



Department
for Business
Innovation & Skills

Better
Regulation
Delivery Office

Age Restricted Products and Services Framework



April 2014

Introduction

The choices we make as individuals are shaped by the wider environment in which we live. Peer behaviour, media messages and societal norms are all factors that can affect our behaviour either positively or negatively. As a society, our views on some age restricted products and services are unambiguous. On others they are less clear cut. In relation to alcohol, for example, warnings to young people on the dangers of excessive consumption conflict with societal norms about its role in the passage to adulthood.

Shared personal responsibility is at the heart of a fair and strong society. Young people, as they approach adulthood, should make their own informed choices regarding their health and wellbeing. Parents should protect their children and set a positive example through their own behaviour. Businesses should contribute to solutions in their local communities to address social problems, as recommended by the Government in *Every Business Commits*. Regulators should work collaboratively with other agencies in pursuit of better outcomes for communities, citizens and businesses.

Most regulation of age restricted products and services – including alcohol, tobacco, knives and fireworks; but also spray paints, solvents, lottery tickets and petrol – shares the common objective of protecting the health, safety and wellbeing of young people. However, approaches to restricting the availability and supply of age restricted products and services need to be multi-faceted, to reflect the number of factors influencing the behaviour of young people as well as businesses and their staff, who are responsible for implementing controls at the retail level.

This document sets out an agreed set of shared responsibilities and reasonable expectations for young people, parents, businesses, employees and regulators with regard to the supply of age restricted products and services. These principles have clear implications for businesses – to put appropriate controls in place and provide effective staff training – but also clarify what businesses can expect from regulators in return. It is hoped that they will be adopted by the organisations across the public and private sectors that are best able to help recast societal norms regarding access to and use of age restricted products and services by young people.

These principles were developed following extensive consultation and are endorsed by a range of organisations representing the interests of those involved in all aspects of age restricted products and services controls. The Better Regulation Delivery Office (BRDO) was grateful for the feedback it received and extends its thanks to all the individuals who provided input and comment during the drafting process.

The principles also form the agreed foundation for the Age Restricted Products and Services Code of Practice for Regulatory Delivery developed by BRDO in collaboration with business and regulators and published in January 2013.

Young People

Responsibilities:

- 01** To have regard to information on the risks associated with age restricted products¹ and services and to take responsibility for their own health and wellbeing
- 02** To be good role models to their peers and to younger children in relation to age restricted products and services
- 03** To show valid proof of age² when asked to do so
- 04** Not to use 'fake' proof of age³, or proof of age that they are not entitled to use and to be aware that by doing so they may commit a criminal offence
- 05** To be aware of the consequences for themselves if they purchase, attempt to purchase or are found in possession of certain age restricted products
- 06** Not to attempt to buy or access age restricted products or services, recognising that this could result in a criminal offence being committed by the business or member of staff
- 07** Not to use threats or intimidation where access to the sale of an age restricted product or service is refused by a business or member of staff
- 08** Not to ask an adult to purchase alcohol on their behalf and to be aware that if the adult did so they may commit a criminal offence⁴

Reasonable Expectations:

- 09** To be provided with clear information on the reasons for age restrictions that seek to protect young people
- 10** To be challenged to show valid proof of age whenever they attempt to access age restricted products or services
- 11** To have valid proof of age accepted by retailers, service providers, licensed premises and doorstaff
- 12** To be refused products and services that should not be available to them

1 In the context of this document, 'products' should be taken to include pet animals.

2 In relation to alcohol, the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 specifies that identification produced to prove age must bear '*their photograph, date of birth and a holographic mark*'. See: <https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions>

3 False Id Guidance, Home Office, July 2012. See: <https://www.gov.uk/government/publications/false-id-guidance>

4 Adults may buy wine, beer or cider for 16 or 17 year olds, to consume with a meal on licensed premises, but may not purchase alcohol on behalf of anyone who is under-age.

Parents, Carers and Responsible Adults

Responsibilities:

- 13** To help their children to understand the risks associated with age restricted products and services and the reasons for legal restrictions on access to them
- 14** To be aware of the legal restrictions on access to certain products and services by young people
- 15** To be aware of the influence of their own behaviour on their children's behaviour in relation to age restricted products and services
- 16** To ensure that their children understand that they may commit a criminal offence if they use 'fake' proof of age or proof of age belonging to someone else
- 17** Not to commit a criminal offence by purchasing alcohol *on behalf of* a young person⁵
- 18** To report any concerns about illicit supplies of age restricted products and services to an enforcement agency
- 19** Not to send their children to purchase age restricted products on their behalf

Reasonable Expectations:

- 20** That clear information should be available on the risks associated with age restricted products and services, and on the legal restrictions
- 21** That retailers and suppliers will comply with age restricted products and services legislation
- 22** That other adults will refuse to purchase alcohol on behalf of young people
- 23** That information should be available on how to report concerns about illegal sales of age restricted products and services to young people
- 24** That regulators and enforcers will deal firmly with businesses that deliberately or persistently allow young people to access age restricted products and services that they are not entitled to access

⁵ Adults may buy wine, beer or cider for 16 or 17 year olds, to consume with a meal on licensed premises, but may not purchase alcohol on behalf of anyone who is under-age.

