

## Sales of aerosol spray paints

It is a criminal offence to sell an aerosol paint container to anyone under the age of 16, and the owner of the business, as well as the actual seller, may be liable to a penalty of up to £2,500. However, there are a number of robust measures you can put in place to avoid selling to under 16s - these include being sure you understand the various age restrictions for different products and displaying posters explaining the need for ID and the relevant age restriction.

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### The legislation

The Anti-social Behaviour Act 2003 (<http://www.legislation.gov.uk/ukpga/2003/38/contents>) addresses spray painted graffiti, recognising that graffiti can contribute to the fear of crime. Research has shown that graffiti, litter and general degradation of a neighbourhood disproportionately affect people's sense of safety and security. Local authorities spend considerable sums of money every year removing graffiti, with varying degrees of success.

For further information about national work to combat anti-social behaviour, visit the Home Office website (<http://www.homeoffice.gov.uk/>).

### General points

- it is illegal to sell aerosol spray paint to any person under the age of 16
- the owner of the business, as well as the actual seller, may be liable if a sale of spray paint to an underage person is made
- the maximum penalty for breaching Section 54 of the Anti-social Behaviour Act 2003 (<http://www.legislation.gov.uk/ukpga/2003/38/contents>), which bans these sales, is £2,500 per offence



## **What can I do?**

There are some steps you can follow to avoid selling age-restricted products to under-age customers:

**Make sure you have identified any age-restricted products** that your business may sell, and are clear about the appropriate age limits.

**Ensure new and existing staff** are properly trained, and that all staff are regularly reminded about the law. Keep records of any training.

**Check that your staff are clear about how to deal with attempted underage purchases** and are able to refuse sales when necessary. Have a clear policy such as asking for photo identification if there is any doubt about the person's age. We recommend that you consider taking a 'no ID, no sale' approach to age restricted products. This can minimise the risk of making an under-age sale and can assist any staff who are faced with making judgements about a purchaser's age.

**Be clear about which forms of identification are acceptable.**

Trading standards services and the government support the national Proof of Age Standards Scheme (PASS) (<http://www.pass-scheme.org.uk/>). You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age. There are a number of card issuers in the scheme - visit the PASS website for more information (<http://www.pass-scheme.org.uk/>). Or a driving licence photocard or passport is acceptable.

**Keep a record when staff refuse sales to underage persons** - for example, in a diary or refusals book (these may be available from your trading standards service), and monitor its usage to ensure all sales staff are being vigilant.

**Display notices/posters around the tills/product displays** to publicise age restrictions and the possibility that sales may be refused. This may deter potential purchasers, and act as a reminder to staff.

**It may be possible to set up an EPOS till system to remind sales staff** to check customers when an age-restricted product is scanned. Alternatively, stickers can be used over certain product bar codes.

**Consider moving displays of age restricted products nearer the counter**, or even behind it, to minimise the risk of theft and to deter youngsters.

**If you sell via the Internet or catalogue, introduce a system** that aims to prevent sales of spray paints to those under 16. You should consider the prominence of statements regarding the legal age to purchase and a positive requirement for the purchaser to affirm that they are over 16. You could accept only those forms of payment that are inaccessible to under 16s (for example, credit cards). You may wish to seek detailed advice on this from your local trading standards service.

Trading standards services enforce a variety of legislation that restricts the age at which products with potential anti-social effects can be purchased. Products that are controlled include alcohol, butane cigarette lighter refills, fireworks, and solvents, as well as aerosol paint containers.

### **Relevant legislation**

Anti-social Behaviour Act 2003  
(<http://www.legislation.gov.uk/ukpga/2003/38/contents>)

### ***Where can I get further help?***

This leaflet is not an authoritative document on the law and is only intended for guidance. For further details or clarification contact Derbyshire Trading Standards at:

Chatsworth Hall  
Chesterfield Road  
Matlock  
Derbyshire  
DE4 3FW

Telephone:

<b>Businesses:</b>	Call Derbyshire	08 456 058 058
<b>Consumers:</b>	Citizens Advice consumer helpline	08454 040506

Fax: 01629 536197

Website: [www.derbyshire.gov.uk/tradingstandards](http://www.derbyshire.gov.uk/tradingstandards)

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- Language interpreters, including for sign language
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