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Date: 29 December 2006  
Our Ref: DR/JC  
Your Ref:



The Scottish Executive  
Health Department  
Public Health and Substance Misuse Division  
St Andrew's House  
Regent Road  
Edinburgh

**Planning & Environment**

David M Porch, Director  
Southern Area Office  
Scomag House  
Crosshill Street  
Motherwell, ML1 1RU  
www.northlan.gov.uk

Dear Sir or Madam,

Thank you for the opportunity to submit our comments on the proposed variation of age limit for the sale of tobacco purchase in Scotland.

The Trading Standards service is the local authority enforcement body with the role of investigating sales of age-restricted products, including tobacco, to those too young to purchase them. The North Lanarkshire service has also undertaken a trader information and guidance role with the production, in conjunction with North Lanarkshire Partnership of *It's Your Call*, a loose-leaf advisory pack written in partnership with local retailers.

In compiling this response we have sought the views of all relevant staff members.

If you require clarification on any of the following points, please do not hesitate to contact Peter Fergie, Trading Standards Team Leader on (01698) 302007 in the first instance.

Yours faithfully,

**Dave Roderick**  
**TRADING STANDARDS MANAGER**

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**Q1** North Lanarkshire's Trading Standards service agrees with the raising of the age of purchase of tobacco products from 16 to 18.

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- Consultations with local retailers and trade bodies (Scottish Retail Consortium, Federation of Small Businesses Scotland etc.) has shown that retailers see legislation in the area of age-restricted products as confusing and complex and they would like to see "one age" for a whole raft of products - typically 18 years.
- It would make the responsibility of retailer in spotting those under age much easier as they claim 18 years is easier to estimate (guess?) than 16 years - notwithstanding that we in Trading Standards advocate that retailers seek proof of age and promote the use of PASS accredited proof of age cards, such as the Young Scot card, in aiding due diligence for retailers.
- Research has shown that the majority of smokers begin the habit between 13 and 15 years\*. If we can help extend the lower age by 2 years then more young persons may not take up smoking. The health benefits to the nation will in the long term be profound (\*Ref. Salsus 2004).

**Q2** Issues to be addressed include.

- Getting new information and advice out to retail sector which may require up to 6 months to fully address, e.g. updating previously distributed information and advice packs, getting new statutory notices printed and distributed.
- The position of those currently over 16 years and who can currently legitimately purchase tobacco products but who will be unable to should legislation change - the health message impact may be lost if the transition from statute to implementation is overly long.
- We would recommend a 6-12 month implementation delay in order to address areas over which we have some lien. (Option 2 as outlined in the consultation paper)
- Whilst recognising the Salsus report of 2004 as a source of relevant and useful baseline information this Trading Standards service has found, during the roll out of our recent test purchase exercise, that supply to under age persons was as likely in national retailers as in independent local shops.
- At 6.9 (Cost Options) it is intimated that signage change costs would be negligible. We do not see overlaying ages with sticky labels on current statements as a good alternative to re-issuing new signs; the informational impact of the latter on the trade sector would be greater. North Lanarkshire Trading Standards will also need to send out updates for "It's Your Call", our trade information and advice pack which will involve reprinting of a number of loose-leaf inserts. We would also anticipate our officers visiting the 400 or so known tobacco outlets in North Lanarkshire to reinforce the message and make the transition more effective. "It's Your Call" has been disseminated free to over 600 outlets and is currently being offered to mobile vendors of age-restricted products.

## References

- <sup>1</sup> Scottish Executive (2004) *A Breath of Fresh Air for Scotland* Available at:  
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- <sup>1</sup> Smoking, Health and Social Care (Scotland) Act 2005 Available at:  
<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050013.htm>
- <sup>1</sup> Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) - National Report 2004 Available from:  
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- <sup>1</sup> Scottish Executive (2006) *Towards a Future without Tobacco* Available at:  
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- <sup>1</sup> Scottish Executive (2006) *Scottish Household Survey 2005* Available at:  
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**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 in the draft Order.**

North Lanarkshire's Trading Standards service agrees with raising the age of purchase of tobacco products from 16 to 18.

- Consultations with local retailers and trade bodies (Scottish Retail Consortium, Federation of Small Businesses Scotland etc.) has shown that retailers see legislation in the area of age-restricted products as confusing and complex and they would like to see "one age" for a whole raft of products - typically 18 years.
- It would make the responsibility of retailer in spotting those under age much easier as they claim 18 years is easier to estimate (guess?) than 16 years - notwithstanding that we in Trading Standards advocate that retailers seek proof of age and promote the use of PASS accredited proof of age cards, such as the Young Scot card, in aiding due diligence for retailers.
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**Q2 we would welcome views on**

- **Issues which you think require to be addressed in preparation for the proposed change in the legal age for purchase: and**
- **The period of time between the announcement of the change and its implementation.**

Issues to be addressed include.

- Getting new information and advice out to retail sector, which may require up to 6 months to fully address, e.g. updating previously distributed information and advice packs, getting new statutory notices printed and distributed.
- The position of those currently over 16 years and who can currently legitimately purchase tobacco products but who will be unable to should legislation change - the health message impact may be lost if the transition from statute to implementation is overly long.
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