

**ABERDEENSHIRE LOCAL LICENSING FORUM – 27<sup>th</sup> JUNE, 2018**

**BRIEFING PAPER ON MINIMUM UNIT PRICING WHOLESALE ISSUE – CONSULTATION  
DUE SHORTLY**

Email correspondence from Alcohol Focus Scotland – 31<sup>st</sup> May, 2018

Dear Sirs

Further to the issues you have raised regarding wholesalers, to update you that the Scottish Government has issued a statement on wholesalers and the application of MUP (trade sales by wholesalers and the MUP mandatory condition of a premises licence). They have sent a letter to the Health and Sport Committee on this (attached in Appendix 1).

The Scottish Government is aware of a technical issue related to the interpretation of how MUP operates in respect of trade sales by wholesalers which have opted to hold a premises licence. They consider that a legislative change is required in order to clarify the situation. This would be achieved by SSI following consultation which will be issued shortly.

Thanks for your feedback on this issue which I'm sure was helpful in ensuring this matter is addressed.

Best wishes

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Lewis Macdonald MSP  
Convener  
Health and Sport Committee

By Email.

30 May 2018

Following my Committee appearance on 17 April relating to The Alcohol (Minimum Price per Unit) (Scotland) Order 2018, which proposed a minimum price of 50 pence per unit of alcohol, I am writing to set out the next steps on the issue that was raised concerning trade sales by wholesalers and the minimum unit pricing mandatory condition of a premises licence.

The Scottish Government has, today, issued the following statement and it is available on <https://www.mygov.scot/minimum-unit-pricing/information-for-retailers/> :

Scottish Government Statement on Wholesalers and the application of Minimum Unit Pricing

The Scottish Government is aware of a technical issue related to the interpretation of how minimum unit pricing operates in respect of trade sales by wholesalers which have opted, for whatever reason, to hold a premises licence.

There are differing views held by licensing lawyers and the licensing community on the application of the new mandatory condition of minimum unit pricing to premises licences as regards wholesalers and trade sales.

The Scottish Government considers that a legislative change is required in order to clarify the situation. This would be achieved by SSI following consultation which will satisfy the terms of regulation 9 of EU Regulation No. 178/2002.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

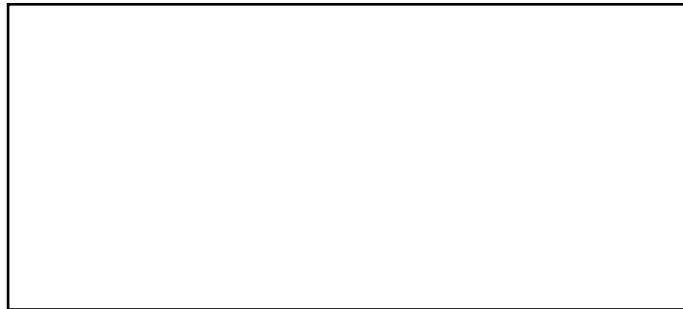


A consultation will be issued shortly.

Wholesalers selling to trade only are not required to hold a premises licence and so minimum unit pricing does not apply.

Wholesalers also selling to the public require a premises licence, and all sales (other than to a person for the purposes of their trade) must comply with minimum unit pricing.

I will write to the Committee again with details of the consultation once it has issued.



**SHONA ROBISON**