



ASSURED ADVICE

for Effective Online Age Verification
using AgeChecked



ABOUT THIS ASSURED ADVICE

This advice was developed by Salford City Council Trading Standards as part of a Primary Authority coordinated partnership with AgeChecked.

This Advice has statutory effect in accordance with the provisions of the Regulatory Enforcement and Sanctions Act 2008.

Assured Advice means that if you adopt this policy and abide by the advice in your business, you won't need to follow conflicting advice from other sources.

Your business should be protected against the risk of enforcement action from enforcing authorities that have different views on what you should be doing to achieve compliance. AgeChecked clients are required to sign up to the terms of service which include terms relating to this Primary Authority coordinated partnership scheme.

It is a criminal offence to supply certain age restricted goods, content or services to a person under the legally specified age. To do so may result in a fine or imprisonment. You may also be banned from selling certain types of goods again.



Greater Manchester
Regulatory Centre of Excellence
Primary Authority Partner

Salford City Council

SCOPE OF THE ASSURED ADVICE

This Assured Advice covers:

What you need to do to advise consumers that their purchase of age restricted goods, content or services will be subject to age verification.

The permitted and certified methodologies for age verification that will be available to you through AgeChecked.

What you need to do if you are notified that a person that has placed an order with you cannot be age verified.

The monitoring framework that will be applied to ensure that all AgeChecked clients remain compliant with age restriction laws and regulations when using the AgeChecked system.

This Assured Advice is applicable to the use of the AgeChecked system to restrict access to:

- Online sales of Tobacco, E-cigarettes and Vaping.
- Online sales of Alcohol.
- Online sales of Offensive Weapons (including corrosive substances) - At the time of writing this policy summary, knives still fall outside the scope of Primary Authority. The control of knife sales is included within this policy.

In this advice, we refer to 18+ as the standard age-restriction. The following exceptions to this should be noted, with the relevant age applied in place of 18+

- Lotteries 16+

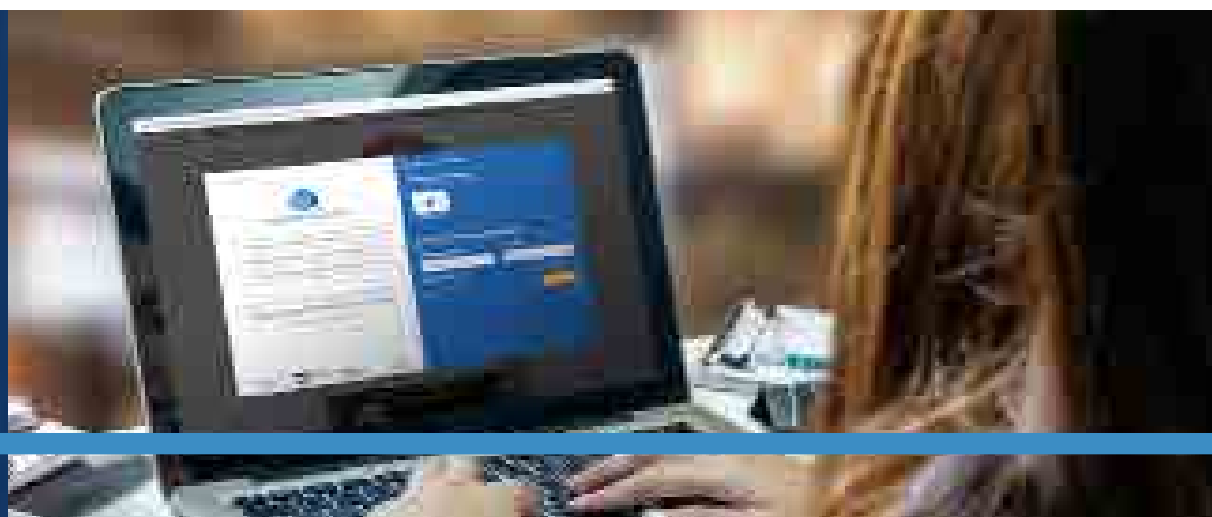
In this advice we refer to “order fulfilment for age-restricted goods”. The advice can be read and is equally applicated as if this is replaced with “provision of age-restricted services. Likewise, “sellers” can be replaced with “providers” and “website owners”.

THE AGECHECKED SYSTEM

AgeChecked is software as a service that provides simple and secure age verification for your customers. It works with major e-commerce platforms and individual websites to ensure a full audit trail of age verification is available to your business in the event of any enquiry from an eCommerce platform, customers or regulators, such as Trading Standards Officers. (If you receive an enquiry from regulators, such as Trading Standards Officers, you should also show them this advice.)

The system enables online sellers to comply with age restricted legislation.

When integrated with e-commerce platforms it also provides a live feed to those platforms showing the seller's compliance and monitors the level of products shipped versus sales age verified.



