

Report to

**Cabinet
Council**

**19th June 2007
26th June 2007**

Report of Director of City Services and the Director of Legal and Democratic Services

Title: Delegated Powers 2007

1 Purpose of the Report

- 1.1 This report seeks amendments to part 3.8 of Coventry City Council's constitution in relation to powers delegated to the Head of Public Protection to reflect changes in legislation and the new duties placed upon the Authority by this legislation.
- 1.2 The report also seeks approval to conduct underage test purchasing of age-restricted products, in addition to those currently authorised (alcohol, cigarettes, fireworks, knives and aerosols).

2 Recommendations

- 2.1 Cabinet and Council are recommended to approve the amendments to part 3.8 of Coventry City Council's Constitution as detailed in this report.

3 Information/Background

- 3.1 Part 3.8 of this Authority's Constitution (Functions Delegated to Employees) will need to be amended to reflect changes in UK legislation affecting the work of the Trading Standards Section. Appendix 1 to this report lists the legislation that is, or will need to be enforced by the Trading Standards and Environmental Health Sections.
- 3.2 The Copyright Designs and Patents Act 1988 is amended by the Criminal Justice and Public Order Act 1994 and has been brought into force by a commencement order. This gives a local authority the duty to enforce the Copyright Designs and Patents Act 1988 along with powers of entry, search and seizure which are taken from the Trade Descriptions Act 1968. Copyright is a property right whereby a person assumes rights in relation to original literary, dramatic, musical or artistic works, sound recordings and films etc, and typographical arrangements of published editions. It is expected that the majority of the Trading Standards work in this area will be with counterfeit or 'bootleg' (produce, distribute, or sell without permission) music. This amendment came into force on 6th April 2007

- 3.3 The Housing Act 2004 Part 5, requires that from 1st August 2007, those marketing residential properties with four or more bedrooms will be under a duty to have a Home Information Pack (HIP), and make a copy available on request. There will be a transitional period until 1st January 2008. This authority is under a duty to enforce this legislation, which provides for officers to give a penalty charge notice to someone failing to comply with any of their duties under this legislation. This penalty charge is currently set at £200.
- 3.4 The Fraud Act 2006 - The Act repeals the majority of the Theft Acts 1968 and 1978 and establishes a new general offence of fraud, which can be committed in three ways: fraud by false representation; fraud by failing to disclose information; and fraud by abuse of position. Officers are currently authorised to enforce the Theft Acts, and have previously used this legislation. Additionally, officers may use the Fraud Act in the future to tackle 'door step crime' involving itinerants who target society's vulnerable people. The Act applies to offences committed wholly after the date of its implementation on 15 January 2007. The existing Theft Act laws remain applicable to any offence committed wholly or partly before that date.
- 3.5 The Consumer Credit Act 2006 is the biggest overhaul of consumer credit legislation since 1974. It will be a huge boost to consumer rights and redress where borrowing of money is concerned. The Act also introduces major changes to the licensing of consumer credit businesses and new powers to drive rogues out of the market.

Under the new Act consumers will be entitled to:

- (a) take their complaints about lenders to the Financial Ombudsman Service;
- (b) challenge unfair credit agreements in court; and
- (c) receive more information about the state of their account to help identify potential problems before it is too late.

Lenders will benefit from:

- (a) a more flexible licensing system with licences targeted at their particular area of business;
- (b) a new indefinite licence removing the need for renewal and accompanied by more proportionate monitoring of their activity; and
- (c) a reformed appeals system, where lenders can challenge decisions of the Office of Fair Trading (OFT).

The Act extends the current controls under the Consumer Credit Act 1974 for which officers are already authorised. The OFT, which regulates the consumer credit industry, will also be given more effective powers to tackle issues with lenders quickly, and in proportion to the scale of the actual problem. The Act amends the Consumer Credit Act 1974, and allows for new regulations to be made. Various parts of the Act will be brought into force at different times with October 2008 being the last known date for implementation.

