

Consultation on the draft Smoking, Health and Social Care (Scotland) Act 2005, Variation of Age Limit for Sale of Tobacco Purchase and Consequential Modifications Order 2007

Q1 Do you agree that the age of purchase of tobacco products should be raised to 18 as provided for in the draft Order, and with the assumptions made in the partial Regulatory Impact Assessment?

Yes, we agree that the age limit should be raised from 16 to 18. Bearing in mind the high proportion of young people who obtain their cigarettes from shops (according to the statistics quoted in the consultation), we believe that raising the age limit is likely to reduce the number of young people who start smoking by making it harder for them to obtain cigarettes. This will also have the effect of making enforcement easier by allowing Trading Standards to work with more mature young people in test purchasing exercises. Experience has shown that it can be hard to find suitable volunteers aged 13 to 14½ and the proposed change in the law would allow us to work with volunteers aged 15 to 16½ as we do when test purchasing fireworks.

[In passing, we would point out that it would be more appropriate to describe it as the age of 'sale' rather than 'purchase' as the law applies only to sellers, not to purchasers].

Q2 With this in mind, we would welcome your views on:-

- **issues which you think require to be addressed in preparation for the proposed change in the legal age for purchase; and**

A change in the law is not of itself going to have much impact. As your consultation makes clear, the change must be accompanied by adequate enforcement activity by Trading Standards so that retailers know that they could be prosecuted if they sell to an underage person. The change to the guidance from the Crown Office in the last few years has resulted in many local authorities (including West Dunbartonshire Council) increasing their activity in this area, however not all local authorities do so.

We also believe that education of retailers and young people is vital. Enforcement must go hand in hand with support for shopkeepers so that they know what they need to do, and they also know what practical steps they can take to avoid breaching the law. We produced a guidance pack for retailers in 2005¹ funded by our Community Safety Partnership and this will need to be amended before the new law comes into force. We note that the Scottish Executive estimates that a publicity campaign may cost up to £350,000 and we would ask that you consider providing funding direct to local authorities to help us to promote the new law locally.

¹Available to view at:

<http://www.wdcweb.info/environmentalservices/documents/Underagesales%2Epdf>

- **the period of time required between the announcement of the change and its implementation.**

In general we would agree that a shorter lead-in time of 6-12 months would be preferable to a longer lead-in time of 12-18 months. This is likely to have a greater impact in the minds of retailers and the public by focusing minds on the impending change. However we would ask you to bear in mind that Trading Standards will need sufficient time to contact all tobacco retailers to let them know of the changes to the previously-issued guidance referred to above. In consequence, a lead-in time of around nine months would be preferable to one of six months.