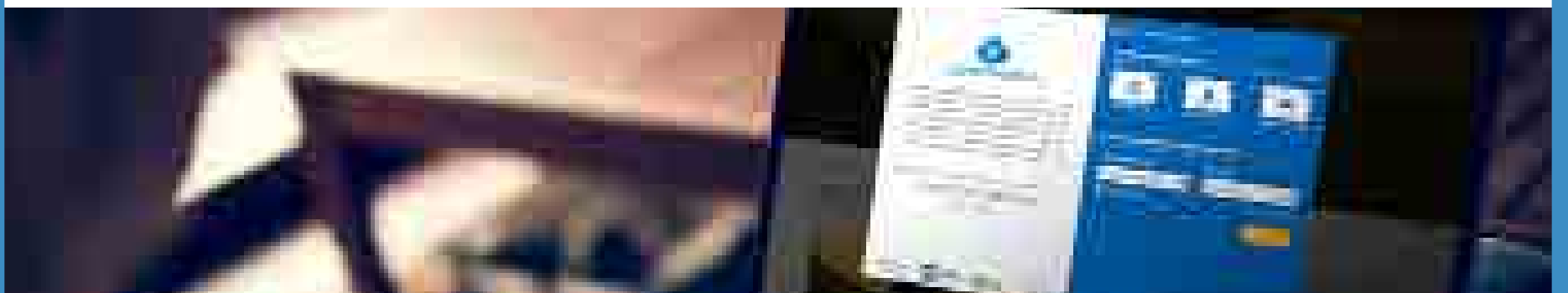
CUSTOMER NOTIFICATION

You must notify all potential customers of any age restricted goods that you sell, or content and services that you provide, that their purchase will be subject to age verification by including the following text in your Privacy Policy and referring to it in the listing description for each age restricted product.

Age Verification by AgeChecked

By accepting this policy you consent to the use of your personal information in accordance with the AgeChecked Privacy Policy. Please take the time to read this Policy, as it includes important terms which apply to you. You also agree to the AgeChecked terms of use.

AgeChecked will provide links to the Privacy Policy and AgeChecked terms of use, which should be included within the above text.



Permitted Methodologies

The AgeChecked service will present an age verification result to you having undertaken one or more permitted methodologies.

The AgeChecked system uses a wide range of methodologies to conduct online age verification. This is important as it gives the customer choices meaning they are more likely to pass the age verification process.

As well as choice, consumers are also looking for speed of purchase. They don't want to have to endure a lengthy verification process before getting to the point of sale. AgeChecked has included innovations to make this process as speedy as possible for the user, ensuring they get to the end of their purchase and convert if of the appropriate age.

Age check services provided by AgeChecked Limited in accordance with the BSI's Code of Practice for Online Age Verification (PAS 1296:2018) self-validated. The systems are sufficiently robust and operational to an acceptable level of confidence so that AgeChecked clients can rely upon age verification results for the purpose of securing compliance with age restricted sales legislation.



Credit Card
By enquiring into a credit card record, we can verify that the holder is over 18



Database Check
By capturing some information from your customer's account, or directly from the customer through our portal, our systems can verify their age



Document Scan
By taking a photo of a government identity document, we can verify age and authenticity



Mobile Phone Number
By sending a text to a UK mobile telephone, we can verify that the phone is authorised for use by a person over 18

We keep these technologies and any emerging additional methods under review to ensure they continue to offer sufficient levels of assurance for age-restricted goods, services and content, to the standard required by PAS 1296 and laws and regulations applicable to each age-restricted category within the scope of this Assured Advice. (PAS 1296 is currently under review; AgeChecked will maintain compliance with any amended specification or successor standard).

CUSTOMERS WHO ARE NOT APPROVED

You should not proceed to fulfil any order for age-restricted goods or allow the use of an age-restricted service or give access to age-restricted content to any customer before they have APPROVED status.

This is particularly important if your business conducts age checks on a batch basis rather than in real-time. No individual orders should be fulfilled until the batch of age checks has been processed and the status is known for each order.

AgeChecked aims to ensure that all 18+ customers can verify their age, so if a NOT APPROVED result is returned to you that is a strong indication that the customer is likely to be under 18 years of age.

You should maintain a record of refusals where you have not fulfilled an order because the customer was NOT APPROVED.

AgeChecked offers a range of verification methods, and if you are not achieving a sufficiently high success record, you may wish to discuss additional options.

If you do proceed to offer goods, services or content to a customer who is NOT APPROVED by AgeChecked, you will no longer be covered by this Assured Advice. You must adopt your own procedures to ensure that you meet relevant legal requirements.

Staff Training

To maintain the integrity of the AgeChecked age verification process, you are required to train staff with responsibility to managing the age checking process in how to use the AgeChecked system correctly.

At a minimum, any member of staff who is carrying out age checks must read the AgeChecked “Beginners’ Guide” for the relevant product and, if applicable, ecommerce platform.

Training should also include this Assured Advice so staff are aware of the processes they must follow to gain the benefits of this scheme.

Monitoring & Testing

You are required to exercise due diligence to ensure that you do not supply age restricted goods, content or services to underage customers. This includes regular checks that your systems are working properly.

