

A 192 Compliance Guide for Age Verification



Protect your business from underage customers

You could be a gaming operator offering online poker games, maybe a wine merchant selling alcohol online or an ecommerce website trading knives...

Whatever your business, if you are selling age restricted goods you should be ensuring you are complying with the laws of the land and also the regulation and best practice for your sector.

This guide aims to set out some of the areas where age restrictions come into play and describes the legislation and compliance issues within each sector.

We're getting closer to an overall law to cover selling age restricted goods online, so make sure your business is protected. Avoid hefty fines and even possible imprisonment.



Illegal in the real world, illegal in the virtual world

Steps are being made to move us closer to an overall law for all online retailers. Margaret Moran MP recently introduced a bill into parliament called the Online Purchasing of Goods and Services (Age Verification).

Moran points out that self-regulation in most cases is not working and we are getting ourselves into a Wild West scenario.

192 worked closely with Margaret Moran and we were quoted within the bill.

The online gaming industry has already proved that they can enable an instant customer age verification during the online transaction without incurring significant additional costs and without harming the customer's experience.

“ My bill would require online retailers and those who facilitate the sale of goods and services online to abide by the laws of the land in respect of age restricted goods and services ”

Gaming

The licensing authorities in the online gaming industry have ensured that operators are focused on player age verification to prevent children from being able to gamble online.

Our global databases and ID technologies allow operators to be socially responsible and take all reasonable steps to be sure of customer age during the account creation process.



GAMBLING
COMMISSION

ALDERNEY
GAMBLING CONTROL COMMISSION



Malta Remote
Gaming Council

RG
Remote Gambling Association

gra
Gibraltar
Regulatory
Authority



Alcohol

Organisations such as the Wine and Spirit Trade Association are keen to ensure that merchants are not selling alcohol to customers under the age of 18. We work closely with the WSTA to help their distance selling members carry out age checks on their customers.

WSTA Guidelines:

2.4 Under-age sales

Distance Selling Committee (DSC) members will not knowingly let consumers under the age of 18 place online or postal orders. DSC members should also consider following these additional guidelines with respect to their websites:

- (1) Carry a reminder of the need to adhere to the legal purchase age in the country in which the consumer is located.
- (2) Use age verification in relation to on-line sales.

The Licensing Act 2003 states:

146 Sale of alcohol to children

- 1) A person commits an offence if he sells alcohol to an individual aged under 18
- 4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that:
 - i) He had taken all reasonable steps to establish the individual's age



THE WINE AND SPIRIT TRADE ASSOCIATION

“ We are delighted to be able to help our members in what is a very important area for distance sellers. By using 192 companies can ensure they are meeting their legal obligations not to sell alcohol to those underage. ”

Jeremy Beadles
Chief Executive, WSTA



Downloadable content

Downloadable content such as films and games can also have age restrictions. The Video Recordings Act 1984 states:

11 Supplying video recording of classified work in breach of classification

- (1) Where a classification certificate issued in respect of a video work states that no video recording containing that work is to be supplied to any person who has not attained the age specified in the certificate, a person who supplies or offers to supply a video recording containing that work to a person who has not attained the age so specified is guilty of an offence unless the supply is, or would if it took place be, an exempted supply

192 have become an accredited supplier by the BBFC.online. Their scheme ensures that all ecommerce websites that allow customers to watch, download or buy media and film content are required to implement customer age verification.

The BBFC.online scheme rules state:

6.4 Gate-keeping

- 6.4.1 Aggregator Members shall use reasonable endeavours to ensure that age restricted works (those works classified '12', '15', '18', or 'R18') are not normally supplied to persons below the specified age.
- 6.4.2 Aggregator Members agree to ensure that appropriate age verification and gate-keeping mechanisms are in place.

bbfc
online
Accredited Age Verification System

“ The BBFC has a strong record in providing enforceable film and media age restrictions for the cinema and the traditional retail sector. BBFC.online member businesses using the internet to retail or deliver film and media content digitally have the same responsibility. We are recommending that members use independent customer age verification solutions from technology experts such as www.192business.com. ”

Andrew Cooke
Business Manager, BBFC

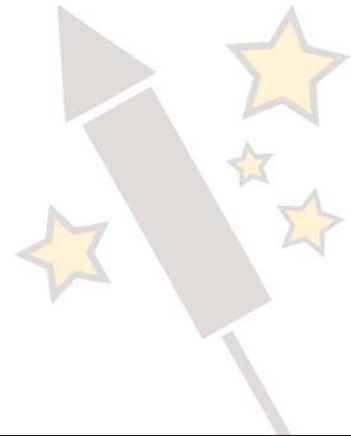
Fireworks

The Fireworks Regulations 2004 state:

