

Court of Session upholds appeal on minimum pricing for alcohol



Earlier today the Court of Session published its decision in the case brought by The Scottish Whisky Association against government plans to introduce a minimum unit price for alcohol.

The court rejected a legal challenge from the trade body, ruling for the second time that the policy is lawful.

The legislation has been in place since 2012, but the legal challenge by the SWA had stopped the government do what has has tried to do since 2009 : impose a minimum unit price on alcohol in a bid to minimise the effects on the nation's health.

Binge drinking is one of the less savoury parts of our culture and one which the supporters of the government policy hopes can be reduced or eradicated entirely.

The European Commissions believed that this was not the way to deal with problem drinkers in Scotland, suggesting that the move could break EU competition law. This view was endorsed by the European Court of Justice in 2015 who passed the matter back to the Court of Session.

The Scottish Government has now called on the Scotch Whisky Association and others in the drinks industry who have been behind the legal challenge to respect the democratic will of the Scottish Parliament – and to respect the judgement of the highest court in Scotland.

Responding to the judgement, Aileen Campbell, Minister for

Public Health and Sport, said:

“I am delighted that the highest court in Scotland has reinforced the initial judgment in our favour from 2013. This follows the opinion of the European Court of Justice, which ruled that it was for our domestic courts to make a final judgment on the scheme.

“The Scotch Whisky Association represents some of Scotland’s finest whisky brands, and while they were entitled to raise this action, they and the wider drinks industry must now respect the democratic will of the Scottish Parliament and the ruling of the Court of Session and enable this life-saving measure to be introduced.

“This policy was passed by the Scottish Parliament unopposed more than four years ago.

“In that time, the democratic will of our national parliament has been thwarted by this ongoing legal challenge, while many people in Scotland have continued to die from the effects of alcohol misuse.

“Today’s ruling is a landmark one, and should mark the end of the legal process, allowing this important policy to finally be brought forward.”

David Frost, chief executive of the Scotch Whisky Association, said: “We regret the Court of Session’s ruling in favour of the Scottish Government on minimum unit pricing (MUP). We continue to believe that MUP is a restriction on trade and that there are more effective ways of tackling alcohol misuse. However, we of course remain committed to working with all partners to address this problem so that the long-term trend of declining alcohol-related harm in Scotland continues.

“We will study the details of the judgement and consult our members before deciding on next steps, including any possible appeal to the UK Supreme Court.”

Ms Campbell added: “Minimum unit pricing is the most proportionate and effective way to reduce the harm caused by cheap, high strength alcohol.

“We have always been convinced that this policy will save the lives of many of the people who die each year from alcohol. Recently we have seen the publication of yet more statistics which show that alcohol related deaths remain unacceptably high.

“I’m proud that Scotland has led the way on this public health measure, which other countries are also interested in pursuing, and who will also be welcoming today’s court ruling.

“Minimum unit pricing was passed overwhelmingly by the Scottish Parliament, and has the strong backing of those who work daily with people affected by alcohol.

“That is the backdrop against which we have so staunchly defended this policy throughout this legal challenge.

“Minimum unit pricing is only one of the measures we are implementing to reduce alcohol-related harm. We have a well-regarded alcohol strategy and as part of this we will be introducing a refreshed Alcohol Framework in the near future.”

It is still open for the Scottish Whisky Association to appeal the decision to the Supreme Court.

Earlier this week the [Alcohol Health Alliance](#) called for minimum pricing in the rest of the UK and Scottish Health Action on Alcohol Problems (SHAAP) demanded that the Scottish Whisky Association respects the court’s decision. It also called on the Scottish and UK Governments to work towards policies which would reduce harms from alcohol in agreeing any Brexit negotiations.

You can read the surprisingly readable court decision [here](#).