

**NORTH LANARKSHIRE COUNCIL**

**REPORT**

To: PLANNING AND ENVIRONMENT (PROTECTIVE SERVICES) SUB-COMMITTEE		Subject:  CONSULTATION ON REMOVAL OF RESTRICTIONS ON THE SALE OF METHYLATED SPIRITS
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 9 <sup>TH</sup> AUGUST 2005	Ref:	

**1.0 Introduction**

1.1 This report seeks the agreement of the subcommittee to the Council's response to the Scottish Executive consultation on removal of prohibitions and restrictions on the sale of methylated spirits in Scotland.

**2.0 Background**

2.1 Section 26 of the Revenue Act 1889 prohibits the sale of methylated spirits between the hours of 10pm on a Saturday and 8am the following Monday.

2.2 The Methylated Spirits (Sale by Retail) (Scotland) Act 1937, which controlled the sale of methylated spirits and surgical spirits in Scotland, was largely repealed in 1998. However, section 1(2), which prohibits the sale of methylated spirits to any person under the age of fourteen, still applies.

**3.0 Considerations**

3.1 The Scottish Executive are proposing to repeal both pieces of legislation on the grounds that they have become outdated and no longer serve a useful purpose. The Revenue Act 1889 originally required an excise licence for the retail sale of methylated spirits but this ended in the 1960s and the restriction on Sunday trading has now become obsolete following the introduction of the Sunday Trading Act 1994.

3.2 Most of the requirements of The Methylated Spirits (Sale by Retail) (Scotland) Act 1937 were revoked in 1998. However, the provisions prohibiting the sale of methylated spirits to those under 14 are still in force. Those provisions were introduced in the 1930's when the drinking of crude spirits was a considerable social problem and methylated spirits in particular was a cheap alternative to more expensive forms of alcohol. The restriction is now considered to be outdated and redundant. Further the term 'methylated spirits' has been replaced by terminology that refers to 'denatured alcohol' which underlies European legislation. Removal of the remaining provisions of the 1937 Act would result in a consistent position with England and Wales.

3.3 Replies to the consultation were required by 1<sup>st</sup> August 2005 and the Council's response is attached to this report. It is agreed that both pieces of legislation are outdated and redundant. As far as under age sales are concerned, price is clearly no longer a deterrent to the obtaining of alcohol. However should availability become more difficult in the future due to more effective enforcement and more widespread use of proof of age cards for example, then there remains the possibility that young persons may look for easier alternatives such as cruder forms of alcohol or other substances.

3.4 If this were to become a social problem again, then we would expect the Scottish Executive to ensure that sufficient controls are in place to prevent the general supply of products or substances to under age persons for the purposes of intoxication. At present there are specific controls on the sale of butane gas lighter refills to under 18s, and it is a common law offence to sell solvents in the knowledge that they will be used for the purpose of abuse.

#### **4.0 Corporate Considerations**

4.1 The recommendations are consistent with policy and there are no personnel, financial or legal implications.

#### **5.0 Recommendations**

5.1 The sub committee are asked to agree by homologation the Council's response to the Scottish Executive consultation on the controls on sales of methylated spirits, and to otherwise note the contents of this report.

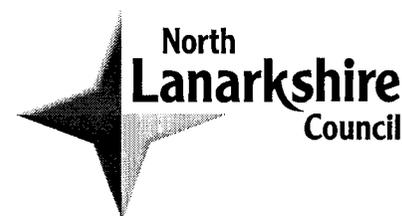
*C. Morgan*

*PP* **David M. Porch**  
**DIRECTOR OF PLANNING AND ENVIRONMENT**

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Dear Lindsay,

#### **Sale of Methylated Spirits**

This is the response of North Lanarkshire Council to the Scottish Executive consultation paper on the sale of methylated spirits.

The Council accepts that Section 26 of the Revenue Act 1889 and the Methylated Spirits (Sale by Retail) (Scotland) Act 1937 are now outdated and redundant, and therefore agrees with the proposal that this legislation should be revoked.

It is noted that the prohibition on sales to under-14s reflected the social problems of the 1930s when methylated spirits was seen as a cheaper alternative to more expensive forms of alcohol. Clearly price is no longer a deterrent today. However should availability of alcoholic drinks become more difficult as a result of more effective enforcement and the use of proof of age cards, then there is a concern that young persons under 18 may again look to more easily available alternatives such as cruder forms of alcohol or other substances.

The Council would seek assurance from the Scottish Executive if this were to become a social problem once more, that sufficient controls are in place to prevent the general supply of products or substances to under age persons for the purposes of intoxication. It is noted that at present there are specific controls on the sale of butane gas lighter refills to under 18s, and it is a common law offence to sell solvents in the knowledge that they will be used for the purpose of abuse.

Should you have any queries on this response please contact me. The Respondent Information form is attached as requested.

Yours sincerely,

A handwritten signature in black ink that reads "D. Roderick". The signature is written in a cursive style with a large, looped initial "D".

**D. Roderick**  
**Trading Standards Manager**