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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 Scotland

Everyone involved in sales from licensed premises should be aware of their obligations under the Licensing (Scotland) Act 2005 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.

This guide does not provide information on obtaining a licence itself; for guidance on this please contact your local council's Licensing Standards officer.

Preventing the sale of alcohol to children: an overview

The Licensing (Scotland) Act 2005 sets out a series of objectives, which a Licensing Authority is required to promote; "the licensing objectives are:

(a) preventing crime and disorder,
(b) securing public safety,
(c) preventing public nuisance,
(d) protecting and improving public health, and
(e) protecting children and young persons from harm".

The "protecting children and young persons 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 premises manager (who must be a personal licence holder), any other personal licence holders and staff within licensed premises should all be aware of their obligations under the Licensing (Scotland) Act 2005 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 a Scottish Certificate for Personal Licence Holder (SCPLH) 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 premises manager'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.

Any person can apply to the Licensing Board to seek a review of a premises licence under any of the five licensing objectives. This includes the sale of alcohol to underage persons.

The law

The Licensing (Scotland) Act 2005 sets out the offences, defences and penalties that relate to underage sales of alcohol.

Sale of alcohol to children and young persons

A person commits an offence if they sell alcohol to an individual under the age of 18. (Those under the age of 16 are 'children', and 'young persons' are 16 or 17.)

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. The evidence of a person's age that is required by law is the production of a passport, a photographic

driving licence, Ministry of Defence identity card, PASS card, European Union identity card or biometric immigration document.

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 and young persons

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.

Purchase of alcohol by children and young persons

It is an offence for anyone under the age of 18 to buy or attempt to buy alcohol.

Sale of liqueur confectionery to children under the age of 16

A person commits an offence if they sell liqueur confectionery to an individual under the age of 16.

If you are charged with an offence you have the defence that you believed the individual was 16 or over, and you had either taken all reasonable steps (see above for definition of '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 16.

Prohibition of unsupervised sales by children

The premises licence holder, the premises manager (who must be a personal licence holder), any other personal licence holders and staff within licensed premises are all responsible for ensuring that no sale or supply of alcohol is made by a person under the age of 18. The sale or supply of alcohol is permitted if it is for consumption off the premises or with a meal on the premises and the person under the age of 18 is authorised by a responsible person. 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 an occasional licence. Voluntary organisations, premises licence holders and personal licence holders may apply for an occasional licence. 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 (Scotland) Act 2005, 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 of 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, cider or perry, 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 "protecting children and young persons 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

There must be an age-verification policy in relation to the sale of alcohol on the premises.

An 'age-verification policy' is a policy that requires reasonable steps (see above for definition of 'reasonable steps') to be taken to establish the age of a person who is attempting to buy alcohol on the premises ('the customer') if it appears to the person selling the alcohol that the customer may be younger than 25 (or such older age as may be specified in the policy).

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Scottish Government and Police Scotland 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. The Scottish Government also endorses the Young Scot card.

A passport, UK photocard driving licence, Ministry of Defence form 90, European Union national identity card or a biometric immigration document is also acceptable, but make sure that the card matches the person using it and the date of birth shows they are at least the minimum age of 18.

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.

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-sales 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.

The following notice must be displayed, in at least A4 size:

LICENSING (SCOTLAND) ACT 2005

[**Insert name of premises here**]

This notice is displayed in accordance with the provisions of section 110 of the Licensing (Scotland) Act 2005

It is an offence for a person under the age of 18 to buy or attempt to buy alcohol on these premises.

It is also an offence for any other person to buy or attempt to buy alcohol on these premises for a person under the age of 18.

Where there is doubt as to whether a person attempting to buy alcohol on these premises is aged 18 or over, alcohol will not be sold to the person except on production of evidence showing the person to be 18 or over.

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

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 (Scotland) Act 2005
- Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007
- Alcohol etc (Scotland) Act 2010
- Criminal Justice and Licensing (Scotland) Act 2010
- Air Weapons and Licensing (Scotland) Act 2015

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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