

PE2092/A: Change the law and prevent children aged 5 to 17 from drinking alcohol in their home or other private premises

Scottish Government written submission, 7 May 2024

The Scottish Government is fully committed to reducing alcohol related harm and recognises the health harms it causes to people in Scotland. Our approach, set out in the Alcohol Framework 2018, is in line with the World Health Organisation's three 'best buys' to reduce alcohol related harms by tackling the affordability, availability, and attractiveness of alcohol. The Scottish Government continues to take ambitious action on alcohol harm, including continuing and increasing Minimum Unit Pricing, reviewing other measures such as alcohol advertising restriction, and providing record spend on treatment and a wide range of other measures, including funding for Alcohol and Drug Partnership which rose to a record £112 million in 2023-24.

[Scientific evidence shows](#) that children are particularly vulnerable to the effects of alcohol, whether they are drinking themselves, or being affected by the drinking of other people in their lives. Underage drinking can cause short and long term harm to health, as well as put young people in dangerous situations when drunk. It is clear that alcohol-free childhood is the healthiest and the best option. Parents and young people should be aware that drinking, even at age 15 or older, can be hazardous to health and that not drinking is the healthiest option for young people.

I am grateful to the author of this petition for raising the issue related to children being provided with alcohol.

As far as young people and alcohol consumption are concerned, the general trend is a downward one. Findings [from the Health Behaviour in School-aged Children Survey \(2022\)](#) are encouraging and showed that 12% of young people reported having been drunk two or more times in their life. Since 1998, levels have declined steadily and are now at their lowest in 32 years. Just over one in five (22%) young people said they currently drank alcohol and this increased with age from 5% of 11-year-olds, 16% of 13-year-olds to 45% of 15-year-olds. However, I recognise that these levels remain too high and that the Scottish Government continues to take steps to reduce underage alcohol consumption.

Substance use education continues to be taken forward in our schools through Curriculum for Excellence and it is our intention that by educating children and young people about substance use and the impact it can have on their life and health, this will prevent them from making unhealthy choices.

In terms of legislation, while there is no specific offence of permitting consumption of alcohol by those under the age of 18 in a private property, there are a range of regulations, powers or statutory duties that relate to protecting children from harm, or children and alcohol specifically. These include:

- [Licensing \(Scotland\) Act 2005](#), in particular sections 102 (the offence of selling alcohol to a child or young person), 103 (the offence of allowing the

sale of alcohol to a child or young person) 104A (the offence of supplying alcohol to a child for consumption in a public place), 104B (the offence of knowingly supplying alcohol to a young person for consumption in a public place) and 105 (the offence of purchase of alcohol by a child or young person). The penalties for committing an offence under sections 102, 103, 104A or 104B include a fine of up to £5,000, up to three months in prison or both;

- [Children and Young Persons \(Scotland\) Act 1937](#), in particular section 12, which makes it an offence to wilfully ill-treat or neglect a child under the age of 16, or to cause a child to be ill-treated or neglected in a manner likely to cause the child injury to health. The penalty for committing an offence under this section include imprisonment for up to ten years or an unlimited fine, or both.
- [Section 61 of the Crime and Punishment \(Scotland\) Act 1997, which gives police the power to confiscate alcohol from under 18s in a public place.](#)

Furthermore, the commission of an offence under section 12 of the Children and Young Persons (Scotland) Act 1937 would also serve as a ground for referring a child to the Children's Hearing System, per [section 67 of the Children's Hearings \(Scotland\) Act 2011](#). Another ground for referral would be where a child has misused alcohol – for which an offence does not need to have been committed before a referral could be made.

In addition, outwith the offences listed above, robust child protection measures are in place across Scotland. The safety of children is always paramount, and our children and young people have the right to be protected from all forms of harm. [The Scottish Government published revised National Guidance for Child Protection in Scotland in August 2023](#). The guidance describes the responsibilities and expectations of everyone who works with children, young people and their families in Scotland. It includes information and advice for agencies to appropriately respond to concerns about alcohol use around children.

If an individual is concerned about child's safety and their wellbeing, in the first instance they should be encouraged to report such concerns to the child's local authority who have relevant statutory protection and safeguarding measures in place when there is a suspicion that child's welfare is at risk. If anyone is worried that a child or young person is at risk of immediate harm, including abuse or neglect, they are urged to contact Police Scotland. Expert support and advice is also available from the National Society for the Prevention of Cruelty to Children (NSPCC) who will be able to provide information on reporting concerns about a child at risk of harm and provide advice on child protection in line with the above mentioned interventions.

In summary, the Scottish Government does not intend to take forward the specific proposal contained in this petition at this time given the wide range of law, duties on public bodies and national guidance that protects children from harm, including that caused by alcohol. However, the Scottish Government remains absolutely committed to taking action on alcohol harm prevention and will continue to keep this particular issue under review to assess whether further legislative measures are required in the future.