

EXPERT PANEL

Age Restrictions

Graham Russell MBE
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1st July 2020

Dear Graham,

We are writing to you as the joint chairs of the Expert Panel – Age Restrictions.

We have now passed the anniversary of the re-establishment of the Expert Panel, facilitated by the Office for Product Safety and Standards. The purpose of this letter is to provide you with an overview of the work of the Panel so far. We start by thanking you for your support, the support of the Office and, in particular, the excellent support we have received firstly from Adrian Hall and latterly from Jackie White.

The letter was originally drafted at the beginning of February and it is remiss of us not to have sent it then – but the last few months have seen all of us (any many of our stakeholders on the Panel) with our attention on the global pandemic. Nevertheless, we felt that it was important to get this letter to you as we start to tentatively enter a period of recovery.

It has been a busy year for this reinvigorated Panel. There is considerable interest in age restrictions policy across government and industry. All are committed to the protection of children from harm and, as internet shopping accelerates, we face the challenges of continuing that work in ever increasing channels for purchasing goods, content and services. The government have been developing new age restrictions policy for offensive weapons, online pornography, gambling and national lottery tickets during the last twelve months. Keeping children safe is at the heart of all of those policies.

The Expert Panel has attracted considerable interest. Each of the meetings that we have held have attracted over 30 delegates. We have members from law enforcement, trade associations, retailers, age verification service providers, certification bodies and specialist consultants. We have also started to engage with government in different policy departments – our main challenge for next year as set out later. We have established a [Knowledge Hub](#) space, where all of the agendas, minutes and reports are publicly available for interested parties and scrutiny.

Offensive Weapons Act 2019

The main legislative change during the last year has been the introduction of the Offensive Weapons Act 2019. This strengthens age restriction controls on knives, bladed articles and corrosive substances. It also extends Primary Authority to this policy area and imports the Consumer Rights Act powers for trading standards officers to enhance enforcement of these provisions. The Home Office published draft guidance under s.65 of the Act and the Expert Panel, through a sub-group provided a [detailed and considered response](#) to that. It highlighted how the guidance could be improved to be easier for businesses to understand and relate to. It also highlighted the difficulties of interpretation of what is and what is not covered by the legislation.

Online Harms White Paper

The government continues to grapple with the challenges created by the Internet. Whilst recognising the obvious benefits, there are harmful activities too – some of which directly threaten the health, safety and wellbeing of citizens. The government wants the UK to be the safest place in the world to be online. In the Queen’s Speech, they committed to bringing forward draft legislation on a new duty of care for online service providers – which include for age restrictions. The Panel has been considering the consequences of this in some detail.

Linked to this, the Information Commissioner’s Office published an Age Appropriate Design Code, bring guidance on when and how age assurance might be necessary to comply with data protection legislation – putting children in control of their data, but protecting children from access to age-inappropriate content. Although the government decided not to proceed as planned with measures to prevent children stumbling across adult pornographic content online, they have committed to considering this as a part of the broader online harms agenda.

Proof of Age Cards & Licensing Act

One of the quirks of legislation in England and Wales, are the restrictions on what methods of proof of age are acceptable when purchasing alcohol at bars or shops. As written, it effectively prohibits new, innovative digital methods, requiring physical plastic proof-of-age cards. The Expert Panel was instrumental in facilitating the Home Office and Proof-of-Age Standards Scheme (PASS) to embark on a path that may lead to relaxation of these restrictions – in return for proper, nationally recognised standards for digital presentation of proof-of-age. In short order, you may soon be able to prove your age with your phone for alcohol sales.

International Standards for Age Verification

The Expert Panel has approved plans to work towards an International Standard for Age Verification. BSI have been engaged in that, as has the Government’s Verification of Children Online project being led by the Home Office, DCMS and GCHQ. The outline proposal is to upgrade the PAS 1296:2018 Online Age Check Code of Practice to a specification and, thereafter, sponsor and promote it to ISO as an International Standard. The UK is a world centre of excellence at age verification, with nine of the twelve big AV companies being UK-based. This is a fantastic opportunity for international growth and promotion of the excellent standards developed by the UK.

Covid-19 Crisis

The Expert Panel has contributed to the development of guidance and policies around the use of face coverings in retail settings, particularly in relation to age and identity verification at the point of sale. In addition, the Panel has considered the age verification implications for socially distanced home delivery, age-restricted gifts and contactless payment.

2020/1 and beyond

In addition to progressing the proposals for an International Standard, the Expert Panel has clear plans to further engage across government departments. Our aim is to promote consistency of approach among the departments with age restriction policies; to support improved enforcement; and to ensure that children and young people are consistently and effectively protected.

We are keen to secure a cross-departmental consensus within government not only about their approach to age restrictions, but also to secure efficiencies and improvements in approach through consistency.

We are also working closely on the Online Harms White Paper, implementation of the Offensive Weapons Act and progressing the creation of digital presentation of proof-of-age.

Overall, it's been a busy, but productive first year for this Expert Panel. I hope that it is continuing to feed into the objectives for OPSS and we continue to be grateful for your ongoing support. We would also like to record a note of thanks to our Panel Secretary, Danielle Bradbury at the Age Check Certification Scheme, who prepares our meetings and keeps our papers in order.

Yours sincerely,

Tony Allen
Chief Executive
Age Check Certification Scheme

Brandon Cook
Lead Officer Age Restricted Sales
Chartered Trading Standards Institute

Co-Chairs
Expert Panel – Age Restrictions