

Vape Products - Age of Sale

If you sell age-restricted products (e.g. nicotine containing products) to any person under the age of 18 (the minimum legal age), you commit a criminal offence. This is a strict liability offence, which means an enforcing authority does not have to prove you intended to commit a breach, just that a breach was committed. As a result of the strict liability offence there is a legal defence, which is often referred to as the due diligence defence. This means you must prove that you took 'all reasonable precautions and exercised all due diligence to avoid committing an offence.



There are currently different age restrictions in place for the sale of vape products; see below for the situation in each country.

For more information, or to join the IBVTA, please visit www.ibvta.org.uk or email us at info@ibvta.org.uk

England & Wales	Scotland	Northern Ireland
<p>From 1st October 2015 it is illegal to:</p> <ul style="list-style-type: none"> • Sell vape products (e-liquid or devices) to anyone under the age of 18 • For adults to buy (or attempt to buy) vape products to anyone under the age of 18 (proxy sales) • It is advisable to have age verification software in place when selling on line, it is not enough to ask, 'are you over 18?' 	<p>From 1st April 2017 it is illegal to:</p> <ul style="list-style-type: none"> • Sell vape products (e-liquid or devices) to anyone under the age of 18 • For adults to buy (or attempt to buy) vape products to anyone under the age of 18 (proxy sales) • Not operate an online age verification process • Sell vape products via vending machines <p>From 1st October 2017</p> <ul style="list-style-type: none"> • It is a requirement for retailers of vape products to register their business on the Nicotine Vapour Products (NVP) Register 	<p>To date:</p> <ul style="list-style-type: none"> • There is currently no age of sale restrictions in Northern Ireland, although this may change in the future.

Best Practice Guidance:

Age verification checks.

Verify the age of potential buyers by asking to see an identity card that bears the PASS hologram (the Proof of Age Standards Scheme (PASS)). This is the UK's national proof of age accreditation scheme supported by the Home Office, the Scottish government, the Association of Chief Police Officers (ACPO), Police Scotland and the Chartered Trading Standards Institute (CTSI)). - **Challenge 21 / Challenge 25** is an example of an age verification policy. If anyone looks under 21 / 25 challenge them and ask for identification. In Scotland it is a legal requirement to have an age verification policy. It is useful to do this in England and Wales as this will assist in showing that all reasonable precautions were taken to assess the age of the consumer.

Online sales.

Ensure you have suitable age verification software in place.

Staff training.

Make sure your staff receive adequate training on underage sales, ensure they have understood the training and keep a record of the training delivered. Make sure the training is regularly updated and this is also recorded.

Use of till prompts.

You can use prompts that appear on the till when an age-restricted product is scanned to remind staff to carry out age verification checks.

Store layout, signage and CCTV.

It is not a legal requirement to have a notice for nicotine containing products but highly recommended to show that all reasonable precautions are being exercised.

Keep and maintain a refusals register.

This means keeping a record (date, time, incident, description of potential buyer) where sales of nicotine containing products have been refused. This helps to demonstrate that you actively refuse sales and have an effective system in place.