Alcohol (Minimum Pricing) (Scotland) Bill

Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 4 Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 1

Dr Richard Simpson

3 In section 1, page 1, line 10, at end insert—

<(2A) Sub-paragraph (2B) applies where—
   (a) alcohol is contained in a bottle or other container,
   (b) the bottle or other container is marked or labelled in accordance with relevant labelling provisions, and
   (c) the information provided by the mark or label includes a statement of how many units the bottle or container contains (whether by virtue of the relevant labelling provisions requiring the inclusion of such a statement or otherwise).

(2B) The minimum price of alcohol is to be calculated by multiplying the minimum price per unit by the number of units stated on the bottle or other container.

(3) In any other case,>
(a) alcohol is contained in a bottle or other container,
(b) the bottle or other container is marked or labelled in accordance with relevant labelling provisions, and
(c) the information provided by the mark or label includes a statement of how many units the bottle or container contains (whether by virtue of the relevant labelling provisions requiring the inclusion of such a statement or otherwise).

(2B) The minimum price of alcohol is to be calculated by multiplying the minimum price per unit by the number of units stated on the bottle or other container.

(3) In any other case,

Dr Richard Simpson
8 In section 1, page 2, line 14, leave out <sub-paragraph (3)> and insert <sub-paragraphs (2B) and (3)>

Dr Richard Simpson
9 In section 1, page 2, line 22, leave out <sub-paragraph (5)> and insert <this paragraph>

Dr Richard Simpson
10 In section 1, page 2, line 22, at end insert—

<( ) In this paragraph, “unit” means 10 millilitres of pure alcohol.”>

After section 1

Dr Richard Simpson
11 After section 1, insert—

<Scheme for recovery of sums in relation to certain licensed premises

(1) The Scottish Ministers must by order establish a scheme for the recovery of the sum mentioned in subsection (2) from owners of licensed premises of such type or size as may be specified in the order (“relevant licensed premises”).

(2) The sum is whichever of the following is higher—

(a) an estimate of the total amount of increased profits (if any) that owners of relevant licensed premises have made as a result of the operation of the minimum pricing provision,

(b) an estimate of the total amount of increased profits (if any) that such owners would have made but for the taking by them of steps to counterbalance the effect on their businesses of the operation of the minimum pricing provision.

(3) The estimates mentioned in subsection (2) are to be based on such research and modelling as the Scottish Ministers consider appropriate.

(4) Amounts payable under the scheme are to be paid to the local authority within whose area the relevant licensed premises to which the amount payable relates are located.

(5) An order under subsection (1) must include provision about—
(a) the period (or periods) to which estimates under subsection (2) are to relate,
(b) how the amount payable in respect of each relevant licensed premises is to be
determined,
(c) when and how amounts payable under the scheme are to be paid,
(d) the penalties for failure to pay amounts payable under the scheme, and
(e) how long the scheme is to exist.

(6) An order under subsection (1) may include such other provision in relation to the
scheme as the Scottish Ministers consider appropriate.

(7) Before making an order under subsection (1) the Scottish Ministers must consult—
(a) such persons as appear to them representative of the interests of holders of
premises licences granted under the 2005 Act, and
(b) such other persons (if any) as they consider appropriate.

(8) An order under subsection (1) is subject to the affirmative procedure.

(9) In this section—

“the 2005 Act” means the Licensing (Scotland) Act 2005,
“licensed premises” means licensed premises in respect of which a premises
licence granted under the 2005 Act has effect,
“the minimum pricing provision” means paragraph 6A of schedule 3 to the 2005
Act.

Jackson Carlaw
1 After section 1, insert—

<Duration of minimum pricing provisions>

(1) The minimum pricing provisions expire at the end of the 6 year period, unless an order
is made under subsection (2).

(2) The Scottish Ministers may by order, after the end of the 5 year period but before the
end of the 6 year period, provide that the minimum pricing provisions are to continue in
effect despite subsection (1).

(3) The Scottish Ministers may by order make such provision (including provision
modifying any enactment) as may be necessary or expedient in consequence of the
expiry of the minimum pricing provisions by virtue of subsection (1).

(4) An order under subsection (2) or (3) is subject to the affirmative procedure.

(5) In this section—

“the 5 year period” means the period of 5 years beginning with the day on which
section 1 comes fully into force,
“the 6 year period” means the period of 6 years beginning with that day,
“the minimum pricing provisions” means paragraph 6A of schedule 3 to the
Licensing (Scotland) Act 2005 and paragraph 5A of schedule 4 to that Act.

