



Children's Charities' Coalition on Internet Safety

BRIEFING NOTE

Online Purchasing of Goods and Services (Age Verification) Bill

The UK's leading children's charities urge Members of the House of Lords to support Baroness Massey's Private Member's Bill on age verification on Friday, 8th May, 2009.

The provisions of Baroness Massey's Bill would require every retailer who sells age restricted goods and services over the internet to establish a system that would allow them to determine whether or not a person buying such goods or services met the legal minimum age.

No company is compelled to sell age restricted goods and services online, but if they choose to do so they should do it in a manner which allows them to comply with the law. This has not been happening in far too many cases. Some of the companies that are currently failing to comply with the law are household names who ought to know better and act differently.

The main products affected include knives, alcohol, tobacco, certain kinds of video games and DVDs, solvents and spray paints. Altogether there are about twenty such items.

The provisions of Baroness Massey's Bill closely follow those of the relevant provisions of the Gambling Act, 2005, and the reasoning behind Baroness Massey's Bill is also similar.

Prior to the Gambling Act, 2005, all that most of the online gambling companies did was ask everyone who came to their web site to tick a box to confirm that they were over 18. Many young people simply clicked the box. They were then able to pay for their bets using any one of several online payments methods that were available to them entirely legitimately.

In the Gambling Act, 2005, Parliament made it compulsory for all online gambling web sites to devise methods of determining the age of everyone who came to their site to bet. These provisions became operative in September 2007 and they appear to be working well. We are unaware of any cases where a young person has breached the rules since September, 2007.

Where the age limit is 18, which in most cases it is, there are several online databases an online retailer can use to carry out checks to see whether or not a person meets the minimum age requirement. The largest of these are owned by the credit reference agencies, but there are others. Around 95% of the entire adult population is on one or other of these online databases. For the 5% not covered, it simply takes a bit longer to qualify because they have to go through a paper-based process. Where the age is limit is less than 18, which it is, for example, in the case of certain classes of games and DVDs, other methods need to be deployed to determine the person's age, but these too are now available.

In practice what the online gambling companies have done is give contracts to specialist companies to carry out the verifications for them, although it would be open to any enterprise to develop their own system if that is what they preferred. Neither the Gambling Act, 2005, nor Baroness Massey's Bill prescribes any particular method.

As the gambling companies have discovered, the whole business of carrying out the verifications online can take as little as one second, and it only needs to be done once per person per company. It does not need to be done for every transaction. Once someone has been verified as being 18 or more their account with the retailer is flagged, and the next time the person comes to the site they do not need to do the check again. By taking steps such as these the companies are demonstrating that they are aware of their legal obligations and they are showing that they are taking all reasonable steps to discharge them.

Trading Standards Officers in different parts of the UK have been focusing more and more on testing compliance with the age restriction laws on the internet, but it is well known how overstretched the trading standards service is. Baroness Massey's Bill promises to change the situation by putting a positive obligation on online retailers of age restricted goods and services to put in place effective systems to prevent under age sales.

If Baroness Massey's Bill became law, after appropriate consultations with the different industries, regulations would be formulated that would require all companies selling age restricted goods and services to establish effective age verification systems.

Examples of the kind of stories which have been reported in the media about breaches in the age verification laws through purchases made online can be found at:

<http://www.mirror.co.uk/sunday-mirror/2008/04/20/girl-13-buys-two-foot-long-machete-on-net-98487-20388249/>

[http://www.imrg.org/8025741F0065E9B8/\(httpNews\)/DDDEC57A022323B780257505003F59BE?OpenDocument](http://www.imrg.org/8025741F0065E9B8/(httpNews)/DDDEC57A022323B780257505003F59BE?OpenDocument)

More recently Trading Standards Officers in the London Boroughs of Southwark and Lambeth, working closely with the Metropolitan Police, have conducted a specific investigation into the online sale of knives to under age persons. A date of publication for this report is not yet known but it is understood that the report shows a significant level of non-compliance by vendors.

At the time of writing the London Borough of Greenwich has also just concluded a series of investigations into online sales of a range of age restricted products, including knives. It is understood that its findings will be made available sometime today (Thursday 7th May) or tomorrow morning. This report will identify the companies that failed the test purchase exercise which Greenwich carried out, and it will also name the products concerned.

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