



2011 CHAPTER 23

PART 4

GRAFFITI AND OTHER DEFACEMENT

Aerosol paints

Sale of aerosol paint to children

37.—(1) A person who sells an aerosol paint container to a person under the age of 18 commits an offence.

(2) In subsection (1) “aerosol paint container” means a device which—

- (a) contains paint stored under pressure, and
- (b) is designed to permit the release of the paint as a spray.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) It is a defence for a person charged with an offence under this section in respect of a sale to prove that—

- (a) that person took all reasonable steps to determine the purchaser’s age, and
- (b) that person reasonably believed that the purchaser was not under the age of 18.

(5) It is a defence for a person charged with an offence under this section in respect of a sale effected by another person to prove that that person (the defendant) took all reasonable steps to avoid the commission of an offence under this section.

(6) It shall be the duty of a district council—

- (a) to consider, at least once in every period of 12 months, the extent to which it is appropriate for it to carry out a programme of enforcement action in relation to this section, and
 - (b) to the extent that it considers it appropriate to do so, carry out such a programme.
- (7) For the purposes of subsection (6), a programme of enforcement action in relation to this section is a programme involving all or any of the following—
- (a) the bringing of prosecutions in respect of offences under this section;
 - (b) the investigation of complaints in respect of alleged offences under this section;
 - (c) the taking of other measures intended to reduce the incidence of offences under this section.