- 3.6 The Animal Welfare Act 2006 introduces an extra level of protection for pet and farmed animals. It enables local authorities to intervene before an animal actually suffers (before we had to wait until the animal was suffering). It places a duty of care on any person responsible for the animal, allows Improvement Notices to be issued if the needs of an animal are not met, restricts the sale of animals to a person over 16 or a minor if accompanied by an adult, promotes good practice and introduces more severe levels of punishment.

There is no statutory duty to enforce the Act however, local authorities may enforce its provisions and appoint inspectors who will have the powers provided by the Act (for example, seizure of animals in distress). This would incur substantial costs if a significant number of animals are involved however costs can be requested in the Magistrates Court irrespective of whether a criminal case is heard.

- 3.7 On 6th April 2005 the Trading Stamps Act 1964 was repealed by the Regulatory Reform (Trading Stamps) Order 2005.
- 3.8 The Companies Act 2006 will in the future repeal the Business Names Act 1985 which requires the disclosure of information if a business trades under a name other than their own, or true limited company name. This requirement to disclose information will be re-enacted under subordinate legislation under the Companies Act 2006 and is aimed at assisting consumers identify from whom they need to seek civil law redress. There is no current duty on this Authority to enforce this Act and the subordinate legislation that replaces the Business Names Act 1985 will not come into force until October 2008.
- 3.9 Trading Standards regularly conduct underage test purchasing exercises, however, the range of products that can currently be test purchased is restricted by the constitution. Approval is sought to extend the range of products that can be test purchased to cover all age-restricted products that are generally recognised as the responsibility of Trading Standards. A full list of age-restricted products is detailed in Appendix 2. Trading Standards would then make an operational decision as to whether a test purchase by someone underage is appropriate, proportionate and necessary. (This is exemplified in a recent complaint received from a mother who claimed her son was abusing solvents and purchasing them from a local store. The store had been advised but the allegations from the mother continued).
- 3.10 This Authority has no duty to enforce the age restricted legislation relating to volatile substances, solvents, crossbows, air guns, air gun pellets, lottery tickets and instant win cards.

4 Proposal and Other Option(s) to be Considered

- 4.1 Part 3.8 – Functions Delegated to Employees of Coventry City Council by its constitution should be amended to reflect the amendments highlighted by this report and Appendix 1.
- 4.2 Part 3.8 – Functions Delegated to Employees of Coventry City Council by its constitution should be amended to allow for the authorisation of officers to conduct test purchases of all the age-restricted products listed in Appendix 2.

5 Other specific implications

5.1

	Implications (See below)	No Implications
Best Value	✓	
Children and Young People	✓	
Comparable Benchmark Data		
Corporate Parenting		
Coventry Community Plan	✓	
Crime and Disorder	✓	
Equal Opportunities		
Finance	✓	
Health and Safety		
Human Resources		

	Implications (See below)	No Implications
Human Rights Act	✓	
Impact on Partner Organisations		
Information and Communications Technology		
Legal Implications	✓	
Neighbourhood Management		
Property Implications		
Race Equality Scheme		
Risk Management		
Sustainable Development		
Trade Union Consultation		
Voluntary Sector – The Coventry Compact		

6 Best Value

6.1 This new legislation increases consumer protection and should lead to better protection for Coventry residents/consumers.

7 Children and Young People

7.1 The approval sought to extend the range of products that can be test purchased (volatile substances, solvents, crossbows, air guns, air gun pellets, lottery tickets and instant win cards) is aimed at protecting children and young people from the harm, nuisance or addiction associated with these products.

8 Coventry Community Plan

8.1 Under the key themes of Coventry Community Plan, Coventry Partnership are committed to reducing anti-social behaviour. The new powers relating to underage sales have been requested to address anti-social behaviour, and should enable the City Council to support this objective.

9 Crime and Disorder

9.1 The new powers introduced by these acts, should have a positive impact in increasing the protection of Coventry consumers from unfair trading practices.

10 Human Resources

10.1 Additional Central Government finance has been allocated to enable Coventry to deal with additional responsibilities under the Copyright Designs and Patents Act 1988.

