

# CONSULTATION PAPER

## SALE OF METHYLATED SPIRITS

This Consultation Paper seeks your views on our proposals to remove:

- **the prohibition on the sale of methylated spirits on a Sunday in Scotland; and**
- **the restriction on the sale of methylated and surgical spirits (denatured alcohol) to those under 14 in Scotland.**

### Background

1. Section 26 of the Revenue Act 1889 (the 1889 Act), which formed part of the control system that applied to licensed retailers of methylated spirits, prohibits the sale of methylated spirits between the hours of 10 pm on a Saturday and 8 am the following Monday.
2. The Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (the 1937 Act) which controlled the sale of methylated spirits and surgical spirits in Scotland was largely repealed in 1998. However, section 1(2) which prohibits the sale of methylated spirits to any person under the age of fourteen still applies.

### Proposals

#### We propose to repeal:

- **Section 26 of the Revenue Act 1889**
  - **The Methylated Spirits (Sale by Retail) (Scotland) Act 1937**
3. **Section 26 of the Revenue Act 1889** is an outdated piece of legislation that imposes an unnecessary restriction without serving any useful purpose.
  4. At that time, a retail excise licence was needed to sell methylated spirits at a cost of ten shillings per annum. Since the end of retail excise licences in the 1960s, there is no longer any revenue implication of keeping the provisions contained in section 26 of the 1889 Act. Its only role has been to support the social law in its restrictions on Sunday trading. However, the introduction of the Sunday Trading Act 1994 made this last remaining function obsolete.
  5. The repeal of section 26 is required because anyone who sells methylated spirits on a Sunday is currently breaking the law and could be prosecuted for doing so. The proposal will affect anyone who sells methylated spirits (DIY stores etc) and consumers. There are no costs to business. The repeal will remove a burden on those retailers who operate in accordance with the legislation. This provision was repealed in England and Wales last year using the Regulatory Reform (Sunday Trading) Order 2004.

6. Most of the requirements of **The Methylated Spirits (Sale by Retail) (Scotland) Act 1937** were revoked by the Deregulation (Methylated Sprits Sale By Retail) (Scotland) Order 1998. However, the provisions prohibiting the sale of methylated spirits to those under 14 are still in force. Those provisions were introduced to address a specific social problem of the time. In the 1930's the drinking of crude spirits was a considerable social problem and methylated spirits in particular was a cheap alternative to more expensive forms of alcohol. We now consider the restriction to be outdated and redundant. The terminology of 'methylated spirits' has also been replaced by terminology that refers to 'denatured alcohol' which underlies European legislation. Removal of the remaining provisions of the 1937 Act would result in a consistent position with England and Wales.

### **Taking the Proposals Forward**

6. It is our intention to use the Licensing (Scotland) Bill to make these changes. The Bill, as introduced to the Scottish Parliament on 28 February this year, contains provision to revoke both pieces of legislation. However, if the results of the consultation do not support removal of these restrictions, it would be possible to amend the Licensing Bill at stage 2 of its progress through the Scottish Parliament.

### **Consultation**

7. There was consultation on the proposal to remove the restriction on the sale of methylated spirits on a Sunday in England and Wales. HM Customs and Excise consulted the British Retail Consortium, the Royal Pharmaceutical Association and the National Pharmaceutical Association on this specific proposal in October 2000. All supported the repeal of section 26. The Department of Trade and Industry also consulted interested bodies throughout England and Wales in 2003. All respondents supported the removal of the restriction.

## CONSULTATION ON SALE OF METHYLATED SPIRITS

### Responding to this consultation paper

We are inviting written responses to this consultation paper by: **1 August 2005**

**Please send your response to:**

**by email:** **Lindsay.young@scotland.gsi.gov.uk**

**in writing:** **Lindsay Young**  
**Licensing Branch**  
**Local Governance & Licensing Division**  
**Finance and Central Services Dept**  
**Scottish Executive**  
**3H- South**  
**Victoria Quay**  
**Edinburgh EH6 6QQ**

If you have any queries contact **Lindsay Young** on **0131 244 5733**.

This consultation, and all other Scottish Executive consultation exercises, can be viewed online on the consultation web pages of the Scottish Executive website at <http://www.scotland.gov.uk/consultations/seconsult.aspx>. You can Freephone 800 77 1234 to find out your nearest public internet access point.

The Scottish Executive now has an email alert system for consultations (**SEconsult**: <http://www.scotland.gov.uk/consultations/seconsult.aspx>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces SE distribution lists, and is designed to allow stakeholders to keep up to date with all SE consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

### Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** enclosed with this consultation paper as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Executive is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

## **Next steps in the process**

Where respondents have given permission for their response to be made public, these will be made available to the public in the Scottish Executive Library and on the Scottish Executive consultation web pages. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by contacting the SE Library on 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

## **What happens next ?**

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision. We will prepare a short analysis of responses for publication.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to:

Name: **Lindsay Young**

Address: **Licensing Branch, Local Governance & Licensing Division, Finance and  
Central Services Dept  
Scottish Executive  
3H- South  
Victoria Quay  
Edinburgh EH6 6QQ**

E-mail: **Lindsay.young@scotland.gsi.gov.uk**

## ANNEX B

### RESPONDENT INFORMATION FORM: SALE OF METHYLATED SPIRITS

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name:

Postal Address:

1. Are you responding: (please tick one box)
- (a) as an individual  go to Q2a/b and then Q4
- (b) **on behalf of** a group/organisation  go to Q3 and then Q4

#### INDIVIDUALS

- 2a. Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?

Yes (go to 2b below)

No, not at all  We will treat your response as confidential

- 2b. Where *confidentiality is not requested*, we will make your response available to the public on the following basis (please tick one of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

#### ON BEHALF OF GROUPS OR ORGANISATIONS:

- 3 The name and address of your organisation *will be* made available to the public (in the Scottish Executive library and/or on the Scottish Executive website). Are you also content for your **response** to be made available?

Yes

No  We will treat your response as confidential

#### SHARING RESPONSES/FUTURE ENGAGEMENT

- 4 We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

Yes

No

### THE SCOTTISH EXECUTIVE CONSULTATION PROCESS

Consultation is an essential and important aspect of Scottish Executive working methods. Given the wide-ranging areas of work of the Scottish Executive, there are many varied types of consultation. However, in general, Scottish Executive consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Executive encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Executive consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Executive web site enabling a wider audience to access the paper and submit their responses<sup>1</sup>. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Executive library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Executive consultation papers and related publications (eg, analysis of response reports) can be accessed at: [Scottish Executive consultations](http://www.scotland.gov.uk/consultations) (<http://www.scotland.gov.uk/consultations>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

**While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.**

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<sup>1</sup> <http://www.scotland.gov.uk/consultations>