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## Health, Social Care and Sport Committee

# Subordinate legislation considered on 26 March 2024 - Minimum Unit Pricing of Alcohol



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# Health, Social Care and Sport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for NHS Recovery, Health and Social Care and matters relating to drugs and alcohol policy.

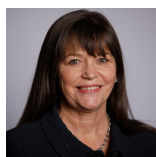


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**Ruth Maguire**  
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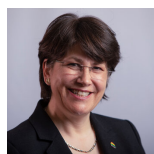
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# Introduction

1. This report sets out the Health, Social Care and Sport Committee's consideration of two Scottish Statutory Instruments (SSIs) at its meeting on 26 March 2024. The minutes of the meeting have been published on the Committee's webpages. The Official Report of the meeting will be published on the Committee's webpages in due course.

# Background

2. The Alcohol (Minimum Pricing) (Scotland) Act 2012 was passed on 24 May 2012 and came into effect on 1 May 2018. It set a minimum price for alcohol sold in Scotland at 50 pence per unit (ppu).
3. Minimum unit pricing (MUP) draws together research on the relationship between price and consumption of alcohol with research on the link between consumption and harm. The idea for MUP stems from Swedish research which showed a floor price prevented drinkers from 'trading down' to maintain their overall level of alcohol consumption when prices increased.
4. Much of the rationale behind the policy is underpinned by modelling from the University of Sheffield, which estimated that a 50p unit price would result in a 5.7% reduction in consumption, 60 fewer deaths per year and 1,600 fewer hospital admissions per year.
5. The legislation included a 'sunset clause' and a requirement for the Scottish Government to publish a report on the operation and effect of MUP. To inform this, Public Health Scotland (PHS) was commissioned to undertake a comprehensive evaluation of the policy and its impact. The [PHS final evaluation report](#) was published in June 2023 and the [Scottish Government published its report](#) in response to the PHS evaluation in September 2023.
6. The above mentioned reports concluded that there was enough evidence to suggest MUP had achieved its policy aim, with the Scottish Government stating:

” The overall conclusion in the PHS final evaluation report on MUP is that the evidence supports that MUP has had a positive impact on health outcomes – MUP was estimated to have reduced deaths directly caused by alcohol consumption by 13.4% and likely to have reduced hospital admissions by 4.1% compared to what would have happened if MUP had not been in place.

The evaluation also concluded that MUP has contributed to reducing health inequalities, as the largest estimated reductions in deaths and hospital admissions wholly attributable to alcohol consumption were seen in those living in the 40% most deprived areas.”
7. With respect to the impact of the policy on dependent drinkers and industry, the Scottish Government also concluded:

” The evaluation noted that there was limited evidence to suggest that MUP was effective in reducing consumption for people with alcohol dependence. People with alcohol dependence are a particular subgroup of those who drink at harmful levels and have specific needs. People with alcohol dependence need timely and evidence-based treatment and wider support that addresses the root cause of their dependence.

Overall, there was no consistent evidence that MUP impacted either positively or negatively on the alcoholic drinks industry as a whole.
8. The Health, Social Care and Sport Committee carried out post-legislative scrutiny of

the Alcohol (Minimum Pricing) (Scotland) Act 2012 at its meeting on 6 February 2024. It heard evidence from two panels - one comprised of representatives from alcohol and drug support organisations and one comprised of representatives from the alcohol industry.

9. Witnesses from alcohol and drug support organisations argued that, since its introduction, MUP had had a positive impact on tackling alcohol consumption in Scotland. On this basis, they expressed support for continuation of the policy beyond its current expiry in April 2024 and for an increase in the minimum price per unit of alcohol to 65p. In support of this view, they cited evidence from Public Health Scotland's evaluation report, sales and survey data, and testimony from service users and families impacted by alcohol abuse.
10. Industry representatives, however, argued that the policy has not been running for long enough to be able to assess its impact effectively - primarily due to the Covid-19 pandemic. Some witnesses also stated that, if the policy of MUP was to continue, it should remain at 50p rather than being increased to 65p - in part to ensure that the economic impacts the retail sector has suffered over recent years, from the pandemic and cost of living crisis, were not unintentionally compounded by an increase in minimum unit pricing. One witness stated:

