



Public Health (Minimum Price for Alcohol) (Wales) Act 2018

2018 anaw 5

An Act of the National Assembly for Wales to make provision about the minimum price for which alcohol is to be supplied in Wales by certain persons; and for connected purposes. [9 August 2018]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

Minimum price for alcohol

1 Minimum price for alcohol

- (1) The applicable minimum price for alcohol is to be calculated, for the purposes of section 2 of this Act, by applying the formula $M \times S \times V$, where—
 - (a) M is whatever price is specified in regulations as being the minimum unit price for the purposes of this Act, expressed in pounds sterling,
 - (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).
- (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 $£0.50 \times 12.5 \times 0.75 = £4.69$.

Changes to legislation: There are currently no known outstanding effects for the Public Health (Minimum Price for Alcohol) (Wales) Act 2018. (See end of Document for details)

Commencement Information

- I1** S. 1 in force at 14.10.2019 for specified purposes by S.I. 2019/1336, art. 2
I2 S. 1 in force at 2.3.2020 in so far as not already in force by S.I. 2020/175, reg. 2(a)

Offences

2 Offences

- (1) It is an offence for a person who is an alcohol retailer—
 - (a) to supply alcohol from qualifying premises in Wales, or
 - (b) to authorise the supply of alcohol from qualifying premises in Wales, at a selling price below the applicable minimum price for the alcohol.
- (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.
- (4) It is immaterial for the purposes of subsection (1)(b) whether the authorisation takes place in Wales or elsewhere.
- (5) For the purposes of this section and section 6, “selling price”, in relation to alcohol, means its price including VAT and all other taxes.
- (6) In Schedule 4 (personal licence: relevant offences) to the 2003 Act, after paragraph 2 insert —

“2A An offence under the Public Health (Minimum Price for Alcohol) (Wales) Act 2018.”

Commencement Information

- I3** S. 2 in force at 2.3.2020 by S.I. 2020/175, reg. 2(b)

Interpretation of core terms

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

- (1) In this Act, the supply of alcohol means—
 - (a) the sale by retail of alcohol to a person in Wales, or
 - (b) the supply of alcohol by or on behalf of a club to a member of the club who is in Wales, or to a person in Wales to the order of a member of the club, and related expressions are to be construed accordingly.
- (2) Premises are qualifying premises for the purposes of this Act if—

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- (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
- (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.

Commencement Information

I4 S. 3 in force at 2.3.2020 by S.I. 2020/175, reg. 2(b)

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—
 - (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;
 - (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.

Commencement Information

I5 S. 4 in force at 2.3.2020 by S.I. 2020/175, reg. 2(b)

Special offers

5 Special offers: multi-buys of alcohol

- (1) Where alcohol is supplied in a multi-buy alcohol transaction, the applicable minimum price is to be calculated by reference to all of the alcohol included in the transaction.
- (2) Alcohol is supplied in a multi-buy alcohol transaction if—
 - (a) it is supplied free of charge by reference to the supply of other alcohol, or
 - (b) other alcohol is supplied free of charge by reference to it,and, in either case, both the free alcohol and the alcohol by reference to which the free alcohol is supplied are to be treated as being included in the same transaction.
- (3) Alcohol is also supplied in a multi-buy alcohol transaction if—
 - (a) it is supplied at a price fixed by reference to the supply of other alcohol, or
 - (b) other alcohol is supplied at a price fixed by reference to it,

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and, in either case, both the fixed price alcohol and the alcohol by reference to which the fixed price alcohol is supplied are to be treated as being included in the same transaction.

- (4) Alcohol is also supplied in a multi-buy alcohol transaction if it is supplied, together with other alcohol, for a fixed price, in which case all of the alcohol supplied for that price is to be treated as being included in the same transaction.
- (5) But alcohol is not to be treated as being supplied in a multi-buy alcohol transaction if anything except alcohol is supplied in the transaction.
- (6) For example—
 - (a) in a special offer, 4 cans of lager and 4 cans of cider are supplied together for a fixed price: S (percentage strength) is 4% in relation to the lager, and 6% in relation to the cider, while V (volume) is 440 ml in each case;
 - (b) taking M (specified minimum unit price) to be £0.50, the applicable minimum price for the transaction is £8.80, that sum being the aggregate of the following calculations—

$$\begin{aligned} &£0.50 \times 4 \times 1.76 = £3.52 \text{ (the minimum price of the lager), and} \\ &£0.50 \times 6 \times 1.76 = £5.28 \text{ (the minimum price of the cider).} \end{aligned}$$

Commencement Information

I6 S. 5 in force at 2.3.2020 by S.I. 2020/175, reg. 2(b)

6 Special offers: supply of alcohol with goods and services

- (1) Where alcohol is supplied together with goods other than alcohol, or with services, for a single price, subsection (2) applies.
- (2) The alcohol is to be treated as being supplied at that single price for the purpose of determining whether the selling price of the alcohol is below the applicable minimum price.
- (3) For example—
 - (a) in a special offer, the cans of lager and cider mentioned in the example given in section 5(6) are supplied with a pizza for a single price;
 - (b) taking M (specified minimum unit price) to be £0.50, the selling price of the alcohol is to be treated for the purposes of this Act as being the total price of the cans and the pizza, and that price must not be lower than £8.80, being the applicable minimum price for the lager and cider.
- (4) Where alcohol is supplied for a price fixed by reference to the supply of goods other than alcohol, or of services (a “special price”), subsection (5) applies for the purpose of determining whether the selling price of the alcohol is below the applicable minimum price.
- (5) The alcohol is to be treated as being supplied at a price equal to the aggregate of the special price and the price (if any) for which the other goods and services are supplied.
- (6) For example—
 - (a) in a special offer, the cans of lager and cider mentioned in the example given in section 5(6) are supplied for a special price if a pizza is purchased for £5.00;

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- (b) taking M (specified minimum unit price) to be £0.50, the selling price of the alcohol is to be treated for the purposes of this Act as being the aggregate of the price of the pizza and the special price, and that special price must not be lower than £3.80, being the applicable minimum price for the cans of lager and cider (which is £8.80) less the price for the pizza (which is £5.00).

Commencement Information

I7 S. 6 in force at 2.3.2020 by S.I. 2020/175, reg. 2(b)

7 Special offers: supplementary

- (1) Subsection (2) applies where some of the alcohol supplied in a multi-buy alcohol transaction, or for a single price or special price, is of a different strength from other alcohol supplied in the transaction or for that price.
- (2) The applicable minimum price for the alcohol supplied in the transaction or for that price is to be calculated by adding the applicable minimum price for each strength of alcohol supplied in the transaction or for the price.
- (3) References in section 6 to alcohol being supplied together with other goods and services include references to transactions where alcohol is provided together with other goods and services, and—
- (a) the other goods or services are supplied at a price, but
- (b) the alcohol is described as being supplied free of charge.

Commencement Information

I8 S. 7 in force at 2.3.2020 by S.I. 2020/175, reg. 2(b)

Penalties

8 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.

Commencement Information

I9 S. 8 in force at 2.3.2020 by S.I. 2020/175, reg. 2(b)

9 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.
- (2) 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.