



# NIIRTA

## NORTHERN IRELAND INDEPENDENT RETAIL TRADE ASSOCIATION

### Consultation on Under-Age Sale of Tobacco Products

The Northern Ireland Independent Retail Trade Association (NIIRTA) welcomes the opportunity to respond to this consultation. NIIRTA represents over 900 independent grocery retailers who operate throughout the Province mostly under such well known symbol names as Spar, Mace, Vivo, Centra, Supervalu and Costcutter as well as larger independents who trade under their own name. All of our members retail tobacco.

Our response focuses on our concerns about how Department of Health, Social Services and Public Safety would plan for any transition period related to changing the law on the minimum age for purchasing tobacco.

NIIRTA is committed to playing its role in preventing underage people getting hold of tobacco products. We take our role as a representative of responsible retail businesses very seriously and support fair and reasonable enforcement action to ensure retailers are complying with the law.

Many NIIRTA members subscribe to Citizencard, the leading commercial proof of age scheme. Citizencard is one of the first card schemes to have been accredited under the PASS accreditation scheme and has issued over 1½million cards. The scheme is supported by the No ID No Sale campaign which has been thoroughly supported throughout the Trade. No ID No Sale materials are available free to all retailers and for the last three years a mass communication and distribution campaign has ensured that there is take up of the materials throughout the trade. We have also been in touch with the Chief Electoral Officer about the promotion of the Electoral Identity Card in this campaign.



### **It Should Be Illegal To Buy Tobacco If Underage**

We are however concerned that the legislation relating to the sale of tobacco does not afford the same protection for retailers as that relating to the sale of alcohol. Under the provisions of Article 60(8) of the Licensing (NI) Order 1996 it is an offence for a person under the age of 18 years to represent himself to be over that age for the purpose of purchasing intoxicating liquor. The sale of either



product to a person under the age of 18 is an offence which is always instigated by the young person and never by the retailer.

We believe that in their current form the regulations omit a major opportunity to tackle underage tobacco purchase and in particular to rectify an imbalance in the law. It should be an offence to attempt to buy tobacco if underage. We also believe it should be an offence for an adult to buy tobacco on behalf of someone underage. Given the lack of action taken against them, young people are currently free to attempt to deceive retailers into committing an offence with the security of knowing that they face no consequences. This must be addressed as a part of the Government's tobacco strategy.

### **Minimum Age for Buying Tobacco**

NIIRTA believes that the minimum age for buying tobacco should be raised to 18. This would be easier for retailers as it would provide a level age for both tobacco and alcohol. NIIRTA would however be against a rise in the minimum age to 17, as this would only increase confusion in applying the law, without substantial benefit. NIIRTA is also concerned with how any decision to change the law would be implemented and this is the focus of our comments.

If the DHSSPS decides to change the law, the burden of enforcement falls onto retailers and their staff. The way in which the Department plans for the implementation in the change of the law will be critical to level of burden retailers will face. Implementation issues are:

- **Training** – retailers will be required to retrain staff to ensure they understand the new law.
- **Conflict** – there are likely to be young people aged 16 or 17 who are already addicted to nicotine and that are unhappy at having the right to buy tobacco taken away from them. This resentment is most likely to result in conflict that retailers will have to manage.

Research by trade union USDAW has shown that refusing underage sales is the most common reason for abuse of violence against shopworkers. We know that a least one shop worker every minute is verbally abused and that in 2004 there were 134,000 acts of violence and 991,000 incidents of threatening behaviour. (USDAW, Freedom from Fear)

NIIRTA advocates an 'overnight' change. We believe that if the decision to change the age is taken, the Government should enshrine a date in legislation after which it is illegal to sell tobacco to anyone under that age and illegal to attempt to buy the product. We advocate this mechanism because it is the most simple to understand and easiest to train staff.

However it is absolutely vital that there is both adequate lead-in time and a comprehensive communication strategy to accompany the change in the law. The lead in time is vital so that retailers are fully aware of the change and have time to prepare. Furthermore a smooth transition will only be achieved if there is a high profile, public facing communications campaign that makes it clear what the change in the law is and when it comes into force.



Only by engaging in this high profile campaign will conflict be mitigated at store level. Customers need to know that it is not the store policy, but instead a change in the law that has led to them being refused a tobacco purchase. If this message is not successfully communicated, the retailer and members of staff are more likely to face conflict.

The length of the lead in time needs detailed consideration and the amount of time chosen must balance two key objectives:

- Sufficient time for the message to be widely received
- Not so long that any communication loses impact.

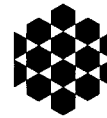
We welcome further discussion and expert opinion on how best to approach this, and NIIRTA would wish to play a leading role in working with Government on this communication strategy.

## **Contact**

For more information on this issue or to organise a meeting please contact Glyn Roberts on 02890220004 or [glyn.roberts@niirta.com](mailto:glyn.roberts@niirta.com)



NHRTA.



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

[www.dhsspsni.gov.uk](http://www.dhsspsni.gov.uk)

AN ROINN

**Sláinte, Seirbhísí Sóisialta  
agus Sábháilteachta Poiblí**

MÁNYSTRIE O

**Poustie, Resydènter Heisin  
an Fowk Siccar**

## **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

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

## 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?

SEE ATTACHED

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

**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?**

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?**

No

**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?**

SEE ATTACHED

**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?**

N/A .

### **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

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

SEE ATTACHED

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

SEE ATTACHED .

**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

**Thank you for taking time to complete this Questionnaire.**