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trading standards law explained

Alcohol: age restrictions

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In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for England and Wales

Everyone involved in sales from on-licensed and off-licensed premises should be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

It is essential that you keep within the law and have systems in place that will act as a legal defence to an allegation that an underage sale of alcohol has taken place. If you do sell alcohol to an individual who is

under the age of 18, you could be prosecuted and fined, and your licence to sell alcohol could be at risk.

Preventing the sale of alcohol to children: an overview

The Licensing Act 2003 sets out a series of objectives, which a Licensing Authority is required to promote. "The licensing objectives are:

(a) the prevention of crime and disorder;
(b) public safety;
(c) the prevention of public nuisance; and
(d) the protection of children from harm."

The "protection of children from harm" objective includes preventing the sale and supply of alcohol to under-18s. The law sets out the framework that aims to achieve this objective.

The premises licence holder, the designated premises supervisor (who must be a personal licence holder), any other personal licence holders, and staff within on-licensed and off-licensed premises should all be aware of their obligations under the Licensing Act 2003 relating to the prevention of sales of alcohol to children.

Before someone can apply for a personal licence, they must be aged 18 or over and have obtained an accredited licensing qualification, which covers licensing law and social responsibility related to the sale of alcohol. In addition, relevant criminal convictions must be disclosed.

It is the premises licence holder and designated premises supervisor's responsibility to keep within the law and to have systems in place that will act as a legal defence to an allegation that a sale of alcohol has taken place to an individual under the minimum legal age.

A Penalty Notice for Disorder (PND) is a type of Fixed Penalty Notice that can be issued by a Police officer, Police community support officer or an 'accredited person' to a person who sells alcohol to someone under the age of 18. It is intended to provide a quick and effective means of dealing with certain types of offending (as an alternative to prosecution) and may be issued where the person making the sale is the bar person or member of staff (the latter in the case of sales from off-licensed premises). The current penalty charge is £90.

A responsible authority, such as Police or Trading Standards, may ask the Licensing Authority to review the licence because of a problem at the premises related to any of the four licensing objectives. The licence could be suspended or revoked. Other licensable activities and non-licensable activities are not affected by this suspension order.

The law

The Licensing Act 2003 sets out the offences, defences and penalties that relate to underage sales of alcohol.

Sale of alcohol to children

A person commits an offence if they sell alcohol to an individual under the age of 18.

If you are charged with an offence, you have the defence that you believed the individual was aged 18 or over, and you had either taken all reasonable steps to find out the individual's age or that no one could reasonably suspect from their appearance that they were under the age of 18. 'Reasonable steps' means asking the individual for evidence of their age, and that the evidence would convince a reasonable person.

If you are charged with an offence due to the conduct of someone else (a member of staff, for example) you have the defence that you exercised all due diligence to avoid committing it. The 'Keeping within the law' section below explains what this means.

Allowing the sale of alcohol to children

A person who works at premises in a capacity that authorises them to prevent the sale of alcohol to an individual under the age of 18 commits an offence if they knowingly allow the sale of alcohol to take place.

Persistently selling alcohol to children

It is an offence for a 'responsible person' (the premises licence holder) to unlawfully sell alcohol to an individual under the age of 18 at the same premises on two or more different occasions, within a period of three consecutive months.

An 'unlawful sale' is defined as where the person making the sale believed that the individual was under the age of 18 or that the person did not have reasonable grounds for believing the individual was 18 or over. 'Reasonable grounds' means asking the individual for evidence of their age and that this evidence, when provided, would convince a reasonable person or that no one would reasonably suspect from the individual's appearance that they were under the age of 18.

An enforcing body, such as the Police or Trading Standards, can apply for a Closure Notice (which prohibits the sale of alcohol at the premises) as an alternative to prosecution; the duration of this Notice can range from 48 to 336 hours. Where a premises licence holder is convicted of an offence of persistently selling alcohol to children, the court may suspend the licence authorising the sale of alcohol at that premises for a period of up to three months.

Prohibition of unsupervised sales by children

The premises licence holder, designated premises supervisor, or other responsible person aged 18 or over, commits an offence if they allow an individual under the age of 18 to sell or supply alcohol, unless the sale has been specifically approved and the person is supervised. There are exceptions if alcohol is sold or supplied for consumption with a table meal. You must check the ages of your staff to make sure you comply with the law.

Temporary events

If you want to organise a temporary event where a 'licensable activity' (such as the sale of alcohol) will take place on unlicensed premises, you must apply to your local council for a Temporary Event Notice. A copy of the Notice must be clearly displayed at the event. There are restrictions and requirements that you

must be aware of before you make your application; contact your local council for more information.

