

Cigarette lighter refills

In the guide

Defences

Keeping within the law

- Age verification checks

- Operate a Challenge 21 or Challenge 25 policy

- Staff training

- Maintain a refusals log

- Store and product layout

- Till prompts

- Signage

- Closed circuit television (CCTV)

- Online sales

Penalties

Key legislation

This guidance is for England and Wales

Cigarette lighter refill canisters are abused by some people who inhale the butane they contain.

The Cigarette Lighter Refill (Safety) Regulations 1999 make it an offence for a person to supply any cigarette lighter refill canister containing butane, or a substance with butane as a constituent part, to any person under 18.

There are steps that traders can take to keep within the law, including asking for proof of age, recording refused sales and training staff.

Defences

If you are charged with an offence under the Cigarette Lighter (Safety) Regulations 1999 you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. What does this mean? It means that you are responsible for making sure that you and your staff do not supply cigarette lighter refills or products containing butane to anyone under 18.

Keeping within the law

In order to keep within the law and therefore satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent an underage sale. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, or to

keep pace with any advances in technology.

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

Age verification checks

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 18 or over. 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 - the sale should be refused.

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

Operate a Challenge 21 or Challenge 25 policy

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are 18 or over by showing valid proof of age.

Staff training

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under 18 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 members of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

Maintain a refusals log

All refusals should be recorded (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. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

A specimen refusals log is attached.

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

Store and product layout

Identify the age-restricted products in your store and consider moving them nearer to, or even behind, the counter. Consider displaying dummy packs so that people have to ask for the products if they want to buy them.

Till prompts

If you possess an EPOS system, it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes.

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.

Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement and penalties'.

Key legislation

Cigarette Lighter Refill (Safety) Regulations 1999

Last reviewed / updated: October 2020

In this update

No major changes

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 may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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