

Expert Panel – Age Restrictions

Consultation on the minimum age for playing National Lottery games

To: Gambling and Lotteries Team, DCMS, 4th floor, 1 Horse Guards Road, London, SW1A 2HQ

On behalf of the Expert Panel – Age Restrictions, we are pleased to submit a response to the Consultation on the minimum age for playing National Lottery games.

The role of the Expert Panel is explained in more detail in Section 1.0 of our response. The **Panel is not a campaigning voice**. It is a matter for Ministers and Parliament to determine what products, content and services should be age restricted and at what age. However, the Panel does have a role in helping government departments to implement age restriction policies in a way that works well.

As such, the Panel's response to Q1 in your consultation (whether or not to raise the minimum age from 16 to 18) is **neutral**.

Our response focusses on Q3, the transitional costs and arrangements, should Ministers decide to proceed with the proposal to raise the minimum age from 16 to 18.

The Panel has put together a detailed response on certain key areas, reflecting the breadth of knowledge and experience that exists across the Panel. We hope that the feedback will be taken constructively and welcome any further discussions to help produce the finished policy proposals.

Summary of Recommendations

As an Expert Panel on Age Restriction, we make the following recommendations to the Department for Digital, Culture, Media and Sport:

- If the Department proceeds with the proposal, it will need to consider the transitional arrangements and costs, in particular:
 - The status of winning tickets lawfully held by 16 & 17 year olds purchased prior to the effective date, but within the 180-day claim period extending after the effective date;
 - Maintaining consistency for ease of training staff and practical purposes across age restricted products;
 - The costs of updating the Regulated Qualifications Framework, revising printed and online training materials, delivery to staff and other costs associated with preparations for the change;
 - The (mostly incidental) costs associated with re-signage in stores, whilst noting that the vast majority of signage are provided by the National Lottery operator.

1.0 About the Expert Panel | Age Restrictions

1.1 The [Office for Product Safety and Standards](#) (OPSS) is part of the Department for Business, Energy and Industrial Strategy (BEIS). The role of OPSS is to make regulation work, so that it protects people and enables businesses to understand their obligations. It has responsibility for trading standards policy locally and nationally, local better regulation, primary authority, business guidance and the UK's Quality Infrastructure (UKAS, BSI, etc).

1.2 As a part of its role, OPSS facilitates a series of Expert Panels. These are independently chaired, but subject focussed and include subjects like food standards, product safety, etc. One of those panels is related to Age Restrictions. OPSS leads on enforcement policy for age restrictions and the Expert Panel supports OPSS and other government departments to implement age restriction laws, policy and guidance that will work well in practice to protect children and young people.

1.3 The **Panel is not a campaigning voice**. It is a matter for Ministers and Parliament to determine what products, content and services should be age restricted and at what age. However, the Panel does have a role in helping government departments to implement age restriction policies in a way that works well. We take a practical and detailed approach. So, for instance, our response to this consultation exercise may, in places, venture into some very specific but, we hope, helpful detail.

1.4 Our aim is to draw on the collective expertise of around 50 participants in the Panel. These participants include local and national regulators, retail trade associations, the primary authority network, age verification providers, lawyers and those that work in this regulatory field. Our Panel includes senior staff from major retailers as well.

1.5 This response [has been approved for submission – subject to the meeting of the Panel on 8th October 2019] by the whole Expert Panel, having been prepared by a sub-group of the Panel. That sub-group included a roundtable discussion with colleagues from OPSS and the Home Office Serious Violence Unit.

2.0 Scope of our response and recommendations

2.1 Please note that the Expert Panel has only considered the potential transitional issues that would flow from a decision taken by government to raise the minimum age of participation in National Lottery games from 16 to 18.

2.2 The Panel has not considered any aspects of the consultation that relate to the policy rationale, evidence base or research into whether or not to make the proposed change. The Panel adopts a neutral position on what products, content and services should be age restricted and at what age.

3.0 Transitional Costs and Arrangements

3.1 We will highlight three particular issues that the Department should consider during the implementation of these proposals. We will be happy to help the Department with costing analysis of these issues should the proposals proceed and the relevant information is needed for the Regulatory Impact Assessments.

Transitional Arrangements for Winning Tickets

3.2 The National Lottery rules state that:

- all draw game prizes must be claimed within 180 days after the day of the draw (unless you follow the procedure which allows you to claim within 7 days after the end of the claim period);
- Instant Win Game prizes must be claimed within 180 days after the day you bought the Instant Win Game;
- Scratchcard prizes must be claimed within 180 days after the game closes.

3.3 The rules also state, at Rule 6.1, that:

- You can only claim a Prize if you have a Winning Ticket (subject to some rules); and
- You are the owner of that Winning Ticket (subject to some derivations for disabled players).

As a result, you currently have to be over 16 to claim the prize as otherwise you cannot be the owner of that Winning Ticket.

3.4 This will present the difficulty that on the effective day of the change from 16 to 18, there will be players aged 16 and 17 that have legitimately purchased tickets before the effective day that will not be able to claim their winnings.

Consistency of Age Restrictions

3.5 Whilst it is a matter for Ministers and Parliament to determine the appropriate age restriction that ought to be applied to National Lottery products, it is important to ensure a consistent approach. If there were to be differential ages for different products, this would make training of staff and systems deployment much harder. It would mean an inconsistent message for consumers and lead to greater friction and conflict at the point of sale with younger customers.

Updating Staff Training Materials

3.6 The task of updating staff training materials is more extensive than the Regulatory Impact Assessment identifies.

3.7 Many retail training programmes are derived from the OFQUAL Regulated Qualifications Framework – the relevant unit being A/617/1780 – preventing underage sales in retail and licensed premises. The Frameworks then dictate the content of courses and training materials and include reference to the age restrictions and penalties for the underage sale of national lottery tickets. An example of the learning syllabus and qualification specification can be [downloaded here](#).

3.8 From these frameworks, online and offline training materials, exams and supporting guidance are prepared by training providers – be they companies that provide qualifications in this sector or in-house learning and development coordinators. These could be printed or online materials that

need to be updated and verified. Exam papers for retail qualifications have questions in them relating to the age restrictions and these need to be phased out.

3.9 On delivery of retraining to staff, the Department should include the cost of retraining all authorised lottery terminal operators.

3.10 We agree that it is difficult to predict how many lottery retailers will be trading in 2023 but taking the current figure of 45,263 as a good basis, we could help your Department calculate the costs based upon some informed assumptions.

3.11 Training needs to be provided to all persons authorised to conduct age restricted sales at a national lottery retailer. Allowing up to 60 minutes per person based on assumptions for numbers of staff in independent and non-independent retailers (from Association of Convenience Stores workforce survey figures), we would estimate that the cost of training would be something between £4.2m and £4.9m. This excludes the cost of preparing for the training, recording that the training has taken place and updates to the training materials, which could reasonable be presumed to add approximately £0.5m to the costs.

Instore Signage

3.12 The Panel notes that the vast majority of promotional signage for National Lottery products used in store is provided by the National Lottery operator. It is, therefore, expected that the bulk of the cost of re-signage would be met by the National Lottery operator.

3.13 The issue may come with rolled-up, generic or branded signage put in place by retailers. This might include signage linked to the Retail of Alcohol Standards Group 'Think 25' signage or the NoID No Sale campaign signage for independent retailers. Both contain point-of-sale materials that highlight the age restrictions for national lottery products and would need updating.

3.14 Given that the vast majority of promotional signage is provided directly by the National Lottery operator, we consider the costs of re-signage to be incidental.