

# **Alcohol (Minimum Pricing) (England) Bill**

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**B I L L**

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Make provision about the minimum price at which alcohol may be sold from licensed premises in England, and for connected purposes.

**B**E IT ENACTED by the Queen'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 Minimum price for alcohol**

- (1) The applicable minimum price for alcohol is to be calculated by applying the formula  $M \times S \times V$ , where—
- (a) M is whatever price is the minimum unit price for the purposes of this Act, expressed in pounds sterling, 5
  - (b) S is the percentage strength of the alcohol, expressed as a cardinal number,
  - (c) V is the volume of the alcohol, expressed in litres.
- (2) Where but for this subsection the applicable minimum price for alcohol would not be a whole number of pennies, it is to be rounded to the nearest whole penny (taking half a penny as being nearest to the next whole penny above). 10
- (3) For example—
- (a) in the case of a bottle of wine, S (percentage strength of the wine) is 12.5%, and V (volume of the wine) is 75 centilitres;
  - (b) taking M (specified minimum unit price) to be £0.50, the applicable minimum price for the wine would be calculated as  $£0.50 \times 12.5 \times 0.75 = £4.69$ . 15
- (4) The Secretary of State may by regulations—
- (a) specify M (minimum unit price);
  - (b) make provision for the calculation of the applicable minimum price where alcohol is supplied as part of a special offer together with— 20
    - (i) other alcohol, or
    - (ii) goods other than alcohol, or with services, for a single price.

## 2 Offences

- (1) It is an offence for a person who is an alcohol retailer –
- (a) to supply alcohol from qualifying premises in England, or
  - (b) to authorise the supply of alcohol from qualifying premises in England,
- at a selling price below the applicable minimum price for the alcohol. 5
- (2) It is a defence for a person charged with an offence under this section to show that the person took reasonable steps and exercised due diligence to avoid committing it.
- (3) If a person charged with an offence under this section relies on the defence in subsection (2), and evidence is adduced that is sufficient to raise an issue with respect to that defence, the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not. 10
- (4) It is immaterial for the purposes of subsection (1)(b) whether the authorisation takes place in England or elsewhere.
- (5) For the purposes of this section, “selling price”, in relation to alcohol, means its price including VAT and all other taxes. 15
- (6) In Schedule 4 (personal licence: relevant offences) to the Licensing Act 2003 (“the 2003 Act”), after paragraph 2A insert –
- “2B An offence under the Alcohol (Minimum Pricing) (England) Act 2018.” 20

## 3 Meaning of “supply of alcohol” and “qualifying premises”

- (1) (1)In this Act, the supply of alcohol means –
- (a) the sale by retail of alcohol to a person in England, or
  - (b) the supply of alcohol by or on behalf of a club to a member of the club who is in England, or to a person in England to the order of a member of the club, and related expressions are to be construed accordingly. 25
- (2) Premises are qualifying premises for the purposes of this Act if –
- (a) a premises licence granted under Part 3 of the 2003 Act authorises the premises to be used for the supply of alcohol,
  - (b) a club premises certificate granted under Part 4 of the 2003 Act certifies that the premises may be used for the supply of alcohol, or 30
  - (c) the supply of alcohol on or from the premises is a permitted temporary activity for the purposes of Part 5 of the 2003 Act.

## 4 Meaning of “alcohol retailer”

- (1) In relation to the supply of alcohol from premises that are qualifying premises by virtue of section 3(2)(a), each of the following is to be treated as an alcohol retailer for the purposes of this Act – 35
- (a) an individual to whom a personal licence has been granted under Part 6 of the 2003 Act that authorises the individual to supply alcohol, or to authorise the supply of alcohol, in accordance with the premises licence concerned; 40
  - (b) the individual who is the designated premises supervisor for the purposes of the 2003 Act.

- (2) In relation to the supply of alcohol from premises that are qualifying premises by virtue of section 3(2)(b), the person who is the holder of the club premises certificate concerned is to be treated as an alcohol retailer for the purposes of this Act.
- (3) In relation to the supply of alcohol from premises that are qualifying premises by virtue of section 3(2)(c), the individual who is the premises user for the purposes of Part 5 of the 2003 Act is to be treated as an alcohol retailer for the purposes of this Act. 5
- 5 Penalties**
- A person guilty of an offence under section 2 is liable on summary conviction to a fine not exceeding level 3 on the standard scale. 10
- 6 Fixed Penalties**
- (1) Where an authorised officer of a local authority has reason to believe that a person has committed an offence under section 2 in the local authority's area, the officer may give that person a fixed penalty notice in respect of that offence. 15
- (2) An authorised officer of a local authority is any person authorised by the authority for the purposes of this Act.
- (3) A fixed penalty notice is a notice offering a person the opportunity to discharge any liability to conviction for the offence by paying a fixed penalty.
- (4) The Secretary of State may by regulations make further provision about fixed penalty notices. 20
- 7 Enforcement action by local authorities**
- (1) A local authority may –
- (a) bring prosecutions in respect of offences in its area under this Act;
  - (b) investigate complaints in respect of alleged offences in its area under this Act; 25
  - (c) take any other steps with a view to reducing the incidence in its area of offences under this Act.
- (2) A local authority must –
- (a) consider, at least once in every period of twelve months, the extent to which it is appropriate for the authority to carry out in its area a programme of enforcement action in relation to this Act, and 30
  - (b) to the extent that it considers it appropriate to do so, carry out such a programme.
- (3) In complying with subsection (2), an authority must in particular have regard to the following objectives – 35
- (a) improving public health;
  - (b) protecting children from harm.
- (4) For the purposes of subsection (2), a programme of enforcement action in relation to this Act is a programme involving the taking of all or any of the steps referred to in subsection (1). 40

**8 Regulations**

- (1) A power to make regulations under sections 1 and 6 –
  - (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. 5
- (2) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

**9 Extent, commencement and short title** 10

- (1) This Act extends to England and Wales only.
- (2) This Act (other than this section) comes into force on such day as the Secretary of State may by regulations appoint.
- (3) The power to make regulations under this section is exercisable by statutory instrument. 15
- (4) This Act may be cited as the Alcohol (Minimum Pricing) (England) Act 2018.

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## **B I L L**

To make provision about the minimum price at which alcohol may be sold from licensed premises in England, and for connected purposes.

*Ordered to be brought in by Fiona Bruce,  
Sir David Amess, Jack Brereton, Dr Lisa Cameron,  
Alex Cunningham, Sir Jeffrey Donaldson,  
Frank Field, Norman Lamb, Sir Edward Leigh,  
Jeremy Lefroy, Dr Philippa Whitford  
and Dr Sarah Wollaston.*

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*Ordered, by The House of Commons,  
to be Printed, 12 June 2018.*

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