” The Covid-19 pandemic and the subsequent fluctuations in behaviour, in particular the increased costs in hospitality and online unlicensed consumption, mitigate any significant skews in data collected since March 2020. It is our view that it is essential that MUP remains at 50p, but I do not think there has been a real opportunity to assess the impacts of the policy because of the pandemic.
11. One witness suggested that if MUP were to be increased, the alcohol industry should be given a minimum 12 month notice period prior to its entry into force to enable it to prepare by adjusting prices throughout the supply chain, stock and in-store labelling as well as reprogramming tills, in addition to undertaking other practical preparatory measures relating to the production, supply and sale of alcohol in Scotland.



# The Alcohol (Minimum Pricing) (Scotland) Act 2012 (Continuation Order) 2024

12. The Alcohol (Minimum Pricing) (Scotland) Act 2012 (Continuation Order) 2024 was laid on 19 February 2024. The instrument is subject to the affirmative procedure (Rule 10.6) and was made in exercise of the powers conferred by section 2(2) of the Alcohol (Minimum Pricing) (Scotland) Act 2012.
13. The policy note describes the purpose of the instrument as follows:
  - ” The purpose of this order is continue the effect of the minimum unit pricing provisions, which were inserted into the Licensing (Scotland) Act 2005 by the Alcohol (Minimum Pricing) (Scotland) Act 2012. In the absence of this Order, those provisions would expire and minimum unit pricing in Scotland would cease.
14. The Alcohol (Minimum Pricing) (Scotland) Act 2012 contains a 'sunset clause' which would mean that the Minimum Unit Pricing policy would expire on 30 April 2024 unless the Scottish Parliament were to vote for it to continue.
15. Regarding the policy objectives, the Scottish Government outlines that alcohol-related harm continues to be one of the key public health challenges in Scotland, with the policy note further stating:
  - ” The Scottish Government's minimum unit pricing (MUP) policy aims to reduce health harms caused by alcohol consumption by setting a floor price below which alcohol cannot be sold. In particular, it targets a reduction in consumption of alcohol that is considered cheap, relative to its strength. It aims to reduce both the consumption of alcohol at population level and, in particular, among those who drink at hazardous and harmful levels.
16. On the question of whether Minimum Unit Pricing should continue, the Scottish Government highlights that MUP has been extensively evaluated by Public Health Scotland (PHS), which led a review of the policy comprising quantitative and qualitative studies across a number of areas including price and product range; alcohol sales and consumption; alcohol related harm; and economic impact on the alcoholic drinks industry. It quotes findings from the final PHS report directly, which states:
  - ” Overall, the evidence supports that MUP has had a positive impact on health outcomes, namely a reduction in alcohol-attributable deaths and hospital admissions, particularly in men and those living in the most deprived areas, and therefore contributes to addressing alcohol-related health inequalities. There was no clear evidence of substantial negative impacts on the alcoholic drinks industry, or of social harms at the population level.
17. The policy note also references modelling by Sheffield University, stating:

” Modelling by Sheffield University suggests that, should minimum unit price reduce or no longer be in effect, alcohol consumption would increase. Increased alcohol consumption would be expected to result in increased health harms and costs to the NHS. As this is not consistent with the policy aim of reducing alcohol-related harm, the Scottish Ministers are seeking to continue MUP, which has proven to be a key intervention to tackle alcohol harms in Scotland.

