

Selling Tobacco and/or Nicotine Vapour Products

Age Verification

March 2017

SELLING TOBACCO AND/OR NICOTINE VAPOUR PRODUCTS AGE VERIFICATION

Guidance on Age Verification Policies for Retailers

This Guidance is published by the Scottish Ministers under the powers granted at section 4B (5) of the Tobacco and Primary Medical Services (Scotland) Act 2010 (as amended) – “the 2010 Act”. Under section 4B (6) of the 2010 Act, tobacco or nicotine vapour retailers must have regard to this guidance.

The sale of tobacco, cigarette papers and nicotine vapour products (NVPs) to anyone under the age of 18 is an offence in accordance with the 2010 Act.

From 1 April 2017 all tobacco and/or nicotine vapour product retailers (including those operating from moveable premises) must have an age-verification policy in place. It is an offence to run a business selling tobacco products, cigarette papers or NVPs without an age verification policy.

What is an age verification policy?

An age verification policy is the agreed steps that have been put in place by a retailer to ensure that any customer for these products who appears to be under 25 is asked for proof of age. Retailers should keep a record of the steps they have agreed to take and should make sure that all staff are familiar with those.

Retailers should fill in the relevant steps they have taken on the template age verification policy record, below, and must have this available for inspection by enforcement officers.

Do I have to do this by law?

The operator of the business is required to have an age verification policy and must have regard to this Guidance. Failure to have an age verification policy in place, or failure to record the steps required by this Guidance could lead to a warning or fixed penalty from an authorised officer or even a prosecution through the courts that could carry a fine of up to £500.

What should be in the policy?

The record of the policy should include the details in the template attached – the details should therefore be on:

- the name and address of the premises;
- the date on which the policy was agreed;
- the category of products sold on the premises;
- the preferred age that the retailer or staff will use to decide whether a challenge to a customer’s age will be made (this cannot be below 25);
- the way staff will raise the need for proof-of-age with a customer;

- the proof-of-age documents that the retailer has decided that can be used on the premises;
- what staff have been asked to look for in proof-of-age documents;
- the way staff will handle refusals on the basis that proof-of-age has not been provided or where proof of age documentation is not convincing.

What happens to me if I do not have an age verification policy?

From 1 April 2017, if you do not have an age verification policy in place you are committing an offence and could be issued with a warning or even a fixed penalty. The penalty could be for between £150 and £500 depending on how quickly it is paid or whether it is your first penalty in any two-year period or not.

Who will check if I have a policy in place?

Authorised officers in local authority areas, usually trading standards officers, will enforce the new requirement and can issue warnings and fines.

Where can I get further advice about age verification policies?

The best source of advice will be from local authority authorised officers, although you may also wish to seek advice from your relevant trade association or federation.

Which documents should I use for checking a customer's age?

To comply with the legislation you have to use one or more of the prescribed documents, but you only have to use the one(s) you feel most appropriate for you. You may wish to choose the one that you and your staff are most familiar with, or you may wish to offer your customers a wide range of options, but you may have to provide some in-depth training for staff on the more unfamiliar types.

The prescribed documents to choose from or use as proof of age for the sale of nicotine vapour products should be:

- (i) A passport;
- (ii) A European Union "photo-card" driving licence (even after the UK leaves the European Union);
- (iii) A Ministry of Defence Form 90 (Defence Identity Card);
- (iv) A photographic identity card bearing the national Proof of Age Standards Scheme (PASS) hologram;
- (v) A national identity card issued by a European Union member state (other than the United Kingdom), Norway, Iceland, Liechtenstein or Switzerland; or
- (vi) A Biometric Immigration Document.

It is for each business to decide which of these approved forms of identification it will accept in terms of the age verification policy. They need not all be accepted. It would be very prudent to exclude any type of document with which staff are not wholly familiar.

**TOBACCO AND/OR NICOTINE VAPOUR PRODUCTS RETAILING
AGE VERIFICATION POLICY RECORD**

Name of business owner/manager		
Name and address of the premises		
Date on which the policy was agreed		
Category of products sold (Please tick all that apply)	Cigarettes	
	Other Tobacco Products	
	Nicotine Vapour Products	
Age under which proof is required (Must be 25 or older)		
How the need for proof of age is raised? (Please tick all that apply)	Politely	
	By referring to a poster/notice	
	By referring to the law	
	By getting the manager to explain	
	Other (please specify)	
Proof of age documents you accept (Please tick all that apply)	Passport	
	EU Photo-card driving licence	
	Defence identity Card	
	Photo id with PASS hologram	
	European national identity card	
	Bio-metric Immigration Document	
Staff check documents for:	Authenticity of document	
	Confirmation of customer's identity	
	Confirmation of age (by date of birth)	
How refusal to sell is made?	Politely	
	By referring to a poster/notice	
	By referring to the law	
	By getting the manager to explain	
	Other (please specify)	



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