

ALCOHOL ETC. (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTS ON SECTIONS

Section 4 – Off-sales: restriction on supply of alcoholic drinks free of charge or at reduced price

11. Paragraph 8 of schedule 3 to the 2005 Act imposes mandatory licence conditions prohibiting irresponsible drinks promotions.
12. Paragraph 8(2)(b) provides that one of the ways in which a drinks promotion can be irresponsible is if it “involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks).” Paragraph 8(2)(e) provides that a drinks promotion is irresponsible if it “encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume.” Paragraph 8(2)(b) applies to on-sales of alcohol only. Paragraph 8(2)(e) applies to both on-sales and off-sales of alcohol.
13. Section 4(2) extends the application of paragraph 8(2)(b) of schedule 3 to off-sales. This means that “quantity discount” and similar promotions would not be permitted for off-sales. Examples of such promotions include:
 - buy one, get one free
 - three for the price of two
 - five for the price of four, cheapest free
 - 3 bottles for £10 (where the total cost of buying the individual products is more than £10)
 - buy six, get 20% off.
14. Section 4(2) also disapplies the application of paragraph 8(2)(e) of schedule 3 in respect of off-sales of alcohol. This means that drinks promotions encouraging persons to buy or consume larger measures will only apply to on-sales of alcohol.
15. Section 4(3) makes the same provision in respect of occasional licences granted under the 2005 Act.