10.2 The Head of Public Protection will consider the appropriate officers to subsequently delegate any powers or authority to enforce legislation which they have had delegated to them.

11. Financial and Legal Implications

11.1 Coventry City Council will receive £27,703 from the Government to fund the enforcement of the Copyright Designs and Patents Act 1988. This additional money reflects the resources that the Government believes the Trading Standards Section in Coventry require to enforce this new legislation as considerably more issues now fall within its jurisdiction. This funding has already been taken into account in saving targets for Trading Standards.

11.2 The Rate Support Grant (RSG) for England and Wales has been increased by £2.2 million pounds to fund the enforcement of the Home Information Packs. Whilst this is calculated to equate to a theoretical increase in the RSG for Coventry City Council of £13,500, no additional resources have been allocated to the Trading Standards service.

11.3 The post titles referred to in paragraph 10.2 and Appendix 1 of this report will be subject to change following structural changes to the City Services Directorate. These amendments will be addressed when Legal Services undertake a review of the whole of Section 3 of the Council's constitution in the near future.

12. Timescale

12.1 It became a duty for this authority to enforce the Copyright Designs and Patents Act 1988 from 5th April 2007.

12.2 The Fraud Act 2006 came into force for offences committed after the 15 January 2007

12.3 The Consumer Credit Act 2006 will be brought into force at different times up until full implementation by October 2008.

12.4 The Housing Act 2004 Part 5, will be brought into force from 1st August 2007.

12.5 The Animal Welfare Act 2006 came into force on 6th April 2007.

13. Monitoring

13.1 Performance will be included as part of the Public Protection performance review process

	Yes	No
Key Decision	√	
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		√
Council Consideration (if yes, date of Council meeting)	√ 26 June 2007	

List of background papers

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Papers open to Public Inspection

Description of paper	Location
Animal Welfare Act 2006	http://www.opsi.gov.uk/acts/acts2006/ukpga_20060045_en.pdf
Consumer Credit Act 2006	http://www.opsi.gov.uk/acts/acts2006/ukpga_20060014_en.pdf
Crossbows Act 1987	http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Crossbows+Act+&Year=1987&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=1329721&PageNumber=1&SortAlpha=0
Firearms Act 1968, as amended	http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Firearms+Act+&Year=1968&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=1628564&PageNumber=1&SortAlpha=0
Intoxicating Substances (Supply) Act 1985	http://www.statutelaw.gov.uk/legResults.aspx?LegType=All+Legislation&title=Intoxicating+Substances+(Supply)+Act+&Year=1985&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&TYPE=QS&NavFrom=0&activeTextDocId=1299078&PageNumber=1&SortAlpha=0
National Lottery, etc. Act 1993	http://www.opsi.gov.uk/acts/acts1993/Ukpga_19930039_en_1.htm
The Copyright Designs and Patents Act 1988	http://www.opsi.gov.uk/acts/acts1988/Ukpga_19880048_en_1.htm
The Fraud Act 2006	http://www.opsi.gov.uk/acts/acts2006/ukpga_20060035_en.pdf
The Housing Act 2004	http://www.opsi.gov.uk/acts/acts2004/ukpga_20040034_en.pdf

Appendix 1

This report proposes that the City Council's Constitution be amended as follows:-

Environmental and Public Protection Matters

Part 3.8 – Functions Delegated to Employees

Legal Proceedings

The following delegations DO NOT imply the power to commence legal proceedings in any court or tribunal except in the case of:

- a) "acid house parties" or any entertainments of a similar kind;
- b) noise nuisance proceedings relating to domestic premises under sections 79(1)g and 80(4) of the Environmental Protection Act 1990;
- c) an alleged offender arrested by the police and charged whilst in police custody.
- d) action taken under the Enterprise Act 2002
- e) proceedings for fly tipping under Section 33 of the Environmental Protection Act 1990

Home Office Cautions

In appropriate cases, the Head of Public Protection (formerly known as Assistant Director (Environmental Services)), following consultation with the Director of Legal and Democratic Services, is authorised to administer Home Office Cautions without prior reference to the Licensing and Regulatory Committee.