# The Alcohol (Minimum Price per Unit) (Scotland) Amendment Order 2024

18. The Alcohol (Minimum Price per Unit) (Scotland) Amendment Order 2024 was laid on 19 February 2024. The instrument is subject to the affirmative procedure (Rule 10.6) and was made in exercise of the powers conferred by paragraphs 6A(4) of schedule 3, and paragraphs 5A(4) of schedule 4, of the Licensing (Scotland) Act 2005.
19. The policy note describes the purpose of the instrument as follows:
  - ” The purpose of this Order is to increase the minimum unit price, currently set at 50 pence per unit (ppu), to 65ppu.
20. The Scottish Government introduced minimum unit pricing (MUP) on 1 May 2018, which set the minimum price at which a unit of alcohol can be sold in Scotland as 50 pence per unit (ppu). The minimum unit price has remained at 50ppu since the policy's introduction in 2018.
21. On increasing the minimum unit price to 65ppu, the policy note references the review of MUP by Public Health Scotland, further stating:
  - ” The evaluation has shown that MUP at 50ppu has been effective in reducing alcohol-related harms. However, as time passes, its effectiveness is likely to decrease as the cash price level is eroded by inflation in real terms. The PHS evaluation final report referred to this as a consideration for policy-makers, highlighting, “the evaluation of MUP was conducted at 50ppu and, if MUP continues, it is likely benefits realised will only be maintained at similar levels if the value of MUP is maintained relative to the prices of other products”. The report also mentions that increasing the level of MUP would potentially increase the positive impact on consumption and harms, although any negative or harmful impacts might also increase.
22. The Scottish Government also references commissioned research by the University of Sheffield, which modelled the impacts on consumption and associated health harms, along with industry revenues and tax receipts, of various MUP level scenarios relative to the impacts of 50ppu. It states:

” Using a widely recognised inflationary factor (Consumer Price Index with Housing Costs (CPIH)), 50ppu in 2019 prices is broadly the equivalent of 60ppu in 2023. All the MUP level scenarios from the modelling were also uprated into 2023 prices to allow consideration of the impacts in the context of current prices. In addition to this, the following factors and evidence were taken into account in setting the preferred price:

- Affordability of alcohol
- Alcohol prices including price distribution
- Cost crisis
- Impact of Covid-19 restrictions on alcohol consumption and harms
- Covid recovery

23. The Scottish Government argues that the available evidence demonstrates that the MUP policy has had an overall positive impact since its introduction and concludes:

” Given the positive impact which evidence found for MUP at 50ppu, and taking into account the factors listed above, the Scottish Ministers decided the preferred price should seek to derive greater health benefits than the current level of 50ppu and consider 65ppu is estimated to achieve this. The minimum unit price is, therefore, to be increased to 65ppu as this is considered to strike an appropriate balance of achieving increased health benefits while minimising unnecessary interference in the market.

# Delegated Powers and Law Reform Committee Consideration

24. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on [27 February 2024](#). The DPLR Committee agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.

# Health, Social Care and Sport Committee consideration

25. The Health, Social Care and Sport Committee is required to consider and report on the instruments.
26. By motions [S6M-12220](#) and [S6M-12221](#), Christina McKelvie MSP, the Minister for Drugs and Alcohol Policy ("the Minister"), proposed that the Committee recommends approval of the Regulations.
27. The Committee then took evidence from the Minister and supporting officials on both instruments at its meeting on [26 March 2024](#).
28. In an opening statement, the Minister set out the purpose and objective of the instruments - stating that MUP is an important part of the Scottish Government's approach to reduce alcohol related harms. In particular, the Minister made reference to both the Scottish Government report on MUP, the PHS evaluation of the policy, modelling commissioned by the University of Sheffield and testimonies from lived experience individuals and alcohol and drug partnership organisations as the basis for proceeding with continuation of the MUP policy as well as uprating the price per unit to 65p. The Minister also confirmed to the Committee that an implementation period of 6 months would be in place should Parliament agree to increase the price to 65p, meaning the new price would take effect from September 2024.
29. The Committee asked the Minister to respond to criticisms by certain stakeholders that the PHS evaluation of MUP was "selective, biased, misleading, or flawed". While recognising that not everyone may agree with the policy, the Minister argued that the PHS evaluation and the views of over 80 organisations dealing with alcohol related harms confirmed her view that MUP had had a positive impact on health outcomes. The Minister also reiterated her view that the PHS evaluation report was independent and emphasised that the evaluation plan contained a portfolio of studies undertaken or commissioned by PHS through an open procurement process and that, on this basis, her view was that PHS took a robust approach to its reporting.
30. The Committee further queried the evidence underpinning the instruments, asking the Minister what evidence the Government had that MUP has reduced underage drinking. The Minister stated that although the PHS evaluation found no evidence the policy had reduced underage drinking, other surveys, notably the Scottish Government's School Health and Wellbeing Survey, suggested that progress had been made in this area since the introduction of MUP. However, she went on to say that this would be an area that the Government would continue to monitor for further evidence. Similarly, while recognising that the PHS evaluation showed the biggest impact of the policy was in the male demographic, the Minister acknowledged that more work needed to be done to fully assess its impact on women. Officials also noted that the PHS evaluation took a theory based approach which also looked at potential unintended consequences of the policy but which found that there was no consistent evidence that MUP had had a measurable impact in these areas. The Minister also told the Committee that frontline organisations had reported no

