

From 1 September 2008 it will be
illegal to sell tobacco products
to under 18s in Northern Ireland



A guide for retailers

The law is changing

From 1 September 2008, an amendment to The Health and Personal Social Services (Northern Ireland) Order 1978 and The Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991 means it will be against the law to sell tobacco products to anyone **under the age of 18** in Northern Ireland.

Tobacco products include cigarettes, cigars, rolling or pipe tobacco, and rolling papers.

Why is the law changing?

Most addicted adult smokers begin smoking as teenagers. The law is changing to help prevent children and young people from becoming addicted and experiencing the serious health dangers of smoking.

By choosing to sell tobacco you have to comply with a number of legal requirements, one of which is not to sell products to those under the minimum age.



What you need to do

From 1 September 2008:

- You must not sell tobacco products to anyone **under the age of 18**. This will replace the current law where it is illegal to sell tobacco products to anyone under the age of 16.
- You must replace any existing signage (statutory notice) with a sign stating the new legal age restriction for tobacco products. Ensure the sign is clearly visible to anyone looking to buy tobacco products.

Signage for over the counter sales

To comply with the law, the sign for over the counter sales must:

- state, 'It is illegal to sell tobacco products to anyone under the age of 18';
- be at least A3 in size (420mm x 297mm) and have letters at least 36mm high.

The environmental health department of your local Council should be able to provide you with a suitable sign.

Signage for vending machine sales

All tobacco vending machines must also display an updated sign. To comply with the law, your vending machine sign must:

- state, 'This machine is only for the use of people aged 18 or over';
- be at least 60mm x 100mm, with letters at least 6mm high;
- be clearly visible to anyone using the machine.

Your tobacco wholesaler or vending machine provider should be able to provide you with a sign if they haven't done so already.

Failure to display the correct signage can result in a fine of up to £1,000. This applies to both over the counter and vending machine sales.

Preparing your staff

You are probably already experienced in tackling the sale of tobacco and other age-restricted products. However, with the age of sale for tobacco increasing, you may encounter some new resistance from your younger customers.

If you employ people under 18 years of age, remember that it is not illegal for them to sell tobacco products as long as the customer is not underage.

Training your staff on the law, and how to question and refuse sales, may be very helpful. Here are some examples of what you could do:

- To avoid committing an offence, tell your staff about the change in the law.
- Keep a record of the training and ask the member of staff to sign to say they have understood it.
- Advise staff that they may be personally liable if they sell to anyone **under the age of 18**.

Hints and tips

- Keep a record of when you or any member of staff have refused to sell to a young person. Write down the date and time of the incident, the product being purchased, the reason for refusal, and a brief description of the customer.
- If you have an electronic point of sale system, you could use it to remind staff of the change in law and how to comply with it.

Asking for proof of age

If you and your staff know the best way to ask for proof of age, it will make life behind the counter much easier, so here are some things to remember.

- Clearly display the correct signage on or near your shop counter where customers can easily see it. Hopefully this will deter underage customers from trying to buy in the first place and will help you remind them that you are simply following the law.
- Explain that you're legally obliged to ask for proof of age and that it's nothing personal.
- If a customer becomes physically aggressive or threatening, remove yourself from the situation and call for help. In extreme situations call the Police.

The best advice is always to ask for proof of age unless you are convinced the person looks at least 21. People aged 18 and over will not mind showing their photo ID if asked politely.

Acceptable photo IDs include a passport, driving licence, or proof of age card that carries the PASS hologram logo.

Further information on the UK's national guarantee for proof of age cards can be found at www.pass-scheme.org.uk

How will the change in law be enforced?

The environmental health department of your local Council will continue to enforce the law relating to the sale of tobacco products to underage customers.

The penalty for selling tobacco products to someone under the age of 18 from 1 September 2008 is a fine of up to £2,500.

Both the sales person and the business owner could be liable for any illegal sales, even if they thought the purchase was being made on behalf of an adult, or if the person looked like they were over 18.

Failure to display the correct signage can result in a fine of up to £1,000. This applies to both over the counter and vending machine sales.

Further advice is available from the environmental health department at your local Council.

Help and support

If you have any questions, or would like more information, please contact the environmental health department at your local Council.

District Council Environmental Health contact numbers

Antrim Borough Council	9446 3113
Ards Borough Council	9182 4052
Armagh City & District Council	3752 9626
Ballymena Borough Council	2566 0373
Ballymoney Borough Council	2766 0257
Banbridge District Council	4066 0606
Belfast City Council	9027 0428
Carrickfergus Borough Council	9335 8000
Castlereagh Borough Council	9049 4640
Coleraine Borough Council	7034 7171
Cookstown District Council	8676 2205
Craigavon Borough Council	3831 2521
Derry City Council	7136 5151
Down District Council	4461 0824
Dungannon & South Tyrone BC	8772 0367
Fermanagh District Council	6632 5050
Larne Borough Council	2827 2313
Limavady District Council	7776 0302
Lisburn City Council	9250 9250
Magherafelt District Council	7939 7979
Moyle District Council	2076 1663
Newry & Mourne District Council	3031 3032
Newtownabbey Borough Council	9034 0160
North Down Borough Council	9127 0371
Omagh District Council	8224 5321
Strabane District Council	7138 2204





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