

Background briefing: Minimum Unit Pricing for Alcohol

On Wednesday 15th November 2017, in Courtroom 1, the UK Supreme Court will hand down its judgement on the appeal of **Scotch Whisky Association and others (Appellants) v The Lord Advocate and another (Respondents) (Scotland)**. (Rulings will begin at 09:45 and this case is fourth on the list). This landmark ruling is the final step in determining whether minimum unit pricing for alcohol can be implemented in Scotland. The proposed bench for hand-down are Lord Mance, Lord Carnwath, Lord Hodge and Lady Black. The hand down will be streamed on [Supreme Court Live](#) and then available on the Supreme Court's [video on demand service](#).

If the appeal is dismissed, Scotland could become the first country in the world to establish a minimum unit price for alcohol (some states in Canada operate variants of minimum pricing).

Legislation to establish a minimum price is currently under active consideration by the National Assembly for Wales and by the Irish Oireachtas.

What is the appeal about?

The Alcohol (Minimum Pricing) (Scotland) Act 2012 was passed unopposed by the Scottish Parliament in June 2012. The legislation has not yet been implemented due to a legal challenge led by the Scotch Whisky Association (SWA). The first challenge was made to the Outer House of the Court of Session which ruled in May 2013 that minimum unit pricing was lawful. The SWA then appealed to the Inner House of the Court Session, which heard the case and referred it to the Court of Justice of the European Union (CJEU) in April 2014. The CJEU gave their opinion on the 23 December 2015, ruling that it was for the Scottish Inner House of the Court of Session to decide on minimum unit pricing. The case then returned to the Inner House in July 2016, and they upheld the Outer House decision. The Scotch Whisky Association requested leave to appeal to the UK Supreme Court in September 2016 and permission was granted in December 2016. The Supreme Court hearing took place on 24/25 July 2017. The ruling of the Supreme Court will be final and will determine whether minimum pricing can be implemented in Scotland. A summary of the court process is available [here](#).

What is minimum pricing?

A minimum price for alcohol sets the lowest price an alcoholic drink can be sold for. In Scotland, it is proposed that the minimum price will be 50p per unit of alcohol. Stronger drinks that contain more units of alcohol will have a higher minimum price than drinks that contain less alcohol. For example, when minimum pricing is introduced, a can of lager or cider containing 2 units of alcohol will have to cost at least £1.ⁱ Shops will be able to charge more than £1 if they want, but not less.

Minimum pricing won't affect every alcoholic drink – only those sold at less than 50p per unit. Drinks like strong white cider, super strength lager and own brand vodka or gin, will be affected. It is possible to buy a 3 litre bottle of cider for £3.99: equivalent to 18p per unit.ⁱⁱ Minimum pricing will not affect pubs, clubs and restaurants because their drinks are already sold at more than 50p a unit.

Why do we need minimum pricing in Scotland?

Alcohol is much cheaper to buy in Scotland now than it was in the past. Alcohol is 60% more affordable today than it was 30 years ago. Scots buy the vast majority of their alcohol - 73% - from shops and supermarkets.ⁱⁱⁱ When something becomes more affordable, people tend to buy (and consume) more of it. The more people drink, the more alcohol-related diseases and social problems increase. Alcohol consumption and deaths are significantly higher in Scotland than the rest of the UK; Scots drink 17% more than the English or Welshⁱⁱⁱ and our deaths rates are twice the level of England and Wales.^{iv}

What happens now?

If the Supreme Court rules in favour of the Scottish Government, an order bringing minimum pricing will be laid in draft before the Scottish Parliament for approval, before being made by Scottish ministers. This could be done relatively quickly; minimum pricing could be in force by Spring 2018.

The legislation also contains what is known as a 'sunset clause'. This means that it will expire after the sixth year of implementation unless the Scottish Parliament votes for it to continue. To inform this decision there is a 'review clause' requiring that the Minister presents a review report to parliament on the impact of MUP after five years of its operation.

What difference will it make?

Minimum pricing will save lives. In the first year alone, modelling by the University of Sheffield suggests, that minimum pricing could prevent 60 alcohol-related deaths, 1,600 hospital admissions and 3,500 crimes. The most recent Sheffield research (April 2016)^v estimated that the proposed minimum price of 50p per unit would result in the following benefits:

- Reduction in alcohol consumption of 3.5% or 26.3 units per drinker per year.
- Alcohol related deaths would fall by about 120 per year by year twenty of the policy (full effect)
- A fall in hospital admissions of 2,000 per year by year twenty of the policy (full effect)

Minimum unit pricing is targeted, with the greatest benefit falling on harmful drinkers; particularly those living in poverty. (Those in the most deprived communities are six times more likely to die and nearly nine times more likely to be hospitalised than those in the least deprived communities)^{vi}.

Minimum pricing is particularly effective at reducing the amount of alcohol drunk by harmful drinkers as they tend to buy most of the cheap alcohol that is affected by minimum pricing. (Impact on moderate drinkers is estimated to be around an extra £2.25 per year).^{vii} For people drinking heavily, even small reductions in consumption can have big health benefits. Minimum pricing will also help to prevent alcohol problems from developing in the first place.

4 key facts about minimum pricing

- 1. Minimum pricing will save lives. In the first year alone, minimum pricing could prevent 60 alcohol-related deaths, 1,600 hospital admissions and 3,500 crimes.**
- 2. Minimum pricing targets the heaviest drinkers. Minimum pricing targets harmful drinkers because they buy most of the cheapest, strongest alcohol like white cider and own-brand spirits.**
- 3. Minimum pricing only affects shops and supermarkets. Drinks in pubs and restaurants already cost more than 50p per unit so won't change under minimum pricing.**
- 4. Minimum pricing is widely supported. Minimum pricing is supported by the public, politicians, doctors, police, homelessness services, children's charities and parts of the licensed trade.**

For further information, please contact:

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ⁱ Price of a product = Price per unit (50p) x Strength of alcohol x Volume (litres)

ⁱⁱ Alcohol Focus Scotland (2016), *Scottish Alcohol Price Survey 2016*: <http://www.alcohol-focus-scotland.org.uk/media/152485/Scottish-price-check-2016.pdf>

ⁱⁱⁱ Giles, L., & Robinson, M. (2017). *Monitoring and Evaluating Scotland's Alcohol Strategy: Monitoring Report 2017*. Edinburgh: NHS Health Scotland.

^{iv} Office of National Statistics, November 2017, *Alcohol-specific deaths in the UK: registered in 2016*: <https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causesofdeath/bulletins/alcoholrelateddeathsintheunitedkingdom/registeredin2016#main-points>

^v Sheffield University, April 2016, *Model-based appraisal of the comparative impact of Minimum Unit Pricing and taxation policies in Scotland An adaptation of the Sheffield Alcohol Policy Model version 3*: https://www.sheffield.ac.uk/polopoly_fs/1.565373!/file/Scotland_report_2016.pdf

^{vi} Giles, L., & Robinson, M. (2017). *Monitoring and Evaluating Scotland's Alcohol Strategy: Monitoring Report 2017*. Edinburgh: NHS Health Scotland.

^{vii} Sheffield University FAQs: <https://www.sheffield.ac.uk/scharr/sections/ph/research/alpol/faq>