



Nottinghamshire
County Council

Business Information

Sale of Alcohol to young persons

This guide explains the law on sales of alcohol to young persons under 18 at off-licensed premises. Please ensure that all of your staff are aware of its contents. The premise licence holder and the designated premises supervisor are responsible for compliance with the laws designed to restrict the availability of alcohol to young persons.

Selling alcohol from off-licensed premises

Research indicates underage drinking is increasing. This has raised concerns about health, crime and public order. The law regarding the sale of alcohol has been strengthened by the Licensing Act 2003. The Trading Standards Service has a duty to enforce the legal controls relating to the sale of alcohol to young persons.

Offences

- It is an offence for a person to sell alcohol to a person under 18
- It is an offence to knowingly allow the sale of alcohol to a person under 18
- It is an offence for an adult to buy alcohol on behalf of a person under 18
- It is an offence for a person under 18 to buy or attempt to buy alcohol
- The law does not permit anyone under the age of 18 to sell alcohol.

Test purchasing

The Trading Standards Service has power to make test purchases of alcohol by sending young people under the age of 18 into off-licences. If you operate an off-licence your premises may be checked with a test purchase and if a sale of alcohol is made, an offence is committed.

Penalties

If found guilty of selling alcohol or allowing the sale of alcohol to under 18's, you and/or your staff could face a fine of up to £5,000 and contribute to you losing your licence to sell alcohol.

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.

Please turn over...

Defence (continued)...

'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 photograph of the person and their date of birth. Examples could include:

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



These cards are valid as proof of age. Copies of sample cards are available from Trading Standards.

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.
- Train all your staff on the law, how to question and refuse sales if necessary (keep records of the training and reminders given).
- Ensure your staff are aware about what proof-of-age cards are available.
- Keep a log of 'refused sales'.

This leaflet is a brief summary of the law regarding the sale of intoxicating liquor. It is not an authoritative document on the law and is only intended for guidance. For further advice please contact the Trading Standards Service.



Contacting us

email **south.tss@nottscc.gov.uk**
phone **0115 993 4800**
fax **0115 993 4838**
post **Trading Standards Service, Rolleston Drive,
Arnold, Nottingham NG5 7JA**
internet **www.nottinghamshire.gov.uk**

This information can be made available
in other languages and formats.

For further information please contact

0115 977 2021.

Last updated July 2007 / 73