
STATUTORY INSTRUMENTS

1998 No. 1602 (S.87)

DEREGULATION

**The Deregulation (Methylated Spirits
Sale by Retail) (Scotland) Order 1998**

Made - - - - 29th June 1998

Coming into force in accordance with article 1(1)

Whereas:

- (a) the Secretary of State is of the opinion that certain provisions of the Methylated Spirits (Sale by Retail) (Scotland) Act 1937(1) impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by repealing the provisions concerned and making certain other provision it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) he has consulted such organisations as appear to him to be representative of interests substantially affected by his proposals and such other persons as he considers appropriate;
- (c) it appears to the Secretary of State that it is appropriate, following that consultation, to proceed with the making of this Order;
- (d) a document setting out the Secretary of State's proposals has been laid before Parliament in accordance with section 3 of the Deregulation and Contracting Out Act 1994(2) and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) the Secretary of State has had regard to the representations made during that period;
- (f) a draft of this Order has been laid before Parliament with a statement giving details of such representations; and
- (g) a draft of this Order has been approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 1 of the Deregulation and Contracting Out Act 1994, hereby makes the following Order:

Citation commencement and interpretation

1.—(1) This Order may be cited as the Deregulation (Methylated Spirits Sale by Retail) (Scotland) Order 1998 and shall come into force on the twenty eighth day after the day on which it is made.

(1) 1937 c. 48.
(2) 1994 c. 40.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) Any reference in this Order to a numbered section is to the section bearing that number in the Methylated Spirits (Sale by Retail) (Scotland) Act 1937.

Repeal of provisions of Methylated Spirits (Sale by Retail) (Scotland) Act 1937

2.—(1) Sections 1(1)(3), 2(4), and 4 are hereby repealed.

(2) In section 5(5) the words from “, or who, being disqualified” to “section four of this Act,” are hereby repealed.

(3) In section 6(6) the definition of the expression “local authority” is hereby repealed.

Savings

3. This Order shall not affect any offence committed under section 1(1) before the coming into force of this Order.

St Andrew’s House,
Edinburgh
29th June 1998

Henry McLeish
Minister of State, Scottish Office

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- (3) Section 1(1) was amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), Schedule 2, paragraph 4.
 - (4) Section 2 was amended by the Local Government (Scotland) Act 1973 (c. 65), Schedule 25, paragraph 17 and Schedule 27, paragraph 2; and by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23) section 25 and Schedule 2 paragraph 4 and repealed in part by the Statute Law (Repealed) Act 1986 c. 12, section 1(1) and Schedule 1, part XIII.
 - (5) Section 5 was amended by the Criminal Procedure (Scotland) Act 1975 (c. 21) section 289G.
 - (6) The definition of the expression “local authority” in section 6 was amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23) section 25 and Schedule 4 and by the Local Government (Scotland) Act 1994 (c. 39) Schedule 13 paragraph 23.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order repeals certain provisions of the Methylated Spirits (Sale by Retail) (Scotland) Act 1937 (“the 1937 Act”) so as to remove various statutory requirements on sellers of methylated spirits in relation to record keeping, labelling and registration (article 2).

Sections 1(2) and (3) of the 1937 Act have not been repealed by this Order. The effect of this is it will still be an offence to knowingly sell by retail methylated spirits or surgical spirit to any person under the age of fourteen unless the circumstances set out in section 1(3) of the Act apply.

The Order does not affect any offence committed under section 1(1) of the 1937 Act before the coming into force of the Order (article 3).