

Dear Retailer

From Monday 1st September 2008 it will be illegal to sell tobacco products to under 18s.

From Monday 1st September 2008, the statutory minimum age for buying tobacco products (this includes cigarettes, cigars, loose tobacco and cigarette papers) will change to **18** years old, a raise from the current age of 16.

Why the change?

The Government is committed to improving the general health of the population. Most of us know that smoking is harmful to health. It is also true the most addicted adult smokers began smoking as teenagers.

We are keen to do all we can to stop young people starting in the first place. As part of a wide range of measures, raising the age to **18** sends out a very clear message to young people about the dangers of smoking.

You'll be playing an important part in ensuring that young people under **18** cannot buy cigarettes.

How the Law affects you?

We know that the new age change will affect your business and we want to help you make the transition as smoothly as possible. We have enclosed an information pack and guidelines on how both you and your staff can comply with the forthcoming legislation.

Its important that you and your staff realise it is an criminal offence to sell tobacco or tobacco related products to anyone under **18** years of age, and a person can be fined up to a maximum of £2500 upon summary conviction. Both the retailer and/or the sales person can be prosecuted if they sell tobacco or tobacco related products to anyone under **18** years of age.

The law change applies to both over the counter sales and vending machines.

We hope you find the enclosed information useful.

Yours faithfully

J C Michael
Director of Borough Services

This pack contains:

- **a summary of the law relating to the sale of tobacco and tobacco related products such as cigarette papers and cigarette lighter refills in retail premises.**
- **the statutory, warning notice that must always be displayed in your shop**
- **a guide to training staff**
- **a guide for staff on tobacco sales**
- **a staff training record sheet which should be read and signed by all staff to ensure they are aware of the law**
- **a refusals log sheet, to keep details of each refusal**
- **a model policy for adoption and display**
- **a summary relating to tobacco related products, including cigarette lighter refills and test purchasing**

Sale of Cigarettes and Tobacco Products

Guidance for Staff on Tobacco Sales

To ensure this store complies with the law, you, as an employee, must follow this procedure:
Remember be polite with customers at all times

Do a Visual Check

Visually check to make sure the customer appears to be **18** years or over.

If in Doubt, Ask for Proof of Age

If you're still not sure, ask for proper ID. If the person is of legal age, he or she won't mind showing suitable photographic ID. Only accept a driving licence, a passport, or proof of age from an accredited pass scheme, for example a "CitizenCard".

Check Identification Carefully

Check the birth date. Make sure it has not been altered in any way e.g., erased, typed over, smudged or cut out and replaced. Compare the photograph to the person. Be sure the physical characteristics match those of the customer.

Be careful! It is easy for children to get their hands on fake ID.

If in Doubt, Don't Make the Sale

If you're not satisfied that the person is over **18** and if they can't produce a valid identification, regardless of the reason, DO NOT make the sale. Be firm but polite and just say, "Sorry, I don't think you're over **18**, so I can't sell cigarettes to you."

Explain Why

The customer will understand your position better if you explain your reason for refusing the sale clearly. Remind them of the law that applies. Point to the sign that states that it is illegal to sell cigarettes to anyone under **18** and explain that you could get fined for making an underage sale.

Seek Manager Support

If the person still does not accept your refusal to sell, suggest they talk to the manager. Often this will discourage an underage person from persisting. You may have a long queue at your checkout and feel under pressure to rush. Don't let this tempt you to give in. Other adults in the queue will understand your dilemma and appreciate your determination not to break the law. Apologise for the delay but remain firm.

Keep Records

If you have refused a sale make a record in the refusal log sheet kept beside the till. You should also use the sheet to record any incidents of abuse or threats and these should be reported immediately to the manager. If necessary, call the manager or ask a colleague for assistance. **Never put yourself in danger!**

Sale of Cigarettes and Tobacco Products

Company Policy

Under the Health and Personal Social Services (NI) Order 1978

"It is illegal to sell tobacco products to anyone under 18 years old".

Our store strictly supports the law governing the sale of cigarettes and other tobacco products.

We will not sell or supply tobacco products to anyone we believe is under **18** years of age.

If we suspect you are under **18** we will ask you for proof of age.

The forms of photo ID that we accept are:

- a valid passport
- an accredited pass scheme ID card e.g. Citizen card
- a current driving licence

We value your custom, but please don't ask us to break the law!

If you would like to discuss our policy, please ask to speak to the manager.

Signed _____
Position _____
Date _____

Sale of Cigarettes and Tobacco Products

A Guide to Training Staff

All staff need to be given adequate training to ensure they do not sell cigarettes or tobacco products to anyone under **18** years of age.

