019, p.241).
(3) Section 146(5)(a) has been modified by paragraph 5 of schedule 3 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) and was amended by section 1(4) of the 2012 Act.
(4) S.S.I. 2018/135.

““sales to trade” means the selling of alcohol to a person for the purposes of the person’s trade;”.

(3) After article 2 (minimum price per unit) insert—

“Sales to trade

2A. The minimum price per unit specified in article 2 does not apply for the purpose of sales to trade.”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 146(2), paragraph 6A(4) of schedule 3 and paragraph 5A(4) of schedule 4 of the Licensing (Scotland) Act 2005 (“the 2005 Act”). It comes into force on 3 April 2020.

The Order amends the Alcohol (Minimum Price per Unit) (Scotland) Order 2018 (“the 2018 Order”) which specifies the minimum price per unit for alcohol (50 pence).

Article 2(3) of the Order inserts a new article 2A into the 2018 Order. The new article 2A provides that the minimum price per unit specified in article 2 of the 2018 Order does not apply to sales of alcohol to trade.

Article 2(2) of the Order inserts a definition of “sales to trade” into article 1 of the 2018 Order.

A full Business and Regulatory Impact Assessment of the effect of the 2018 Order on the costs and benefit to business, public sector and consumers was prepared by the Scottish Government and a copy of it was 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.