

THE LEGAL AGE FOR DRINKING ALCOHOL

1. We have very carefully considered the age at which drinking should be permitted. Our proposals in this paper are firmly based on the proposition that the age limit should remain at 18 for purchase and for consumption in a public place. However, we have not reached this conclusion lightly. Although our thinking permeates the earlier text, our particular consideration on these issues is set out separately below because they give rise to particular anxieties, and respondents to this paper may similarly wish to comment separately.

Current law

2. The complexity of the existing law is confusing and there can be few parents that properly understand it. We have tried to explain it briefly below:
 - ✓ persons under 18 cannot buy a drink anywhere on licensed premises, whether in the bar or elsewhere
 - ✓ the only exception are persons aged 16 and 17 who can buy beer, cider, porter or perry for consumption with a meal not served in the bar
 - ✓ persons under 18 cannot drink in a bar but those aged 5 or more can elsewhere in licensed premises
 - ✓ persons aged 5 or more can drink in a registered club, a public place (unless prohibited by bye-law) or at home
 - ✓ persons under 14 are not allowed in the bar of licensed premises during permitted hours unless a Children's Certificate is in force
 - ✓ it is an offence to give a child under 5 an alcoholic drink anywhere.
3. This all leads to some extraordinary anomalies. A person aged 17 years may enter a bar but may not purchase an alcoholic drink. The 18 year old standing next to him may purchase an alcoholic drink, take it into the pub garden and lawfully give it to an 11 year old.

"The laws on access to alcohol by under 18s are complex and contain a number of anomalies which send confusing messages to all about the age at which young people should be allowed to drink"⁹

⁹ Under the Influence: Report of the Taskforce on Underage Alcohol Consumption, published by the Portman Group, October 1997.

The arguments for a reduction in the legal age

4. Against a background in which people of 16 may marry, consent to sexual intercourse, consent to surgery and ride certain motorbikes, it may appear anomalous that they should not be thought sufficiently mature to make proper decisions about the consumption of alcohol and the risks of alcoholism. Many in younger age groups drink at home with the consent/knowledge of many parents. Indeed, recent research suggests that parents are the most common source of alcohol for children aged between 12 and 15. However, some obtain alcohol by questionable and unlawful means and drink secretly without adult supervision. The 1972 Errol Committee recommended that the age at which someone should be free to buy and consume alcohol on licensed premises should be reduced to 17 years. The Committee suggested that a higher age limit itself produces patterns of illicit drinking among younger teenagers, and that those patterns can encourage delinquency. The Boy Scouts and Girl Guides Association, the British Association of Social Workers and the National Association of Youth Service Officers all supported some reduction in the age limit. The Committee heard argument from them that it is better for 16 and 17 year olds to be in pubs learning to drink sensibly, than to be drinking in secret or on the streets with only other teenagers for company.

The arguments for retaining 18 years

5. Although it is possible to portray a great deal of inconsistency in the setting of age limits associated with certain practices, it has been the well established practice to place age limits on the purchase of certain goods for the protection of children and to protect others from the immature or uncontrolled use of dangerous items. For example, alcohol, fireworks, solvents, certain videos and computer/video games all share an age limit of 18 for purchase. Knives, unsealed razor blades, axes, National Lottery tickets and cigarettes all share the lower age limit of 16 for purchase. It is therefore by no means unusual for Parliament to assess the level of risk involved for children, and to impose an appropriate age limit on purchase. Research has demonstrated that too early an exposure to alcohol in unsupervised circumstances can lead to poor health; poor educational attainment; poor employment prospects; and is associated with the abuse of other drugs. In addition, the present Government has reflected widespread public concern by putting a strong focus on the need to reduce youth crime, and there is no doubt that there is a strong association between crime and alcohol consumption. The vast majority of the public order incidents associated with licensed premises involve young men. No representations have been made to the Government by the hospitality or leisure industry for a reduction in the age limit. In recent years the Government has acted in response to public concerns over "alcopops". The battle over marketing to youngsters is being won with sales of this kind of product reducing significantly. The Government considers that any change in its position on drinking by youngsters might be taken as a green light for the industry to return to targeting young people in their marketing strategies. Realistically, it can also be argued that an age limit of 18 recognises that some 16 and 17 year olds will be served in public houses; and a reduction to 17 would mean that even younger age groups would obtain freer access to alcohol. Lowering the age limit will not affect the problems of enforcement.
6. The Licensing (Young Persons) Bill, a Private Member's Bill which is currently before Parliament, highlights the potentially tragic consequences of allowing young people too early an exposure to alcohol. David Knowles, a 14 year old constituent of

Paul Truswell MP, was killed attempting to run across a busy by-pass while intoxicated from the consumption of three cans of lager irresponsibly sold to him.

Conclusion

7. We do not consider that the time is right to lower the current age limit to 16 or 17. The age limit of 18 is necessary to protect children from the damage that alcohol can do and to protect others from the behaviour of those who misuse alcohol when young and immature. We also believe that retaining an age limit of 18 is a pragmatic approach because reducing the limit to 16 or 17 might mean a greater number of 14 and 15 year olds escaping the scrutiny of publicans and shopkeepers. We consider that the focus of reform now should be on methods to reduce underage purchase and consumption of alcohol, and improving the enforcement of these laws.
8. We have also considered the situation with regard to consumption away from licensed premises. It is presently unlawful to give alcohol to a child under five years old. Any change to increase this age limit could not realistically be enforced. If drinking happens at home with the approval parents, it is difficult to see how the police could enforce the law on any consistent basis. We also believe that small quantities of alcohol consumed at home under parental supervision can provide a training ground for sensible and moderate drinking later in life. It would be extremely difficult to choose another age other than 18 that does not give rise to controversy. We therefore think that reform should focus on licensed premises and registered clubs and consumption in public places. Where problems do arise in respect of underage drinking at home, the remedy must lie in better public education about the damage that alcohol can do to young lives. This Government is committed to improving public knowledge and understanding in this area, and we also welcome the important work being done by organisations such as the Portman Group to make alcohol education resources more readily available for use in schools.