In all other cases except where specifically indicated below, authority to commence legal proceedings will vest with the Licensing and Regulatory Committee.

The following legislation contains those powers delegated to the Head of Public Protection with respect to matters concerning environmental protection and trading standards. These will in turn be exercised by and on behalf of the Head of Public Protection by any of the Assistant Heads of Public Protection.

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agricultural Produce (Grading and Marking) Acts 1928 and 1931
Agriculture Act 1970
Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Health and Welfare Act 1984
[*Animal Welfare Act 2006 \(add\)](#)
Anti-Social Behaviour Act 2003 (Part 6)
Breeding of Dogs Act 1973
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Business Names Act 1985
Cancer Act 1939
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991

Clean Air Act 1993
Companies Act 1985
[*Companies Act 2006 \(add\)](#)
[*Consumer Credit Act 1974 and 2006 \(add\)](#)
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
[*Copyright Designs and Patents Act 1988 \(add\)](#)
Courts and Legal Services Act 1990
Cremation Acts 1902 and 1952
[*Crossbows Act 1987 \(add\)](#)
Criminal Attempts Act 1981
Criminal Justice Act 1988 as amended by the Offensive Weapons Act 1996
Criminal Justice and Police Act 2001
Criminal Law Act 1977
Dangerous Dogs Act 1989 and 1991
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dogs Act 1871
Dogs Act 1906
Dogs (Amendment) Act 1928
Dog (Fouling of Land) Act 1996
Education Reform Act 1988
Enterprise Act 2002
Environment Act 1995
Environment and Safety Information Act 1988
Environmental Protection Act 1990
Employment Agencies Act 1973
Energy Act 1976
Energy Conservation Act 1981
Estate Agents Act 1979
European Communities Act 1972
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
[*Firearms Act 1968, as amended \(add\)](#)
Food Act 1984
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
[*Fraud Act 2006 \(add\)](#)
Game Act 1831
Game Licences Act 1860
Guard Dogs Act 1975
Hallmarking Act 1973
Health and Safety at Work etc Act 1974
Home Safety Act 1961
Hypnotism Act 1952
Insurance Brokers (Registration) Act 1977
[*Intoxicating Substances \(Supply\) Act 1985 \(add\)](#)
Licensing Act 2003
Licensing (Young Persons) Act 2000
Litter Act 1983
Local Government Act 1972
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Malicious Communications Act 1988

Medicines Act 1968
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
[*National Lottery, etc. Act 1993 \(add\)](#)
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Pet Animals Act 1951
Poisons Act 1972
Pollution Prevention and Control Act 1999
Powers of Criminal Courts Act 1973
Prevention of Damage by Pests Act 1949
Prices Acts 1974 & 1975
Private Places of Entertainment (Licensing) Act 1967
Property Misdemeanors Act 1991
Protection of Animals Act 1911
Public Health Act (Amendment) Act 1890
Public Health Act 1936
Public Health Act 1961
Public Health (Control of Disease) Act 1984
Refuse Disposal (Amenity) Act 1978
Riding Establishments Acts 1964 and 1970
Road Traffic Acts 1988 and 1991
Road Traffic (Foreign Vehicles) Act 1972
Road Traffic Offenders Act 1988
Scrap Metal Dealers Act 1964
Slaughterhouses Act 1974
Slaughter of Poultry Act 1967
Sunday Entertainments Act 1932
Sunday Trading Act 1994
Telecommunications Act 1984
[#Theft Acts 1968 and 1978 \(remove\)](#)
Timeshare Act 1992
Tobacco Advertising and Promotion Act 2002
Trade Descriptions Act 1968
Trade Marks Act 1994
[#Trading Stamps Act 1964 \(remove\)](#)
Trading Representations (Disabled Persons) Acts 1958 and 1972
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Act 1984 and 1993
Water Act 1989
Water Industry Act 1991
Weights and Measures Acts 1976 and 1985
West Midlands County Council Act 1980
Zoo Licensing Act 1981

Appendix 2.

