



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

YES

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

Gallaher believes that children should not smoke. Smoking is only for informed adults, who are fully aware of the health risks associated with smoking. We support an increase in the minimum age of sale of tobacco products to 18 years, bringing Northern Ireland into line with England, Wales, Scotland and the Republic of Ireland.

We remain committed to national proof-of-age programmes, which aim to prevent those under the legal age from purchasing cigarettes and other age-restricted products. We believe these programs to be the most effective way in addressing the issue of youth access prevention.

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?

Disenfranchising those who could previously purchase their tobacco products legitimately could potentially add to the trade in illicit tobacco, which is already a significant problem, since young adult smokers might seek to purchase from illegitimate sources such as car boot sales, pubs, clubs and street corners when refused from legitimate outlets.

The Tobacco Manufacturers' Association (TMA), of which Gallaher is a member company, estimates that in 2006 around 27% of cigarettes and 70% of handrolling tobacco was Non-UK Duty Paid (NUKDP). HM Revenue & Customs (HMRC) estimates that in 2005-06 the illicit share of total cigarette market was between 8%-18%.

We are committed to tackling tobacco smuggling and counterfeiting and will continue to work closely with customs authorities and others in seeking to prevent it.

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.

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

An account of the take-up of proof-of-age schemes operating in Northern Ireland would have been beneficial.

We continue to support 'CitizenCard', the national proof-of-age scheme, which is the largest operator of cards within the Home Office supported 'PASS' (Proof of Age Standards Scheme). CitizenCard provides retailers with a trustworthy method of checking the age of those seeking to buy age-restricted products such as cigarettes.

We have also contributed significantly to its sister campaign, 'No ID, No Sale' (NINS), which aims to promote retailer awareness of age-restricted products and encourages the use of valid forms of ID at point of sale. Prior to 2007, around 120,000 NINS information packs were distributed to retailers across the UK, including over 2,000 to Northern Ireland, many with the help of the Gallaher sales force.

The Tobacco Alliance's 2007 retailer survey showed that 92% of the respondents display NINS material in their shop and 83% are aware of CitizenCard, making it the best known proof of age card.

Should the minimum age of sale of tobacco products change in Northern Ireland, Gallaher is committed to distributing revised CitizenCard and NINS packs to retailers across the region.

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?

Our experience in England, Wales and Scotland showed that the government and local authorities did not do enough early enough to raise awareness of the increase in age before it came into effect, leaving it instead to the TMA's member companies, CitizenCard and other groups to deliver on a voluntary basis.

Retailer group surveys have shown that retailers routinely suffer abuse upon requesting ID. Indeed, Independent Retail News (IRN) magazine's 2004 retailer survey showed that over half of those polled (54%) had suffered violent crime, most notably verbal abuse for refusing an under-age sale. IRN's 2007 survey showed that a large proportion of violent incidents towards retailers in Northern Ireland were tobacco related.

We would therefore urge the DHSSPS and the Northern Ireland Assembly to provide an appropriate lead-in time and deliver an extensive publicity campaign in order to ensure that, as far as possible, both retailers and consumers are fully aware and prepared for any change to the law.

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

No.

Partial Regulatory Impact Assessment (RIA)
(see Annex 2 of consultation package)

Health

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

Our position has always been very clear: minors should not smoke. Smoking is, and should be, an adult choice. No one should smoke unless he or she understands the risks of doing so.

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

No.

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

No.

Economic

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

No.

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

Please see answer to questions 4 and 5.

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?

An appropriate budget and lead-in must be set aside for the Northern Ireland Assembly to launch and implement an effective public and retailer awareness campaign if the minimum age of sale of tobacco products is raised.

Public Expenditure and Public Service

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

Impact on Small Businesses

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

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

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

Rural Proofing

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

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

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

Additional Comments

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

Thank you for taking time to complete this Questionnaire.