

Sales of Alcohol: A Guide for Retailers

This guide explains the law on sales of intoxicating liquor to under-18s at licensed premises. Please ensure that all of your staff are fully aware of its contents since you are responsible for ensuring that they comply with laws designed to restrict the availability of alcohol to young persons.

Selling alcohol from licensed premises

The Licensing Act 2003 strengthens the prohibition on selling intoxicating liquor to under-18s. Underage drinking is increasing. This raises serious issues relating to health, and crime and public order. There is a duty on Trading Standards to enforce the controls on alcohol relating to underage sales.

The offences

- It is a criminal offence for corporate bodies, licensees and their staff to sell alcohol to persons under the age of 18 years.
- It is a criminal offence for a licensee or manager to knowingly allow the sale of intoxicating liquor to a person under 18. For example, you are guilty of a criminal offence if you knowingly allow your staff to make such underage sales.
- It is a criminal offence for an adult to buy alcohol on behalf of a person under 18.
- The law does not permit anyone under the age of 18 to sell alcohol unless the sale is specifically approved by a designated premises supervisor.

Test purchasing

Local Authorities and the Police have the power to make test purchases, using volunteers who are under 18 years of age. This means you may be checked and, if you sell to that volunteer, you will commit a criminal offence.

Penalty

If found guilty of selling alcohol or allowing the sale of alcohol to under-18s, you and/or your staff could face a fine of up to £5,000 and contribute to you **losing your licence** to sell alcohol. Alternatively, an offender may be given a fixed penalty notice.

Defence

It is a defence to prove:

- (a) that you **believed** that the person was 18 or over; **and**
- (b) either that you had taken **all reasonable steps** to establish the person's age or that nobody could reasonably have suspected from his/her appearance that the person was under 18.

'All reasonable steps' means that you and your staff are required to **ask for evidence** of the person's age. Valid proof-of-age documents should bear a photo of the person and their date of birth. Examples include:

- A Citizencard
- A Validate card
- A passport
- A driving licence bearing photograph and date of birth.

For help and advice on complying with consumer protection laws

Trading Standards, Loxley House, Station Street, Nottingham NG2 3NG Address for correspondence only

Tel: 0115 844 5018 Email: trading.standards@nottinghamcity.gov.uk

Website: www.nottinghamcity.gov.uk/tradingstandards

You must be careful to ensure that any evidence of proof of age is genuine and reliable. **It will not be a defence if no reasonable person would have been convinced by it.** The best advice is always to ask for proof of age unless you are convinced the person looks at least 21.

Confectionery containing alcohol

You must not sell confectionery containing alcohol, including liqueur chocolates, to persons under the age of 16.

What can you do to minimise the risk of underage sales?

The following are sensible precautions to take:

- Display appropriate posters, point of sale material and window stickers to dissuade young people from trying to purchase alcohol and to remind your staff.
- If you have an EPOS till, use till prompts.
- Train all your staff on the law, how to question and refuse sales if necessary (keep records of the training and reminders given). Further guidance on this is available from Trading Standards.
- Ensure your staff are aware about what proof-of-age cards are available.
- Keep a log of 'refused sales'.

For further advice and guidance, or if you need the information translated into any other languages, please contact Trading Standards at the address overleaf.

This leaflet is a brief summary of the law regarding underage sales of alcohol. It is not an authoritative document on the law and is only intended for guidance. For further advice, please contact Trading Standards.