Information about Adult Fireworks

- (a) It is illegal to sell adult fireworks to anyone under the age of 18

This relates to both physical and online selling of fireworks



Solvents

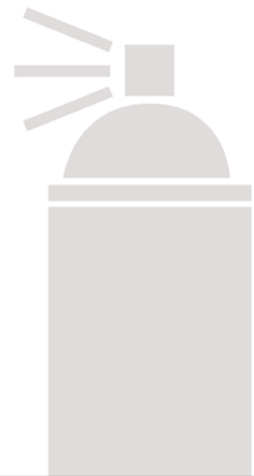
Are you selling aerosols, solvents or other intoxicating substances? You should ensure you are checking the age of your customers if you believe the order to be suspicious.

The Intoxicating Substances (supply) Act 1985 states:

Offence of supply of intoxicating substance

It is an offence for a person to supply or offer to supply a substance other than a controlled drug

- (1) To a person under the age of eighteen if he knows or has reasonable cause to believe that the substance is, or its fumes are, likely to be inhaled



Air Rifles

The age restrictions in the Firearms Act 1968 have been superseded by the Violent Crimes Reduction Act 2006:

33 Age limits for purchase etc. of air weapons

- (1) The 1968 Act is amended as follows.
- (2) For section 22(1) (acquisition and possession of firearms by minors) substitute—
 - “(1) It is an offence—
 - (a) for a person under the age of eighteen to purchase or hire an air weapon or ammunition for an air weapon;
 - (b) for a person under the age of seventeen to purchase or hire a firearm or ammunition of any other description.”



Knives

The Violent Crime Reduction Act 2006 also stipulates that is prohibited to sell knives to persons under the age of eighteen.

43 Sale etc. of knives and other weapons

- (1) The Criminal Justice Act 1988 is amended as follows.
- (2) In section 141A(1) (prohibition on sale of knives etc. to persons under sixteen), for "sixteen" substitute "eighteen".



Tobacco

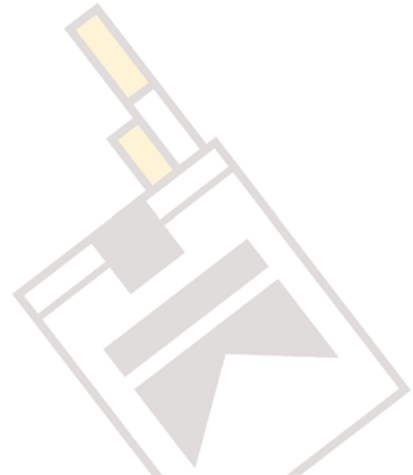
The Health Act 1997 has amended the age that individuals can now buy tobacco and raised this from 16 to 18.

This has been amended in The Children and Young Persons (Sales of Tobacco) Order.

Substitution of references to age in sections 7 and 102 of the 1933 Act

2. For the word "sixteen" there is substituted the word "eighteen" in the following provisions of the 1933 Act—

- (a) subsections (1) and (2) of, and the side-note to, section 7 (sale of tobacco, etc. to persons undersixteen);



Hefty fines and possible closure

Trading standards are getting increasingly tough on internet retailers who are flouting the laws of the land online. Recent surveys by trading standards in Staffordshire and London Borough of Brent and Harrow have found that 15 out of 16 sites sold age restricted goods to youngsters.

With several court cases in the pipeline, don't find yourself falling foul of the law and facing large fines or possibly closure. If you sell to underage customers, here are some of the fines you could face....

- **Alcohol**
Maximum £5,000 fine and loss of licence to sell alcohol
- **Downloadable content**
Maximum £5,000 fine and six months imprisonment
- **Knives and offensive weapons**
Maximum £5,000 fine and six months imprisonment
- **Fireworks**
Maximum £5,000 and six months imprisonment
- **Tobacco**
Maximum £2,500 fine
- **Solvents**
Maximum £5,000 and six months imprisonment



To find out more

Call our payments ID verification team on 00 44 (0)207 909 2192

Request a call back at www.192business.com/identity

Email us your questions at id@192.com

See more on our verification technologies at www.192business.com