

POLICY NOTE

THE SALE OF ALCOHOL TO CHILDREN AND YOUNG PERSONS (SCOTLAND) AMENDMENT REGULATIONS 2013

SSI 2013/199

The above instrument was made in exercise of the powers conferred on Scottish Ministers by sections 102(4)(c), 108(7)(c) 146(4) and 147(1) of the Licensing (Scotland) Act 2005(1) and all other powers enabling them to do so. The instrument is subject to negative resolution procedure.

Policy Objectives

The instrument expands the list of prescribed documents that may be accepted by retailers as proof of a person's age before the retailers makes a sale of alcohol.

It is an offence to sell alcohol to persons under 18. However, it is a defence for a person to show that they have taken reasonable steps to establish the customers age. One such step is that the person selling the alcohol has been shown a proof of age document which Scottish Ministers have listed as being acceptable.

At present, the documents which can be used as proof of age are:

- a passport;
- an EU photocard driving licence; and,
- for alcohol a photographic identity card approved by the British Retail Consortium for the purposes of its Proof of Age Standards Scheme (PASSCard);

The instrument prescribes additional documents which are:

- Ministry of Defence Military Identity Cards;
- European Union Identity Cards; and
- Biometric Residence Permits.

The additional documents will allow those who may not be in possession of other forms of identification a means to prove their age in order to purchase alcohol.

Public Consultation

A public consultation was conducted in 2012. Views were received from retailers, licensing authorities and others with an interest. Representations were received from EU countries whose citizens can visit Scotland without a passport and therefore may not have ready access to any of the existing acceptable forms of identification.

(1) 2005 asp 16.

Financial Effects

The order will not have financial effects for the Scottish Government and we do not anticipate costs for enforcement. Retailers may face additional costs in training staff in the additional acceptable forms of identification. It will be a commercial decision for retailers to decide upon the level of training required. Premises that deal with large number of tourists who may make use of the new forms of identification will have different requirements to somewhere where the new forms will only be produced infrequently.

Scottish Government
Justice Directorate
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