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Champion House

**DHSSPS
Investing for Health Unit
Health Improvement Policy Branch
(Tobacco Control)**

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our ref:

your ref:

15th January 2008

Dear Sir or Madam,

**Re: Consultation Questionnaire on Minimum Age of Sale of
Tobacco Products**

Please find enclosed completed questionnaire on the above matter, which has been compiled by Officers of the Eastern Health & Social Services Board.

I would wish to highlight the fact that the Eastern Board is very supportive of the proposal to increase the age limit to 18 years.

I trust you will find this of assistance.

Yours faithfully


**Dr M P J KILBANE
Chief Executive**

cc. Dr J Little, Acting Director of Public Health



Department of
**Health, Social Services
and Public Safety**

An Roinn

**Sláinte, Seirbhísí Sóisialta
agus Sábháilteachta Poiblí**

www.dhsspsni.gov.uk

CONSULTATION QUESTIONNAIRE

ON

MINIMUM AGE OF SALE OF TOBACCO PRODUCTS

October 2007

INTRODUCTION

Purpose

1. This Questionnaire seeks views on whether the Department of Health, Social Services and Public Safety should use the power contained in the Smoking (Northern Ireland) Order 2006, to amend, by regulations, the age of sale of tobacco products.
2. The Department carried out an Integrated Impact Assessment (IIA) screening exercise on the proposed legislation. The results, which include equality considerations and a Partial Regulatory Impact Assessment, are set out in Annexes 1 and 2 of the consultation package.

Background

3. In March 2006, the Department undertook a public consultation exercise on the content of the then draft Smoking (Northern Ireland) Order 2006. Article 14 of the draft Order included a power for the Department to amend, by regulations, the age limit for the sale of tobacco products – currently 16 years - and respondents were invited to comment on whether the Department should take this power. It was made clear that any proposal to raise the age of sale would be the subject of further consultation.
4. There was strong support for the Department taking the power, with 78% in favour of this action. The majority of those in favour felt that the Department should go further and raise the age limit immediately. The main reasons offered were that such action would enable the age of sale to be brought into line with that for alcohol sales (18 years); that it would also bring Northern Ireland into line with the Republic of Ireland; and that it might make enforcement easier, particularly in border areas.
5. The age of sale has been raised to 18 in England, Wales and Scotland with effect from 1 October 2007. The Smoking (Northern Ireland) Order 2006, the main provisions of which came into operation on 30 April 2007, contains the power for the Department to amend the age of sale of tobacco products.

Consultation - How to Respond

6. **The consultation will run from 29 October 2007 to 18 January 2008.** The Questionnaire sets out three options on the minimum age of sale of tobacco products about which the Department would welcome views. It also seeks views on the Integrated Impact Assessment Overview and Partial Regulatory Impact Assessment.

7. In order to facilitate analysis it is important that respondents use the Questionnaire. Completed Questionnaires **must be received by the Department by 5.00pm on Friday 18 January 2008**. Responses should be posted to:

**DHSSPS
Investing for Health Unit
Health Improvement Policy Branch (Tobacco Control)
Room C4.22
Castle Buildings
Belfast
BT4 3SQ
Tel: 028 90520534**

Alternatively responses can be submitted via the online response form using the following web link:

<http://www.dhsspsni.gov.uk/tobacco-age-of-sale.htm>

Alternative formats

8. If you require the consultation documents in an alternative format (such as in large print, in braille, on audio cassette, easy read or computer disc) and/or in another language please contact Heather Rainey on 028 90520525 or text phone 02890527668 to discuss your requirements.

QUESTIONNAIRE

Q1. Article 14 of the Smoking (Northern Ireland) Order 2006 provides the power for the Department to amend the age of sale of tobacco products, but this must not be lower than the present age of 16 years. Do you think the Department should:

continue with the present age limit of 16;

increase the age limit to 17; or

increase the age limit to 18?

Please tick the appropriate box to indicate which of the options you favour.

No Change

Increase to 17

Increase to 18

X

If you wish to comment on your preferred option, please do so here.

Increasing the age of sale to 18 is a positive step towards improving the health of our resident population. Such an increase would send a clear message regarding the health risks associated with smoking and reduce the number of young people developing tobacco addiction. It will also bring Northern Ireland into line with the Republic of Ireland, England, Scotland and Wales, whilst also having the potential to make enforcement easier in border areas.

We feel that raising the minimum age would bring the law in line with the sale of alcohol and demonstrate the Governments commitment to protecting our teenagers from the dangers of tobacco smoke. It would make it harder for young teenagers to buy tobacco thus limiting their access to cigarettes, help reduce smoking prevalence in the long term and delay the smoking uptake in teenagers (Smoking and the Young. A report of a working party of the Royal College of Physicians. London, RCP, 1992).

The under 18 age group is a difficult target group to engage in smoking cessation, and is one of the key target groups in the Tobacco Action Plan (2003-08). The introduction of an increase to age 18 would be encouraged to help meet government targets.