The monitoring and testing framework is undertaken on your behalf in accordance with your Terms of Service with AgeChecked.

AgeChecked regularly conducts tests of its service to ensure it is accurately verifying age. This includes:

- Tests of each new software release prior to it being placed into the live system.
- Any new permitted methods are tested to ensure compliance with PAS 1296.
- Any new external data sources are also validated to ensure compliance with PAS 1296.

AgeChecked clients must implement a policy to check a reasonable sample of orders on a quarterly basis to confirm that age checks are being applied to all age-restricted goods. You should monitor that all required ‘age check warnings’ are displayed for age restricted goods, services or content.

Tobacco

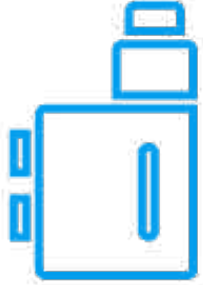
“It is illegal to sell tobacco products to anyone under the age of 18” – this is only mandatory on the business premises however may be seen as best practice.

Fireworks

IT IS ILLEGAL TO SELL CATEGORY F2 FIREWORKS OR CATEGORY F3 FIREWORKS TO ANYONE UNDER THE AGE OF 18

IT IS ILLEGAL FOR ANYONE UNDER THE AGE OF 18 TO POSSESS CATEGORY F2 FIREWORKS OR CATEGORY F3 FIREWORKS IN A PUBLIC PLACE

Tobacco, E-Cigarettes and Vaping



Both tobacco and nicotine inhaling products are prohibited from sale to Under 18s.

The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 make it an offence to sell certain nicotine inhaling products to persons aged under 18 and for an adult to purchase nicotine inhaling products on behalf of a person aged under 18.

Section 91 of the Children and Families Act 2014 makes it an offence for an adult to purchase tobacco or cigarette papers on behalf of someone under 18. Under the regulations, it is also an offence for an adult to purchase relevant nicotine products on behalf of someone under 18.

Alcohol



These products may only be sold to customers who are at least 18 years of age. The law requires proof of age at the point of sale.

Licence holders should consider what steps they need to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the Licensing Act 2003.

The mandatory condition requires that age verification takes place before a person is served alcohol. If alcohol is sold remotely (for example online) or by phone, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider what steps are appropriate to ensure that age verification takes place before the alcohol is served (such as physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

Certain licensed premises have extra conditions other than normal conditions relating to age verification such as operating a challenge 21/25/30 policy which must be complied with on such premises.

Offensive Weapons including bladed articles (e.g.knives) and Corrosive Substances



The law has recently been updated, and will shortly require proof of age at the point of sale and at the point of delivery. This is currently under review and we are awaiting implementation and guidance in respect of the Offensive Weapons Act.

At present the wording is under CJA 1998 141 (a) "sells" this is changing to more stringent measures – required ID to ascertain age for corrosive substances and packaging requirements to fulfil the persons' defence. This guidance will be updated when the new law comes into force.

Applicability & Review of this Assured Advice

This Assured Advice is applicable to any seller of the age restricted goods, content or services mentioned in this document that has agreed to the AgeChecked terms of sale. It covers the following UK legislation:

Nicotine inhaling Products - E-cigarettes/devices

- Children and Families Act 2014 (c.6), section 92
- (The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015)

Tobacco and Tobacco Related Products

- Children and Young Persons Act 1933 (c. 12), Part 1
- Children and Young Persons Act 1963 (c. 37), Part 2
- Children and Young Persons (Protection from Tobacco) Act 1991 (c. 23)

DVD's

- Video Recordings Act 1984 (c. 39)
- The Video Recordings (Labelling) Regulations 2012

Fireworks

- Explosives Act 1875 (c. 17)
- Explosives Act 1923 (c. 17)
- Explosives (Age of Purchase &c.) Act 1976 (c. 26)
- Pyrotechnic Articles (Safety) Regulations 2015

Alcohol

- Licensing Act 2003 s.146, s.147, s.147A and s.151 (Underage Sales, Persistent Sales and Delivering Alcohol to children)

Gambling

- Gambling Act 2005 (Part 4 – Protection of Children & Young Persons)

Offensive Weapons including knives, corrosive substances etc

- At the time of writing this policy summary, knives still fall outside the scope of Primary Authority. The control of knife sales is included within this policy
- Offences Weapons Act 2019*

This advice is applicable in England however where the seller is based in Wales, Scotland or Northern Ireland, this is applicable in so far as it does not relate to a devolved matter.

This Advice will be subject to regular review by the Primary Authority.

This Advice was issued on 13th January 2021. It will next be reviewed by 31 July 2021

AgeChecked is a trading name of AgeChecked Ltd a company registered in England and Wales at 161-165 Farringdon Road London, EC1R 3AL with the registered number 10016216. AgeChecked is authorised by the Secretary of State for Business, Energy and Industrial Strategy to operate a coordinated Primary Authority partnership with Salford City Council Trading Standards.

*Legislation was given Royal Assent in 2019 therefore we are awaiting a commencement date, which was due prior to the 10th July 2020