5.1.1 Age Restricted Products

5.1.2 Currently Authorised to conduct test purchases for:

PRODUCT	SUPPLY ONLY TO THOSE AGED:	MAXIMUM PENALTY
Tobacco products	16 and over	£2,500
Offensive weapons/knives	16 and over	£5,000 & up to 6 months
Caps, cracker snaps, novelty matches, party poppers, serpents and throwdowns	16 and over	£5,000 & up to 6 months
Fireworks and sparklers	18 and over	£5,000 & up to 6 months
Aerosol paint	16 and over	£2,500
Alcohol	18 and over	£5,000 & forfeit of licence

5.1.3 Additional authorisation Sought for:

PRODUCT	SUPPLY ONLY TO THOSE AGED:	MAXIMUM PENALTY
Videos, video and computer games:	12, 15, 18 or over dependant upon the products classification.	£5000 & up to 6 months; imprisonment
Volatile substances/solvents	18* and over	£5,000 & up to 6 months
Crossbows	17 and over	£5,000 & up to 6 months
Airguns and pellets	17 and over	£5,000 & up to 6 months
Lighter refills containing butane	18 and over	£5,000 & up to 6 months
Lottery tickets/Instant Win cards	16 and over	£5,000 & up to 2 years
Animals	16 and over, or accompanied by an adult	£2500 & up to 51 weeks.

Support Notes: -

The **Copyright Designs and Patents Act 1988** does have implications relating to the sale of school uniforms. Previously complaints have been received from retailers who have received exclusive contractual rights for the sale of school uniforms from specific schools. Other retailers have tried to sell the same uniforms to provide competition within the market place, however, the retailer with the exclusive contractual right may have designed the school badge and claims copyright infringement when another retailer uses the badge. Until now, the Trading Standards Section have not enforced the Copyright Designs and Patents Act 1988 and declined to intervene, however, with this new duty to enforce the legislation, this sensitive issue may need to be addressed, with action being taken which may protect the monopolistic selling environment.

Home Information Packs (HIPs) - 22/05/07 - Press statement: ENERGY PERFORMANCE CERTIFICATES AND HOME INFORMATION PACKS

The Government is today announcing that we will be implementing Energy Performance Certificates (EPCs) and Home Information Packs (HIPs) from 1 August instead of 1 June. The Government has also reached an agreement with the Royal Institution of Chartered Surveyors (RICS) on their judicial review of Energy Performance Certificates.

The Judge, considering the application for Judicial Review by RICS, had issued an Order preventing EPC's from being included in HIPs from 1 June until a court had fully considered the RICS application.

We did not consider it to be acceptable or practical to delay the introduction of EPCs in this way.

We have always made clear greater transparency in the housing market and tackling climate change goes hand in hand. In addition, we have created a new energy assessor workforce - the majority of whom expect to start work in June.

We have therefore been in negotiation with RICS in order to avoid a lengthy delay as a result of the legal process. The Government can today announce an agreement has been reached.

The Government will revise regulations and implement the following changes -

- HIPs and EPCs to start on August 1, implemented on a phased basis. From August 1 packs - including energy performance certificates - will be required for the sale of four bedroom properties and larger. These are the properties which are the most energy inefficient. We will phase in packs for smaller properties as sufficient energy assessors become ready to start work.
- Until the end of the year, we will allow people to market their properties as soon as they have commissioned a pack - rather than making them wait until they have received them.
- As a temporary measure, we will allow EPCs to be up to twelve months old when the property is put up for sale and will consult further on the long-term arrangements for the age of EPCs.
- We will also be inviting councils and registered social landlords to work with us to introduce EPCs on a voluntary basis in social housing, for example at the time of stock transfers. The Government will therefore lead the way in efforts to tackle climate change, whilst providing work for energy assessors in advance of the full implementation of HIPs and EPCs.

Towards the end of the year we will assess the implementation of HIPs and consider what further steps might be needed to maximise the reduction in carbon emissions and drive forward the reform of home buying and selling.

