

## FROM THE MINISTER OF HEALTH



Philip McGuigan  
Chair of Health Committee  
[committee.health@niassembly.gov.uk](mailto:committee.health@niassembly.gov.uk)

Castle Buildings  
Stormont Estate  
BELFAST, BT4 3SQ  
Tel: 028 9052 2556  
Email: [private.office@health-ni.gov.uk](mailto:private.office@health-ni.gov.uk)

Our Ref: SUB-0339-2026

Date: 27 May 2026

Dear Philip

### **THE TOBACCO RETAILER (MISCELLANEOUS AMENDMENTS) REGULATIONS (NORTHERN IRELAND) 2026**

The Department of Health proposes to make a Statutory Rule under the powers conferred by sections 2(2), 8(5), 12 (7) and 24(3) of the Tobacco Retailers Act (Northern Ireland) 2014<sup>1</sup>.

The Statutory Rule is subject to the negative resolution procedure before the Assembly and will be made and laid once all the necessary approvals are in place.

#### **Purpose of the Statutory Rule**

The Tobacco and Vapes Act 2026<sup>2</sup>, which is UK extent, and which has the support of the Assembly<sup>3</sup>, received Royal Assent on 29<sup>th</sup> April 2026. The Act introduces several amendments to Part 2 of The Health and Personal Social Services (Northern Ireland) Order 1978<sup>4</sup>, revising existing tobacco related fixed penalty offences and introduces new fixed penalty offences related to the retail of vaping and nicotine products. The Act also amends section 12 of the Tobacco Retailers Act 2014 to incorporate these new and revised fixed penalty offences.

This Statutory Rule, therefore, makes consequential amendments to:

- The Tobacco Retailer (Registration and Display of Notices) Regulations (Northern Ireland) 2016<sup>5</sup> to update the information required for applications for registration and revise the prescribed wording of the Restricted Premises Order notice, to ensure that

<sup>1</sup> 2014 c. 4 (N.I.)

<sup>2</sup> 2026 c.18

<sup>3</sup> A Legislative Consent Motion (LCM) was agreed by the NI Assembly on 25 February 2025

<sup>4</sup> S.I. 1978/1907 (N.I. 26)

<sup>5</sup> S.R. 2016 No. 98

requirements apply to tobacco products, herbal smoking products, vaping products, nicotine products and cigarette papers. The Regulations also amend the return postal and e-mail address details for the NI Tobacco Retail Register to reflect the updated contact details;

- The Tobacco Retailer (Fixed Penalty) (General) Regulations (Northern Ireland) 2016<sup>6</sup> to amend the form of a fixed penalty notice which may be issued in respect of offences as listed under section 12(1) of the Tobacco Retailers Act (Northern Ireland) 2014, by removing obsolete statutory references and updating payment methods to include electronic or online payment.
- Revoke The Tobacco Retailer (Fixed Penalty) (General) (Amendment) Regulations (Northern Ireland) 2021, as the provisions contained in those regulations are now superseded.

These amendments are necessary to update the terminology and statutory references within these regulations to align with the broadened product categories now regulated under the Tobacco Retailers Act (Northern Ireland) 2014, as amended by the Tobacco and Vapes Act 2026.

This Rule will also revoke The Tobacco Retailer (Fixed Penalty) (General) (Amendment) Regulations (Northern Ireland) 2021<sup>7</sup> as the amendments contained in those Regulations are now superseded.

### **Previous Engagement with the Committee**

None

### **Financial Implications**

There are no financial cost implications for the Department.

### **Consultation**

The amendments introduced by this Rule are technical and consequential in nature. They do not introduce new policy and therefore did not require public consultation.

