



Northamptonshire County Council

UK Monopol
15 St Leonards Road
Northampton
Northamptonshire
NN4 8DL

Please ask for:
Tel:
Our ref:
Your ref:
Date:



7th September 2018

Dear Sirs

Children and Young Persons Act 1933 (as amended)
Children and Young Persons (Protection from Tobacco) Act 1991

This Service has received a complaint alleging the sale of cigarettes to persons under the age of 18 from your premises. The facts surrounding this complaint have not been substantiated and no further action will be taken in this matter, but I would like to take the opportunity to remind you of the requirements of the above legislation.

Under the above legislation, it is an offence to sell any tobacco or cigarette papers to a person under the age of 18. The maximum penalty for a contravention of this legislation is a fine of £2500. You must also ensure that you display the statutory notice (stating that "It is illegal to sell tobacco products to anyone under the age of 18") in a prominent position close to your tobacco products. Failure to comply with this requirement could lead to a maximum penalty of £1000. The notice must be A3 size with letters at least 36mm high. You should also be aware that it is an offence to sell cigarettes to any person other than in pre-packed quantities of 20 cigarettes in their original package.

I require you to ensure that neither you, nor your staff, sell cigarettes to any person under the age of 18. You should also ensure that you do not sell any age restricted products to any person under the statutory age.

If you are in any doubt as to the age of a young person seeking to purchase an age restricted product, you should ask for valid photographic proof of their age – a passport, photo driving licence or PASS accredited proof of age card.

It is not an acceptable practice for you or your staff to merely ask the purchaser how old they are.

Many retailers are now asking purchasers for proof of their age if they believe that the customer looks younger than 21, and this 'Challenge 21' scheme is a policy that this Service encourages you to follow. Some retailers are increasing this age to 25 and

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operating a 'Challenge 25' scheme. Whilst there is no legal obligation on you to adopt one of these schemes, we recommend them as best practice and an integral part of a due diligence system to prevent the sale of cigarettes to young people under the age of 18.

Other examples of best practice & reasonable precautions include the use of a refusals register by staff to record any instances where the sale of an age restricted product has been refused, and information about staff training and recording the training in writing.

Posters promoting the 'Challenge 21' scheme and business guidance information are available from our website: www.northamptonshire.gov.uk/tradingstandards however if you prefer to adopt the 'Challenge 25' scheme, you can find more information and posters to download at <http://www.wsta.co.uk/Challenge-25.html>

Test Purchasing exercises are carried out at regular intervals to monitor compliance with the legislation, and your premises may be visited in the future.

If you have any queries regarding this matter, please do not hesitate to contact me

Please complete & return the acknowledgement form enclosed in the envelope provided.

Yours faithfully

A solid black rectangular box used to redact the signature of Rachel Bennett.

Rachel Bennett
Senior Authorised Officer