



# Methylated Spirits (Sale by Retail) (Scotland) Act 1937

1937 CHAPTER 48 1 Edw 8 and 1 Geo 6

An Act to control the sale in Scotland of methylated spirits or surgical spirit and of methylated spirits in admixture; and for other purposes connected therewith. [13th July 1937]

## 1 Restrictions on sale of methylated spirits.

- (1) It shall not be lawful to sell by retail any methylated spirits or surgical spirit unless—
- (i) either the seller is an authorised seller of poisons and the sale is effected on registered premises or the seller's name is entered in a local authority's list kept in pursuance of this Act, and the sale is effected on premises specified in that list; and
  - (ii) the bottle or other vessel in which such methylated spirits or surgical spirit are sold bears a label specifying the name of the seller and the premises on which they are sold and containing the words "methylated spirits" or "surgical spirit", as the case may be; and
  - (iii) the seller has, prior to the delivery of the methylated spirits or surgical spirit, made or caused to be made an entry in a book to be kept for that purpose, stating [<sup>F1</sup>(in such form as may be prescribed by the local authority)] the date of the sale, the name and address of the purchaser, the quantity of the methylated spirits or surgical spirit sold and the purpose for which they are stated by the purchaser to be required; and
  - (iv) either (a) the purchaser has affixed his signature to the entry aforesaid or (b) the seller has before delivery of the methylated spirits or surgical spirit received an order signed by the purchaser specifying his address, the quantity of the methylated spirits or surgical spirit to be purchased, and the purpose for which they are required, and the seller is reasonably satisfied that the signature affixed to such order is the signature of the person purporting to sign it, and the seller has entered in the place reserved for the signature of the purchaser in the book required by the last foregoing paragraph to be kept, the words "Signed order."

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (repealed). (See end of Document for details)*

- (2) It shall not be lawful knowingly to sell by retail methylated spirits or surgical spirit to any person under the age of fourteen.
- (3) Nothing in the foregoing provisions of this section shall apply to surgical spirit sold by an authorised seller of poisons on registered premises or supplied by a duly qualified medical practitioner, registered dentist or registered veterinary surgeon for the purposes respectively specified in subsection (1) of section nineteen of the <sup>M1</sup>Pharmacy and Poisons Act 1933, if the requirements of subsections (2) and (3) of the said section are complied with in relation to such sale or supply of surgical spirit in like manner as if it were a medicine.

#### Textual Amendments

- F1** Words substituted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), s. 25, [Sch. 2 para. 4](#)

#### Marginal Citations

- M1** [1933 c. 25.](#)

## 2 Lists of persons entitled to sell methylated spirits.

- (1) Every local authority shall keep for the purposes of this Act a list containing the names of persons, other than authorised sellers of poisons, who are to be entitled . . . <sup>F2</sup>, to sell methylated spirits or surgical spirit by retail, and specifying the premises on which such persons are respectively to be so entitled to sell, and subject as hereinafter provided, shall, on application [<sup>F3</sup>(in such form as may be prescribed by the local authority)] by any person having premises in the area of the authority to have his name and such premises entered in the list, enter the same therein:  
Provided that the local authority may refuse to enter in, or may remove from, the list the name of any person who fails to pay the [<sup>F4</sup>fees set by them], or who in the opinion of the authority is, for any sufficient reason, not fit to be in the list.
- (2) Any person whose name is entered in a local authority's list shall be entitled on payment of the [<sup>F4</sup>fee set by the authority], to a certificate under the hand of [<sup>F5</sup>the proper officer] of the local authority that his name is so entered.
- (3) Any person aggrieved by the refusal of the local authority to enter his name in the list or by the removal of his name therefrom under the foregoing provisions of this section may, in accordance with rules made for the purpose of this section by Act of Sederunt, appeal against the refusal or the removal to the sheriff within whose jurisdiction such person's place of business is situate.
- (4) Every person shall pay to the local authority such [<sup>F4</sup>reasonable fees as the authority may set] in respect of—
  - (a) the entry of such person's name in the local authority's list;
  - (b) the making of any alteration in the local authority's list in relation to the premises in which such person is entitled to sell;
  - (c) the retention of such person's name on the local authority's list in any year subsequent to the year in which his name is first entered therein; and
  - (d) the issue of a certificate under the hand of [<sup>F5</sup>the proper officer] of the local authority that the name of such person is entered in the local authority's list.

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- (5) If any person whose name is entered in a local authority's list is convicted before any court of any criminal offence, which in the opinion of the court renders him unfit to have his name on the list, the court may, as part of the sentence, order his name to be removed from the list and direct that he shall, for such period as may be specified in the order, be disqualified from having his name entered in any local authority's list.
- (6) In this section the expression "year" means a period of twelve months beginning on such date as the local authority may from time to time determine.

#### Textual Amendments

- F2** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. XIII](#)
- F3** Words substituted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\), s. 25, Sch. 2 para. 4](#)
- F4** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 25 para. 17](#)
- F5** Words substituted by virtue of [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 27 para. 2](#)

### 3 Excise licence for sale of methylated spirits not to be granted except on production of certificate of entry in list.

F6

#### Textual Amendments

- F6** [S. 3](#) repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. XIII](#)

### 4 Powers of entry and inspection.

Any police officer shall have power at all reasonable times to enter any premises in which he has reason to believe methylated spirits or surgical spirit are sold or exposed for sale by retail and to inspect any book required by section one of this Act to be kept.

### 5 Offences and penalties.

Any person who, by himself or his servant or agent, sells any methylated spirits or surgical spirit in contravention of the provisions of this Act, or who, being disqualified from having his name entered in any local authority's list kept in pursuance of this Act, applies to have his name entered in any such list, or who obstructs any police officer in the exercise of any power conferred on him by section four of this Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F7</sup>level 1 on the standard scale] or to imprisonment for a period not exceeding sixty days.

#### Textual Amendments

- F7** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

### 6 Interpretation.

In this Act, unless the context otherwise requires,—

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the expressions “authorised seller of poisons”, “registered dentist”, and “registered veterinary surgeon”, have the like meanings as in the Pharmacy and Poisons Act 1933, and the expression “registered premises” means premises duly registered under Part I of that Act;

the expression “local authority” means [<sup>F8</sup>an islands or district council];

the expression “methylated spirits” means mineralised methylated spirits methylated in accordance with the regulations for the time being in force made by the Commissioners of Customs and Excise in that behalf;

the expression “surgical spirit” means any preparation made with industrial methylated spirits in accordance with a formula approved by the Commissioners of Customs and Excise for the manufacture of surgical spirit;

the expression “sell by retail” means sell in any quantity not exceeding four gallons to any person other than a person who buys for the purpose of selling again;

..... F9

**Textual Amendments**  
F8 Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 24 para. 36](#)  
F9 Definition of the expression “prescribed” repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), s. 25, [Sch. 4](#)

7 ..... F10

**Textual Amendments**  
F10 S. 7 repealed by [Valuation and Rating \(Scotland\) Act 1956 \(c. 60\)](#), [Sch. 7 Pt. III](#)

8 †**Short title, extent and commencement.**

(1) This Act may be cited as the Methylated Spirits (Sale by Retail) (Scotland) Act 1937, and shall extend to Scotland only.

(2) ..... F11

**Textual Amendments**  
F11 S. 8(2) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. 1](#)

**Modifications etc. (not altering text)**  
C1 Unreliable marginal note.

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