The evidence sited in annex 2 of the public consultation document clearly shows the health and cost benefits for raising the age to 18. It is this option that has the potential to produce the greatest benefits, with decreases in tobacco consumption amongst children and long term decreases in smoking prevalence.

We do believe that strict enforcement measures need to be considered and suggest that sanctions against retailers who break the law on under-age sales be strengthened and that retailers should be required to hold a licence to sell tobacco (ASH *Response to the Government Consultation on Under-Age Sale of Tobacco*. London, ASH, 2006).

'Smokefree' legislation in addition to raising the minimum age may have a significant impact according to the evidence. We therefore recommend that the opportunity to increase the age of purchase to 18 be grasped and implemented (Canadian Cancer Society *A critical analysis of youth access laws*. Ottawa, CCS, 2002). Implementing this legislation would form part of the overall strategy to reduce smoking amongst young people.

General

Q2. Do you have any views on the conclusions reached by the Department to screen out from further assessment the implications of the proposals in respect of:

- (a) **Social Impact Assessment (New TSN, Homelessness etc);**
- (b) **Rural ;**
- (c) **Environmental;**
- (d) **Human Rights;**
- (e) **Victims;**
- (f) **Community Safety & Other Areas?**

Is there any other evidence which you consider should have been taken into account in these assessments?

No
There are no reasons to carry out further assessment in respect of (a) to (f) above.
We agree with the Departments conclusions.

The Department would particularly welcome comments on the following:

Q3. Do you agree with the decision that the proposals do not require a full equality impact assessment? (see Annex 1 of consultation package). If not, please explain why?

Yes
Both the regional Tobacco Action Plan and the smoke-free legislation have considered Equality issues.
Addressing the sale of tobacco products to our young people will allow the health inequalities caused by smoking to be addressed.

Q4. Is there any other qualitative or quantitative information which you consider should have been taken into account in performing this exercise?

No

Q5. Are you aware of any evidence - qualitative or quantitative - that the proposals may have an adverse impact on equality of opportunity or on good relations? If so, please provide details. Can you suggest any ways of avoiding or minimising such adverse impact?

No

Q6. Are you aware of any other equality implications likely to arise from the proposals?

In raising the age of sales to 18 it is important to ensure that the communication strategy builds in information for all people (including non nationals) that reside, work or visit Northern Ireland .

Partial Regulatory Impact Assessment (RIA)

(see Annex 2 of consultation package)

Health

Q7. Do you have any views on the assessment of health impacts?

The evidence highlighted in section 7.4 to 7.7 of the consultation document clearly shows the health benefits of increasing the minimum age of sale of tobacco products to 18. We welcome this evidence, particularly 7.7, which highlights the World Health Organisations recommendation of a minimum legal purchase of 18 for tobacco products.

Q8. Are there any other potential health impacts that you consider should have been addressed?

Consideration should also be given to highlight the health benefits derived for the foetus, babies and children as a result of young mothers who refrain from smoking or reduce their consumption of cigarettes.

Q9. Is there any other material evidence which you consider should have been taken into account in this assessment of health impacts?

As in Q8. above

Economic

Q10. Do you have any general comments on the overall approach that was taken in completing the RIA?

No
The evidence described in 7.5 and 7.6 of the consultation document clearly demonstrates the economic gain to be derived from increasing the minimum age to 18.

Q11. Do you consider that there are other issues which need to be taken into account in the assessment of the impact on business?

No

Q12. Do you agree with the analysis of the sectors and business/organisations which might be particularly affected by the proposals?

Yes

Q13. What are your views on the identification and assessment of the costs and benefits?

Our views fully support the evidence to increase the age to 18. It is encouraging to see that the overall effect in regard to tax revenue losses may generally be neutral, and that it is reasonable to assume that expenditure on other products will increase with equivalent effects.

Public Expenditure and Public Service

Q14. Do you agree with the Department's view that a separate Economic Appraisal is not required?

Yes

Impact on Small Businesses

Q15. Do you agree that the proposals will not have a disproportionate impact on small businesses?

Yes

We look forward to receiving similar positive support from the Small Businesses Federation that was noted following the Smoking (Northern Ireland) Order consultation.

Q16. Are there any impacts on small businesses that you consider should have been addressed?

No

Small businesses have the opportunity to respond to this consultation.

Q17. Is there any other material evidence which you consider should have been taken into account in assessing the impact on small businesses?

No

Rural Proofing

Q18. Do you agree that the proposals will not have a disproportionate adverse impact on rural business?

Yes

Q19. Are there any rural impacts that you consider should have been addressed?

No

Q20. Is there any other material evidence which you consider should have been taken into account in this assessment of rural impacts?

No

Additional Comments

Q21. Do you have any other comments or suggestions on the Integrated Impact Assessment Overview? (Annex 1 of consultation package)

No

It is without hesitation that we make this recommendation to increase the minimum age of sale of tobacco products to 18.

Thank you for taking time to complete this Questionnaire.

