

Business guidance leaflet

Age Restricted Products

Legislation prohibits the supply (sale or hire) of tobacco products, offensive weapons (knives and similar), crossbows, fireworks, solvents, airguns, lighter refills containing butane, and alcohol to anyone under the age of 18 years. Caps, party poppers (and similar products), lottery tickets and aerosol paint are not to be sold to anyone under the age of 16 years.

There are different age restrictions on videos and video games: 12 and over, 15 and over and 18 and over. And the legislation also provides requirements for certain warnings and notices to be displayed when selling particular products.

Traders should always ask young people to produce proof of their age, such as the national Proof of Age Standards Scheme (PASS) card, a photocard driving licence or a passport. Any refusals of restricted products to underage children should be logged on a refusal sales sheet or in a refusal book.

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The following table, showing penalties for supplying (including hiring) products to persons under certain ages, is designed to guide you through the requirements of the law and assist in compliance.

| Product | Supply only to those aged | Maximum penalty |
|--|---------------------------|---|
| Tobacco products | 18 and over | £2,500 |
| Knives/axes/blades | 18 and over | £5,000 and up to 6 months' imprisonment |
| Caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns | 16 and over | £5,000 and up to 6 months' imprisonment |
| Fireworks and sparklers | 18 and over | £5,000 and up to 6 months' imprisonment |
| Videos, video and computer games: Classification 12 | 12 and over | £5,000 and up to 6 months' imprisonment |

| Product | Supply only to those aged | Maximum penalty |
|--|---------------------------|---|
| Videos, video and computer games: Classification 15 | 15 and over | £5,000 and up to 6 months' imprisonment |
| Videos, video and computer games: Classification 18 | 18 and over | £5,000 and up to 6 months' imprisonment |
| Volatile substances/solvents (see ' Intoxicating Substances (Supply) Act 1985 ' below for more precise details) | 18 and over | £5,000 and up to 6 months' imprisonment |
| Crossbows | 18 and over | £5,000 and up to 6 months' imprisonment |
| Lighter refills containing butane | 18 and over | £5,000 and up to 6 months' imprisonment |
| Lottery tickets/Instant Win cards | 16 and over | £5,000 and up to 2 years' imprisonment |
| Aerosol paint | 16 and over | £2,500 |
| Alcohol | 18 and over | £5,000 and forfeit of licence |

Tobacco

This area is covered by the [Children and Young Persons \(Protection From Tobacco\) Act 1991](#), the [Children and Young Persons Act 1933](#), and the [Protection from Tobacco \(Sales from Vending Machines\) \(England\) Regulations 2010](#).

Under this legislation, it is an offence for any person to sell cigarettes, tobacco products or cigarette papers to anyone under 18 years of age, even if they look older. This is the case whether or not the cigarettes are for the young person's own use. It is also an offence to sell cigarettes unless they are in quantities of ten or more and in their original packaging. This means that packets of cigarettes cannot be split to sell lesser quantities.

The following warning notice must be exhibited in a prominent position, which is clearly visible to anyone purchasing cigarettes, at every retail premises at which tobacco is sold. It must not be less than 297mm x 420mm (A3), with no character being less than 36mm in height:

IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18

Again, under this legislation it is an offence to sell tobacco from an automatic machine to anyone. Should a sale take place the person who controls or is concerned with the management of the premises commits the offence.

See our business leaflet '[Tobacco and children](#)' for more information.

Offensive weapons

Under the [Criminal Justice Act 1988](#), as amended by the [Offensive Weapons Act 1996](#), it is an offence for a person to sell to a person under the age of 18:

- any knife, knife blade or razor blade
- any axe
- any other article which has a blade or which is sharply pointed, and which is made or adapted for use for causing injury to the person

Whether a particular article is a knife is a question of fact, but using a wider definition, this legislation prohibits sales of, for example, sheath knives, kitchen knives, craft knives and carpet knives to persons under the age of 18.

This legislation does not apply to folding pocket knives if the cutting edge of the blade is less than three inches or 7.62cm. Nor does it apply to replacement cartridges for safety razors, where less than 2mm of the blade is exposed.

See our leaflets ['Restrictions on the sale of knives and other bladed items'](#) and ['Sale of knives on the Internet to under 18s'](#) for more information.

Fireworks

The [Pyrotechnic Articles \(Safety\) Regulations 2010](#) prohibit the supply of fireworks and assemblies to a person under the age of 18. The age limit for caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns is 16.

Where adult fireworks are supplied or exposed for supply in any premises, it is a requirement of the [Fireworks Regulations 2004](#) a notice is displayed in a prominent position in those premises, no less than 400mm by 300mm, with letters no less than 16mm high, giving the following information:

IT IS ILLEGAL TO SELL ADULT FIREWORKS TO ANYONE UNDER THE AGE OF 18

The following notice must also be displayed:

IT IS ILLEGAL FOR ANYONE UNDER THE AGE OF 18 TO POSSESS ADULT FIREWORKS IN A PUBLIC PLACE

Video recordings

Under the [Video Recordings Act 2010](#) it is an offence to supply, or offer to supply, a video recording to any person who has not attained the age specified on the recording. This legislation applies to video films, video games and computer games.