Nicola Sturgeon
2 After section 1, insert—
<Report on operation and effect of minimum pricing provisions>

(1) The Scottish Ministers must, as soon as practicable after the end of the 5 year period, lay before the Scottish Parliament a report on the operation and effect of the minimum pricing provisions during that period.

(2) The report must, in particular, contain information about the effect that the operation of the minimum pricing provisions has had on—
   (a) the licensing objectives specified in section 4 of the Licensing (Scotland) Act 2005 ("the 2005 Act"), and
   (b) the businesses of—
      (i) holders of premises licenses granted under the 2005 Act, and
      (ii) producers of alcohol.

(3) In preparing the report, the Scottish Ministers must consult—
   (a) such persons as appear to them to be representative of the interests of—
      (i) holders of premises licenses granted under the 2005 Act,
      (ii) producers of alcohol,
   (b) such persons as they consider appropriate having functions in relation to—
      (i) health,
      (ii) prevention of crime,
      (iii) education,
      (iv) social work,
      (v) children and young people, and
   (c) such other persons (if any) as they consider appropriate.

(4) The Scottish Ministers must, as soon as practicable after the report has been laid before the Parliament, publish the report in such manner as they consider appropriate.

(5) In this section, "the 5 year period" and "the minimum pricing provisions" have the meanings given in section (Duration of minimum pricing provisions)(5).>

Dr Richard Simpson

12 After section 1, insert—

<Evaluation of operation and effect of minimum pricing provisions and provision of statistical information>

(1) The Scottish Ministers must lay before the Scottish Parliament—
   (a) within 3 months of the day on which the Bill for this Act receives Royal Assent, a report on the arrangements it proposes to make for—
      (i) the collection of the information mentioned in subsection (7), and
      (ii) evaluation of the operation and effect of the minimum pricing provisions ("the evaluation"),
   (b) as soon as practicable after the end of the 30 month period, an interim report on the evaluation, and
(c) as soon as practicable after the end of the 60 month period, a final report on the evaluation.

(2) The evaluation must examine the operation and effect of the minimum pricing provisions in relation to the following persons and matters—

(a) persons whose consumption of alcohol is considered to be—
   (i) hazardous,
   (ii) harmful,
(b) persons with low incomes,
(c) persons aged 18 to 24 (in particular the drinking habits of such persons, including the extent to which such persons consume excessive amounts of alcohol over short periods of time and consume alcoholic drinks on premises other than licensed premises prior to visiting licensed premises),
(d) the response of retailers and producers of alcohol (including the extent to which steps have been taken to try to counterbalance any reduction in trade caused by the coming into force of the minimum pricing provisions),
(e) switching from consumption of alcoholic drinks the price of which has increased as a result of the coming into force of the minimum pricing provisions to consumption of other alcoholic drinks or other substances,
(f) such other matters as the Scottish Ministers consider appropriate (for example, the buying of alcohol from other parts of the United Kingdom (including via the internet) and illegal sales of alcohol).

(3) The evaluation must, so far as is possible—

(a) include comparison of the situation in Scotland in relation to the persons and matters mentioned in subsection (2) with the situation in relation to such persons and matters in at least one other area within the United Kingdom, and
(b) distinguish between trends in relation to the persons and matters mentioned in subsection (2) that began prior to the coming into force of the minimum pricing provisions and the effects of those provisions.

(4) The Scottish Ministers must not finalise arrangements for the collection of the information mentioned in subsection (7) or the evaluation until any committee of the Scottish Parliament that indicates that it intends to examine the proposed arrangements has had a reasonable opportunity to do so.

(5) The Scottish Ministers must lay before the Scottish Parliament—

(a) a report containing the information mentioned in subsection (7) in relation to the 12 month period beginning with the month in which the start day falls, and
(b) a report containing that information in relation to each of the 4 subsequent periods of 12 months.

(6) A report under subsection (5) is to be laid before the Parliament as soon as practicable after the end of the 12 month period to which it relates.

(7) The information is information on—

(a) the level of consumption of alcohol in Scotland,
(b) the number of attendances at hospital accident and emergency departments that are associated with the consumption of alcohol,
(c) the number of admissions to hospital where the main diagnosis is alcohol-related,
(d) the number of crimes in which the consumption of alcohol is in any way involved, and
(e) the number of deaths caused by alcohol.

(8) In this section—

“the 30 month period” means the period of 30 months beginning with the start day,
“the 60 month period” means the period of 60 months beginning with the start day,
“the minimum pricing provisions” means paragraph 6A of schedule 3 to the Licensing (Scotland) Act 2005 and paragraph 5A of schedule 4 to that Act,
“the start day” means the day on which section 1 comes fully into force.