This assessment will be informed by the operation of the market from 1 August; by the results of the area trials; and by a further consultation on the next steps in implementing HIPs and EPCs, which we will begin in the summer.

Communities Secretary Ruth Kelly said:

"We are pleased we have reached an agreement with RICs and potentially avoided a lengthy court case and months of delays.

"The approach we have set-out preserves the principles of HIPs and EPCs, while ensuring a transition period for the people buying and selling their property. Most importantly, it provides an opportunity to make real progress towards cutting carbon emissions from our homes."

Housing Minister Yvette Cooper said:

"Energy ratings for homes will help cut carbon emissions and family fuel bills. Given the serious threat from climate change, it would not have been acceptable for energy certificates to be subject to long legal delays and uncertainty."

Today we are also publishing the latest figures on energy assessor numbers, we now have 2,500 in training, a further 3,200 who have passed their exams, and 1,500 who have been accredited or have applied for accreditation but only 520 of these have been fully accredited. For implementation on 1 June, we would need more than 2,000 to be accredited.

Whilst more than enough are in the system, the current uncertainty caused by this legal challenge and the campaign of misinformation by opponents have had an impact on the numbers of energy assessors who are waiting before paying out for accreditation. The phasing in of the programme will ensure that the numbers of assessors matches the need in the market place.

The Video Recordings Act 1984

It is an offence to supply, or offer to supply, a video recording to any person who has not attained the age specified on the recording. This legislation applies to video films, video games and computer games.

It is a defence to show that a person neither knew, nor had reasonable grounds to believe, that:

- the classification certificate contained the statement in relation to the specified age, or
- the person concerned had not attained the specified age, or
- the supply was, or would have been, an exempted supply, as defined by legislation.

The Classifications are as follows:

A table showing the Classifications regarding supply of recordings		
ABBREVIATION	CLASSIFICATION	ONLY TO BE SOLD TO:
U	Universal	Unrestricted
Uc	Universal – particularly suitable for children	Unrestricted
PG	Parental Guidance – general viewing but some scenes may be unsuitable for young children	Unrestricted
12	Suitable only for persons 12 years and over	12 years and over
15	Suitable only for persons 15 years and over	15 years and over
18	Suitable only for persons 18 years and over	18 years and over

A table showing the Classifications regarding supply of recordings		
ABBREVIATION	CLASSIFICATION	ONLY TO BE SOLD TO:
R18	Suitable only for persons 18 years and over	18 years and over in a licensed sex shop

Intoxicating Substances (Supply) Act 1985

An offence is committed under this legislation if volatile substances or solvent-based products are sold, and it is believed that they are for a person under the age of 18, and that they are likely to be inhaled for the purposes of becoming intoxicated. This offence applies even when it is known that another person is buying the product for the person under the age of 18.

Special attention should be paid to young persons:

- buying volatile substances and nothing else;
- buying plastic bags at the same time as volatile substances;
- displaying signs similar to drunkenness;
- with spots and sores around the mouth and nose.

However, solvents may be sold to persons under 18 for their normal intended use i.e. a single aerosol of deodorant.

The Cigarette Lighter Refill (Safety) Regulations 1999

It is an offence to supply cigarette lighter refill canisters containing **butane** to anyone under 18.

National Lottery, etc. Act 1993

National Lottery Regulations 1994

It is an offence to sell National Lottery (LOTTO) tickets and Instant Win cards (scratchcards) to any person under 16. The Regulations also require anyone selling such products to be 16 or over.

Animal Welfare Act 2006

A person commits an offence if he sells an animal to a person whom he has reasonable cause to believe to be under the age of 16 years. It is not an offence if the young person is accompanied by an adult.

Firearms Act 1968, as amended

A person must not:

Sell or let on hire a firearm (a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged) to anyone under 17.

Crossbows Act 1987

A person must not sell or let on hire a crossbow with a drawn weight of 1.4kg or more, or part of such a crossbow, to anyone under 17 unless he has reasonable grounds to believe he is at least 17, and he did believe it.