Business

Responsibilities:

- 25** To promote a culture where young people always expect to be challenged and to have to show valid proof of age whenever they attempt to access age restricted products or services
- 26** To be clear that they accept PASS⁶ cards as proof of age, and to be clear what other forms of proof of age they will accept
- 27** To put in place appropriate controls to prevent breaches of age restrictions, and to keep these under review
- 28** To provide effective training to those responsible for implementing the controls
- 29** To support sales staff and others responsible for implementing the controls, so that they feel able to check proof of age and to refuse access to products or services
- 30** To mutually share information with regulators and enforcers on local problems with age restricted products and services, within the context of collaborative working arrangements

Reasonable Expectations:

- 31** That regulators and enforcers should be accountable and transparent in their approaches
- 32** To have access to clear guidance on legislation
- 33** To receive compliance support from regulators and enforcers that is appropriate to their needs and resources
- 34** That regulators and enforcers will recognise and work in a proportionate manner with a business' compliance arrangements, including through Primary Authority⁷, when responding to complaints, intelligence and breaches
- 35** To be informed⁸ in writing, in a timely manner, of the outcome of a check on their compliance by test purchase or inspection
- 36** To be treated in a consistent manner by different regulators and enforcers dealing with similar provisions
- 37** An approach to sanctions and penalties that is consistent with the principles set out in the Regulators' Code⁹, including dealing firmly with businesses that deliberately or persistently allow young people to access age restricted products and services that they are not entitled to access

6 Cards bearing the 'PASS' hologram, issued by a card issuer accredited by the national [Proof of Age Standards Scheme](#).

7 The Age Restricted Products and Services Code of Practice for Regulatory Delivery includes provisions in relation to sharing of information within the statutory Primary Authority scheme to support effective targeting and proportionate responses.

8 The Age Restricted Products and Services Code of Practice for Regulatory Delivery includes provisions in relation to written notifications.

9 Regulators' Code, BRDO, April 2014. See: <https://www.gov.uk/government/publications/regulators-code>

Employees and Staff

Responsibilities:

- 38** To recognise the key role that employees¹⁰ and staff play in restricting the access that young people have to age restricted products and services
- 39** To support a culture where young people always expect to be challenged and to have to show valid proof of age whenever they attempt to access age restricted products or services
- 40** To be aware of the law and the age restrictions for the products / services for which they are responsible
- 41** Not to commit an offence in relation to these restrictions
- 42** To follow their employer's instructions on age restricted products and services

Reasonable Expectations:

- 43** To be safe at work
- 44** To be properly trained on age restricted products and services by their employer
- 45** To be properly supported by their employer and colleagues so that they feel able to refuse access to age restricted products and services
- 46** That information should be available on how to report incidents where threats and / or violence have been used against them in an attempt to access age restricted products or services
- 47** To be dealt with in a fair, reasonable and timely manner by their employer where they breach age restrictions
- 48** That information should be available on how to report concerns about young people's sources of age restricted products and services
- 49** To be dealt with in a proportionate and timely manner by regulators and enforcers where they breach age restrictions
- 50** To be treated in a consistent manner by different regulators and enforcers dealing with similar provisions

¹⁰ In this section, references to 'employees' should be taken to cover anyone who works in the business, whether or not they are technically employed. Similarly, 'employer' should be taken to include any person responsible for ensuring effective controls, whether or not they are technically the employer of those implementing the controls.

Regulators and Enforcers

Responsibilities:

- 51** To be clear about the outcomes that they are working towards, and how their activities will contribute to those outcomes
- 52** To ensure that their compliance and enforcement approach to age restricted products and services legislation is transparent
- 53** To work collaboratively with partner organisations and other regulators and enforcers that have overlapping areas of responsibility, to ensure that the overall approach is consistent and focussed on delivering outcomes
- 54** To take an evidence based approach to determining priority risks to local communities and young people
- 55** To prioritise resource allocation on activities that deliver improved protections for local communities and young people, including working in partnership with businesses and local communities to tackle issues of access to age restricted products and services
- 56** To take a risk-based approach to targeting checks on the compliance of individual businesses, and to ensure that their risk assessment model is transparent
- 57** To be clear and consistent in their message that valid proof of age should always be required where young people seek to access age restricted products or services
- 58** To be clear in their message that PASS cards are the preferred form of proof of age, and to acknowledge that there are other acceptable forms of proof of age¹¹
- 59** To respond to complaints, intelligence and breaches in a proportionate manner that recognises the business' compliance arrangements and works with them, including through Primary Authority
- 60** When using particular tactics, to seek the appropriate authorisations or approvals as required by legislation¹² or as set out in a code of practice or procedure
- 61** To communicate¹³ to businesses in writing, in a timely manner, the outcome of all checks on compliance by test purchase or inspection
- 62** To share good practice and innovation with other regulators and enforcers
- 63** To have regard to the welfare of test purchasers¹⁴, when carrying out test purchases

Reasonable Expectations:

- 64** That businesses will take a responsible approach to complying with legal requirements in relation to age restricted products and services
- 65** That they will receive co-operation from other public sector organisations that share a responsibility for protecting young people, local communities and animals from the harm associated with age restricted products and services

11 See footnote 2.

12 This 'responsibility' does not seek to alter existing legislative provisions, for example under the Regulation of Investigatory Powers Act 2000, or section 149(2) of the Licensing Act 2003.

13 The Age Restricted Products and Services Code of Practice for Regulatory Delivery includes provisions in relation to written notifications.

14 The Age Restricted Products and Services Code of Practice for Regulatory Delivery includes provisions in relation to ensuring the welfare of children and young people deployed as test purchasers.

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URN: 11/1465

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