- upward trend in dependent drinkers turning to drugs as a result of the MUP policy. The Minister made a commitment to keep these matters under review and to continue to look at emerging evidence on the impact of MUP in these areas.
31. Focus then turned to the impact of the pandemic on alcohol consumption, with the Committee querying how this had influenced trends and the findings of the PHS evaluation of the policy. The Minister highlighted that the PHS evaluation drew on information from a range of studies conducted during the Covid-19 pandemic, before noting that the overall impact of the pandemic in many policy areas, including MUP, remained unclear. She acknowledged that further work would be needed over time to gain a better understanding of the long-term health implications of the pandemic. Officials acknowledged emerging data which indicated that drinking habits changed during the course of the pandemic. However, they concluded that they remained confident that this did not have a negative impact on the reliability of the findings of the evaluation report.
  32. The Committee then posed questions about the impact of the policy on industry. The Minister confirmed that an updated Business and Regulatory Impact Assessment (BRIA) has been published which gives further detail on elasticity of demand and other aspects of the policy impacting industry. Asked about the potential impact of the policy on the on-trade, the Minister responded that, since the average price per unit of alcohol in on-trade sales was above £2.00, she did not believe the policy would have had any impact on this sector of the market. She also committed to update the Committee with further information in this area, should it become available. Asked how the Scottish Government arrived at 65p as the new updated minimum unit price, the Minister responded that, based on available evidence, this had been determined as a level that would strike an appropriate balance between effectively driving down harmful drinking while limiting potential negative impacts on industry. The Minister also confirmed that she was engaged with stakeholders on the financial implications of the policy and that the Scottish Government would be discussing spending with these groups in the coming weeks.
  33. The Committee also discussed matters regarding targeted interventions to assist problematic or dependent drinkers and whether MUP is a flagship policy in tackling alcohol related health harms. The Minister stated that though MUP is not a "silver bullet", it has had a positive health impact in Scotland. The Minister also highlighted that record funding would be made available and spent on ADPs to assist their work going forward. The Minister also confirmed that the Scottish Government would be discussing spending plans with these groups in the coming weeks.
  34. Later in the evidence session, the Committee further raised questions regarding availability of data on revenue generated by MUP. Officials indicated that while they hold some revenue data, they would seek further data from HMRC for a clearer understanding of whether additional revenue is being generated across the supply chain, and would keep the Committee updated on their findings. In particular, officials emphasised that unpacking this data, particularly from supermarket sales, is difficult to do. The Minister also confirmed that work was underway to assess implications of the potential introduction of a public health levy and that the Scottish Government would consult further with industry and frontline organisations regarding its approach.
  35. The topic of a potential automatic and/or annual updating of MUP was also raised with the Minister by the Committee. The Minister indicated that she was open to

considering different options such as an inflationary index or alternative mechanisms. The Minister also emphasised the importance of striking an appropriate balance between giving the Committee and the Parliament an opportunity to undertake effective scrutiny of any future evolution of the policy and ensuring its continued effectiveness into the future.