### **Compliance with section 24 of the Northern Ireland Act 1998**

The proposals in this Statutory Rule relate solely to the consequential amendments, as listed above, and do not impose restrictions on individual rights. The Department has concluded that the proposals are compatible with Convention Rights and section 24 of the Northern Ireland Act 1998. Furthermore, as the changes are administrative in nature and do not alter rights or equality of opportunity, they do not therefore engage Article 2(1) of the Windsor Framework. Given the scope of the proposals, engagement with the Equality Commission for Northern Ireland or the Northern Ireland Human Rights Commission was not considered necessary.

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<sup>6</sup> S.R. 2016 No. 180

<sup>7</sup> S.R. 2021 No. 331

## **Consideration by the Executive**

The SL1 and draft Statutory Rule have not been considered by the Executive as there was no requirement to do so. The Statutory Rule does not engage paragraph 2.4 of the Ministerial Code.

## **Equality Impact**

An Equality Screening was carried out by the Department. The policy proposals have been considered under section 75 of the Northern Ireland Act 1998. The Department considers the proposals to fully comply with the legislation with no adverse impact on any of the section 75 Groups. An equality impact assessment has not been considered necessary.

## **Regulatory Impact**

The Regulations do not impose additional costs on businesses, voluntary organisations, or the public sector. The Department considers that a regulatory impact assessment is not necessary.

## **Rural Needs Impact Assessment**

The Department has assessed the proposals in line with the Rural Needs Act (Northern Ireland) 2016 and has determined they will not have an adverse impact on rural communities.

## **Data Protection Impact**

These Regulations, which are specific to Northern Ireland, do not, provide for the collection, handling and processing of data, rather, they make amendments which are consequential upon the provisions in the Tobacco and Vapes Act 2026, which has already been impact assessed.

The Department considers that these Regulations are compliant with the requirements of the Data Protection Act 1998 and the GDPR and that the Regulations are consistent with the data protection principles set out in therein. A Data Protection Impact Assessment is not necessary.

## **Child Rights Impact**

The proposals do not involve any direct impact on children's rights; therefore, a Child Rights Impact Assessment is not necessary.

## **Position in Great Britain**

There is currently no statutory requirement in England or Wales for retailers of tobacco, vaping, or other nicotine products to register their business.

The Tobacco and Vapes Act 2026 introduces provisions that would enable the establishment of a future licensing scheme for retailers of tobacco, vaping, and nicotine products, following an appropriate public consultation.

In Scotland, the Tobacco and Primary Medical Services (Scotland) Act 2010 established a mandatory registration scheme for retailers of tobacco and nicotine vapour products.

### **Any other information**

None.

### **Proposed timing of consideration of the SL1**

The SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe and the Department would propose that the Committee considers it at their next scheduled meeting to ensure that the regulations come into operation as soon as possible.

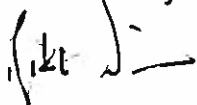
### **Proposed Operational Date**

These Regulations must be in operation no later than 29/10/2026, except for regulation 3(2)(b) which removes references to the *Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991* from the Schedule (Fixed Penalty Notice) within *The Tobacco Retailer (Fixed Penalty) (General) Regulations (Northern Ireland) 2016*. This regulation will come into operation on 1 January 2027 to coincide with the repeal of the *Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991* by the Tobacco and Vapes Act 2026. It is proposed that the Statutory Rule will be made and laid as soon as all necessary approvals are received. A draft of the proposed Statutory Rule is attached.

When the finalised Statutory Rule together with the Explanatory Memorandum has been laid at the Assembly Business Office, the Business Office will submit copies to the Committee.

I should be grateful if you would please bring this matter to the attention of the Committee for Health at your earliest convenience.

Yours sincerely



**Mike Nesbitt MLA**  
**Minister of Health**

cc.

NI Human Rights Commission

Equality Commission

Gary Mervyn (Departmental Assembly Liaison Officer)

Siobhan Broderick (Director of Population Health, Department of Health NI)  
Lesley Heaney (Head of Tobacco Control and Infected Blood Compensation Policy  
Branch, Department of Health NI)