It is a defence to show that you neither knew, nor had reasonable grounds to believe, that:

- the classification certificate contained the statement in relation to the specified age
- the person concerned had not attained the specified age - or
- that you had reasonable grounds to believe that the supply was, or would have been, an exempted supply, as defined by legislation - if you sell video films by retail, you will not be dealing with exempted supplies

The classifications are as follows:

| Abbreviation | Classification | Only to be sold to |
|--------------|--|--|
| U | Universal | Unrestricted |
| Uc | Universal - particularly suitable for children | Unrestricted |
| PG | Parental Guidance - general viewing but some scenes may be unsuitable for young children | Unrestricted |
| 12 | Suitable only for persons 12 years and over | 12 years and over |
| 15 | Suitable only for persons 15 years and over | 15 years and over |
| 18 | Suitable only for persons 18 years and over | 18 years and over |
| R18 | Suitable only for persons 18 years and over | 18 years and over in a licensed sex shop |

See our business leaflet ['Videos and DVDs for sale and hire'](#) for more information.

Intoxicating substances

An offence is committed under the [Intoxicating Substances \(Supply\) Act 1985](#) if volatile substances or solvent-based products are sold, and it is believed that they are for a person under the age of 18, and that they are likely to be inhaled for the purposes of becoming intoxicated. This offence applies even when it is known that another person is buying the product for the person under the age of 18.

Special attention should be paid to young persons:

- buying volatile substances and nothing else
- buying plastic bags at the same time as volatile substances
- displaying signs similar to drunkenness
- with spots and sores around the mouth and nose

However, solvents may be sold to persons under 18 for their normal intended use.

It is an offence under the [Cigarette Lighter Refill \(Safety\) Regulations 1999](#) to supply cigarette lighter refill canisters containing butane to anyone under 18.

See our business leaflet '[Cigarette lighter refills and solvents](#)' for more information.

Lottery tickets

The [National Lottery etc. Act 1993](#) / [National Lottery Regulations 1994](#) make it an offence to sell National Lottery (LOTTO) tickets and Instant Win cards (scratch cards) to any person under 16. The Regulations also require anyone selling such products to be 16 or over.

Alcohol

The [Licensing Act 2003](#) is jointly enforced by the police and trading standards. It is illegal to sell alcohol to anyone under 18, or for a person under 18 to sell alcohol. The seller, the licensee(s) and the company may be liable for this offence. The seller may also be issued with a fixed penalty fine of £80.

See our leaflet '[Underage sales of alcohol](#)' for further information.

Petrol

Under the [Petroleum \(Consolidation\) Act 1928](#) it may be a licensing condition that anyone in charge of a petrol station must be at least 18, and anyone dispensing petrol, or operating a petrol dispensing system, must be at least 16.

Aerosol spray paint

It is an offence under the [Anti-social Behaviour Act 2003](#) to sell aerosol spray paint to persons aged under 16.

See our business leaflet '[Sales of aerosol spray paints](#)' for more information.

Due diligence and reasonable precautions

Some of the above legislation has defences available, namely that the accused took all reasonable precautions, and exercised all due diligence, to avoid committing an offence. In relation to video recordings, as well as these defences, you will also need to show that the offence was due to the act or default of another person, other than the accused. Even where no due diligence defences are available, it is recommended that the guidelines below be followed as best practice.

Most of the above offences are of strict liability. This means that they can occur even when the owner is not in the shop. To avoid committing these offences, it is advised that the legislation be brought to the attention of all staff via regular training. It is important that you can prove that your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

Members of staff should be advised that they themselves might be personally liable if they sell to young persons in breach of the legal requirements.

Always ask young people to produce proof of their age. Trading standards services and the Government support the national Proof of Age Standards Scheme (PASS). You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age. There are a number of card issuers in the scheme - visit the [PASS](#) website for more information.

Card issuers may supply material for you to display in your shop, telling young people where they can obtain a card. This way, if you have cause to refuse a sale, you can give youngsters some positive information.

Photo driving licences and passports are also acceptable as proof of age.

If there is still doubt, the sale should not be allowed to take place. As a teenager's appearance does not always correspond with their actual age, it is advised that staff challenge anyone who appears to be three years older than the permitted age, for example, under 21 if buying 18 years of age products such as alcohol. Training/testing on appropriate ID and displaying examples of these is also recommended.

All refusals should be recorded on a refusal sales sheet or a refusal book. Maintaining a refusal book will strengthen a case for due diligence. Logs should be checked by the licensee to ensure that all members of staff are using them. A specimen refusal log is attached below.

[Refusal log \(Word 31KB\)](#)

[Refusal log \(PDF 109KB\)](#)

Although the law does not always specify a minimum age for being able to sell certain goods, the age of the member of staff may be considered in any claims of due diligence. Logs should be checked by the licensee to ensure that all members of staff are using them.

If you possess an EPoS system, it may be possible to use it to remind staff via a prompt. Alternatively, stickers can be used over certain product bar codes.

Posters showing age limits should be displayed and contain a statement regarding the refusal of such sales. This would then deter potential purchasers and act as a reminder to members of staff.

Please note

This leaflet is not an authoritative interpretation of the law and is intended only for guidance. Please contact us for further information.

Relevant legislation

[Petroleum \(Consolidation\) Act 1928](#)

[Children and Young Persons Act 1933](#)
[Intoxicating Substances \(Supply\) Act 1985](#)
[Criminal Justice Act 1988](#)
[Children and Young Persons \(Protection From Tobacco\) Act 1991](#)
[National Lottery etc. Act 1993](#)
[National Lottery Regulations 1994](#)
[Offensive Weapons Act 1996](#)
[Cigarette Lighter Refill \(Safety\) Regulations 1999](#)
[Licensing Act 2003](#)
[Anti-social Behaviour Act 2003](#)
[Fireworks Regulations 2004](#)
[Protection from Tobacco \(Sales from Vending Machines\) \(England\) Regulations 2010](#)
[Pyrotechnic Articles \(Safety\) Regulations 2010](#)
[Video Recordings Act 2010](#)

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