36. Following the evidence session, the Minister moved motions S6M-12220 and S6M-12221:
- That the Health, Social Care and Sport Committee recommends that the Alcohol (Minimum Pricing) (Scotland) Act 2012 (Continuation) Order 2024 be approved; and
  - That the Health, Social Care and Sport Committee recommends that the Alcohol (Minimum Price per Unit) (Scotland) Act 2012 (Amendment) Order 2024 be approved.
37. During the formal debate, the Minister referenced her opening remarks and reiterated that, based on the evidence, she believed that now was the right time for the MUP policy to be continued and for the minimum unit price of alcohol to be updated.
38. Committee Members Carol Mochan MSP, Tess White MSP, Dr Sandesh Gulhane MSP, Emma Harper MSP, and Gillian Mackay MSP also contributed to the formal debate.
39. Carol Mochan MSP expressed her own and her party's support for the instruments, but argued that further, targeted support was also needed to assist dependent drinkers and organisations tackling alcohol harm in Scotland. She also emphasised the importance of identifying where additional revenue is being generated by the policy, and ensuring this revenue is reinvested in public health measures rather than benefiting large retailers.
40. Tess White MSP and Sandesh Gulhane MSP indicated their opposition to the instruments. Tess White MSP described MUP as a blunt instrument to tackle a complex problem, and expressed doubt as to the findings of the PHS evaluation. She also set out her view that dependent drinkers have been penalised under the MUP policy and would continue to be penalised further by it before arguing that other services to tackle alcohol harm were under-resourced. Sandesh Gulhane MSP expressed similar doubts as to the findings of the PHS evaluation and concern that dependent drinkers would be disproportionately affected by the increase in price resulting from the amendment order. He further asserted, contrary to the Minister's claims, that MUP was being presented as a 'silver bullet' single solution to tackling alcohol harms. In summary, he stated:
- ” What I would say is that this evaluation has not proved that MUP is what we set it out to be - which was to help those who are the heaviest drinkers in our society. And we need to ensure that if it does go ahead, we use the money that is being generated to help those people. Otherwise, I think it is an absolute travesty.
41. Emma Harper MSP and Gillian Mackay MSP expressed their support for the instruments. In support of this view, both Members cited written evidence as well as the lived experience of those affected by alcohol harms. Emma Harper MSP



specifically highlighted positive correspondence received from ADPH North East regarding the MUP policy, including that:

- ” ADPH North East is asking for similarly proactive and enlightened public health policies to reduce alcohol harm and protect the most vulnerable in our communities.

Gillian Mackay MSP also welcomed the Minister's acknowledgement that MUP was not a 'silver bullet', but suggested that further measures were required to address the alcohol environment in Scotland, including the introduction of a public health levy and action on advertising and marketing of alcohol as part of a multi-pronged approach.

42. The Minister then responded to points raised in the debate. She thanked those Members who had expressed support for the instruments and reiterated that record funding is being made available to tackle alcohol harms in Scotland and her commitment to protecting spending in this area. The Minister also drew attention to the Lancet letter the Committee had received which expressed support for the policy, and highlighted once again the testimony provided by more than 80 organisations that MUP has had a positive impact on health outcomes. The Minister also challenged the assertion that the Scottish Government was solely focused on MUP in addressing alcohol harms in Scotland and outlined a range of other interventions being undertaken in this area.
43. Both motions were agreed to by division: For 8, Against 2, Abstentions 0. (For 8 (Clare Haughey MSP, Emma Harper MSP, Gillian Mackay MSP, Ivan McKee MSP, David Torrance MSP, Ruth Maguire MSP, Carol Mochan MSP, Paul Sweeney MSP), Against 2 (Sandesh Gulhane MSP, Tess White MSP) Abstentions 0).

44. The Health, Social Care and Sport Committee recommends to the Scottish Parliament that the Alcohol (Minimum Pricing) (Scotland) Act 2012 (Continuation) Order 2024 [draft] and the Alcohol (Minimum Price per Unit) (Scotland) Act 2012 (Amendment) Order 2024 [draft] be approved.