Why?

- Staff can be prosecuted for selling as well as the owner of the business and they should be aware of this.
- If staff are aware of the law, your policy and procedures and the consequences for them of breaking those procedures then they are less likely to sell tobacco products to underage children.
- If you don't provide suitable training it is not possible to prove that you had taken all reasonable precautions

Who?

- All staff who may sell tobacco products in your shop
- Don't forget relatives or friends who might occasionally work in the business, including part time and temporary staff

When?

- Train new staff before they start working
- Provide periodic refresher 'updates' for all staff on a regular basis

What?

- The law and the potential consequences for them of breaking it
- Take them through your policy and procedures when selling tobacco products
- How to deal with customers who they suspect are under-age

How?

- Use the staff training record sheet provided
- Take them through the procedure to follow when selling tobacco (see Guidance for staff on tobacco sales) and how to use the refusal log sheet

Cigarette Lighter Refills

Butane

- Butane gas in cigarette lighter refills is the most commonly abused volatile substance. Over 50% of all volatile substance abuse deaths are related to butane gas.
- Approximately a third of those who die abusing cigarette lighter refills are first time users.
- Death rates in Northern Ireland are higher than in other parts of the UK.

The law which controls the sale of butane gas is the Cigarette Lighter Refill (Safety) Regulations 1999.

You are breaking this law if you:

- Sell cigarette lighter refill canisters containing butane, or a substance with butane as a constituent to anyone under **18** years old; if you do so you can be fined up to £5,000 or put in prison for up to 6 months.

Test Purchasing

We are committed to raising awareness among retailers about the laws on selling tobacco, tobacco products and butane to children. We want to make all retailers aware of their responsibilities when selling these products.

This leaflet is your official notification that it is an offence to sell age restricted goods to children.

We will be carrying out test purchases in order to ensure that retailers are complying with the law. During the test purchases we will send children into retail premises in an attempt to purchase age restricted goods. We will prosecute any retailer who commits an offence related to the sale of age restricted products.

How do I Comply with the Law?

You must make sure that you take reasonable precautions and show due diligence when selling any age-restricted products to the public.

To make sure you comply with the law you should:

- familiarise yourself with the law regarding
- the sale of age restricted goods,
- make it your policy to comply with the law,
- display the statutory warning notices, as prescribed
- train and support your staff on a regular basis,
- keep records of any refusals, and
- adopt a policy of 'No ID, No Sale'.

Sale of Cigarettes and Tobacco Products

A Summary of the Law

The Health and Personal Social Services (NI) Order 1978

Sale of Cigarettes or Tobacco Products to Children

Anyone who sells cigarettes or any tobacco products (including cigarette papers) to someone under **18** can be fined up to £2,500.

The only defence for selling cigarettes to a person under **18** is that “you took all reasonable precautions and exercised due diligence” to prevent the offence occurring. This means having a system of control and making sure that it operates properly.

You must take reasonable steps to make sure a young customer is **18** or over. If in doubt, you must refuse to serve the child. Excuses like: “I thought he looked **18**” or “They told me they were **18**” will not provide you with a defence.

Remember too that the law forbids all tobacco sales to children. If a child says, “They’re for my mum” that makes no difference – even if you know it is true.

The Children and Young Persons (Protection from Tobacco) (NI) Order 1991

Sale of “Singles”

Cigarettes must be sold in their packs: retailers breaking a pack and selling cigarettes from it (“singles”) to children or adults can be fined up to £1,000.

Display of Statutory Warning Notice

Any shop that sells tobacco must display, in a prominent position, a warning notice, stating: **“It is illegal to sell tobacco products to anyone under the age of 18”**.

This notice must be displayed at the point of sale where it can be seen easily by customers and staff. Make sure other notices and advertisements do not cover any part of it or make it hard to see the message. Warning notices must be at least A3 in size with lettering not less than 36mm high

Anyone carrying on a business selling tobacco who does not display the notice can be fined up to £1,000

Tobacco Vending Machines

Cigarette vending machines should be sited in a monitored supervised area so that staff can prevent its use by young people. It must be in such a position that it can be closely monitored by a responsible member of staff at all times

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’.
- Must be at least 60mm x 100mm, with letters at least 6mm high.
- Must 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 have not done so already.

These laws are enforced by officers within the Borough Services Directorate from Ballymoney Borough Council. For further information and advice, please contact the Borough Services Directorate on Tel. 028 2766 0257 or email smokefree@ballymoney.gov.uk