Offences under the Licensing Act 2003, including those that relate to age restrictions, also apply to temporary events.

Proxy purchasing of alcohol

'Proxy purchasing' is a term used to describe the purchase of alcohol by an adult on behalf of a child.

A person commits an offence if they buy or attempt to buy alcohol on behalf someone under the age of 18. It is also an offence for a person to buy or attempt to buy alcohol for someone under the age of 18 to drink on licensed premises.

However, 16 and 17-year-olds can drink beer (in its various forms), wine or cider, bought for them by someone accompanying them who is 18 or over, when they are eating a substantial meal at a table in a restaurant, hotel or parts of a pub specifically set aside for eating meals.

Ensure that your staff can recognise and decline attempts at proxy purchasing. They should remain vigilant for signs of suspicious activity, including:

- An adult being approached by underage individuals, either inside or just outside the premises, followed by an attempt to purchase alcohol
- An adult using overly emphatic language or behaviour to stress that the alcohol is for their own use
- An adult purchasing alcohol for someone who clearly appears to be underage

Although it is the person who buys or attempts to buy alcohol for a child who commits the offence, you have a duty under "the protection of children from harm" licensing objective to prevent such sales from occurring.

Note: it is against the law to give children alcohol if they are under five years old.

Keeping within the law

In order to keep within the law and satisfy the legal defences, you are advised to introduce an age-verification policy and have effective systems in place to prevent sales to persons under the minimum legal age. To ensure these systems stay effective, they need to be regularly monitored and updated (where necessary) to identify and put right any problems or weaknesses, and to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

Age verification checks

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 introduced conditions that apply to all licensed premises. One of these is that if your premises sells or supplies alcohol, you must have an age verification policy.

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national Proof of Age Standards

Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or photocard driving licence can also be accepted, but make sure that the card matches the person using it and the date of birth shows they are at least the minimum legal age. Military identification cards can be used as proof of age, but (as with other forms of identification) make sure that the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification, and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards, so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove that they are at least the minimum legal age, or if you are in any doubt, refuse the sale.

Please see the Home Office *False ID Guidance* for more information.

Digital identity checks

There are plans in place to allow consumers in England and Wales to use a digital identity service, likely via their phones, to prove their age when buying alcohol. Using a digital identity will require both consumers and businesses to use services and processes that meet Government requirements, to ensure that they are effective and secure. For example, a digital photograph of a driving licence is not an acceptable digital identity.

For more information on what the Government is doing to enable the use of secure and trustworthy digital identity services, see the Office for Digital Identities and Attributes (OfDIA) section of the GOV.UK website; for alcohol in particular, see the OfDIA blog post 'Using a digital identity to buy alcohol safely and securely'.

Operate a Challenge 21 / Challenge 25 policy

This means that if the person appears to be under the age of 21 / 25, they will be asked to verify that they are at least the minimum legal age by showing valid proof of age. You can incorporate this into your age verification policy.

Staff training

Make sure your staff are properly trained. They need to know which products are age restricted, what the age restriction is and the action they must take if they believe an underage person is attempting to buy.

It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records can then be checked and signed on a regular basis by management or the owner. Members of staff should be advised that they themselves might be personally liable if they sell to young persons in breach of the legal requirements.

Maintain a refusals log

It is best practice to record all refusals (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. It is advisable that the manager / owner checks the log to ensure that all members of staff are using it.

A specimen refusals log is attached.

Some tills have a refusals system built in. If you use a till-based system, ensure that refusals can be retrieved at a later date. Be aware that some refusals are made before a product is scanned.

Till prompts

If you possess an EPoS system, it may be possible to use it to remind staff of age restrictions via a prompt.

Store and product layout

Off-licensed premises should consider the layout of their store, and site the alcohol in a place where it can be easily monitored, such as nearer to the counter or even behind it.

Signage

Display posters showing age limits and a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff.

Closed circuit television (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales. It will also help you to monitor 'blind spots' within your store if it is not possible to change the layout or relocate the products behind, or closer to, the counter.

Online sales

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

Further information

Detailed guidance has been produced by the Home Office under section 182 of the Licensing Act 2003.

For guidance on alcohol labelling and composition, including low-alcohol products, see 'Alcoholic

beverages and alcohol in food' and 'Labelling and composition of spirit drinks'; and for measuring requirements, stamps on glasses, etc see 'The sale of alcohol in licensed premises'.

Trading Standards

For more information on the work of Trading Standards services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

In this update

No major changes.

Last reviewed / updated: June 2026

Key legislation

- Licensing Act 2003
- Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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