FROM THE MINISTER OF HEALTH

Department of Health
An Roinn Sláinte
Männystrie O Poustie
www.health-ni.gov.uk

Committee for Health

Via email

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Dear Philip

THE TOBACCO AND VAPES ACT 2026 (AGE OF SALE NOTICES AND CONSEQUENTIAL AMENDMENTS) REGULATIONS (NORTHERN IRELAND) 2026

The Department of Health proposes to make a Statutory Rule under the powers conferred by Article 4D(4) of the Health and Personal Social Services (Northern Ireland) Order 1978[1] and section 171 of the Tobacco and Vapes Act 2026[2].

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, which is UK extent and which has the support of the Assembly[3], received Royal Assent on 29th April 2026. Sections 72, 73 and 76 of the Act amends Part 2 of The Health and Personal Social Services (Northern Ireland) Order 1978, to establish a new legislative framework governing the age of sale for tobacco products. This Statutory Rule prescribes the dimensions and wording of the revised age-of-sale notice that tobacco retailers in Northern Ireland will be required to display at each point of sale on

[1] S.I. 1978/1907 (N.I. 26)
[2] 2026 c.18
[3] A Legislative Consent Motion (LCM) was agreed by the NI Assembly on 10 February 2025

their premises from 1st January 2027, following the introduction of the new age of sale for tobacco products under the Tobacco and Vapes Act ("the 2026 Act").

Section 76 of the 2026 Act introduced a requirement for tobacco retailers in Northern Ireland to display, in a prominent position visible at each point of sale, a notice stating: *"It is illegal to sell tobacco products to anyone born on or after 1 January 2009"*. This requirement comes into operation concurrently with the new age of sale provisions and replaces the previous age of sale notice requirement, which reflected the old offence of selling to anyone under the age of 18.

The Regulations retain the existing minimum size of these notices, namely, 297 millimetres by 420 millimetres. However, as the prescribed statement is longer than the previous wording required, the minimum character height is reduced from 36 millimetres to 21 millimetres to ensure the full statement fits onto an A3 notice.

The Rule also makes consequential amendments to the following Northern Ireland secondary legislation:

- *The Tobacco Advertising and Promotion (Display) Regulations (Northern Ireland) 2012*[4];
- *The Tobacco Advertising and Promotion (Display of Prices) Regulations (Northern Ireland) 2012*[5].

These amendments also revise the minimum size of the statement on the age-of-sale notice that must be displayed by bulk tobacconists to ensure alignment with the corresponding requirements for tobacco retailers which are prescribed in these regulations. The amendments also replace references within the 2012 Display and Display of Prices Regulations to an individual being *"aged 18 or over"* or *"aged under 18"* with references based on an individual's date of birth.

The amendments are necessary to ensure that existing Northern Ireland secondary legislation aligns with the corresponding amendments being made to the Tobacco Advertising and Promotions Act 2002 by the UK Government. Those amendments arise as a direct consequence of the 2026 Act which changes the current legal age of sale for tobacco

[4] S.R. 2012 No. 246
[5] S.R. 2012 No. 341

products from 18 years or over, to persons born before 1st January 2009 (commencing 1st January 2027).

The regulations will also revoke *The Protection from Tobacco (Display of Warning Statements) Regulations (Northern Ireland) 1993*[6]. The 1993 regulations, which derive their powers from the Children and Young Persons (Protection from Tobacco) (Northern Ireland) Order 1991, will cease to have effect from 1st January 2027 following the repeal of the 1991 Order by Schedule 15 to the 2026 Act.

The provisions in these regulations will commence on 1st January 2027 to align with the commencement of the new tobacco age of sale provisions under the 2026 Act.

Previous Engagement with the Committee

None with regard to this SR.

Financial Implications

There are no financial cost implications for the Department.

Consultation

Between October and December 2023, the previous UK Government consulted on proposals for the Tobacco and Vapes Bill, receiving 27,921 responses from individuals and organisations. The consultation showed majority support for the key measures, with 63.2% of respondents supporting the proposed generational increase in the age of sale for tobacco products and 71.8% agreeing that age-of-sale notices in retail premises should be updated to reflect the new requirements.

This Rule makes several consequential amendments which are necessary to support the implementation in Northern Ireland of the Tobacco Age-of-Sale provisions within the Tobacco and Vapes Act. As this Rule does not introduce new policy, a separate public consultation was therefore not considered necessary.

Compliance with section 24 of the Northern Ireland Act 1998

[6] S.R. 1993 No. 35

The proposals in this Statutory Rule relate solely to the provisions, 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 of, and Annex 1 to, the Windsor Framework (The Rights of Individuals). Given the scope of the proposals, engagement with the Equality Commission for Northern Ireland or the NI Human Rights Commission was not considered necessary.

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

It is anticipated that retailers will incur a small cost in implementing the revised signage and familiarising themselves with the new legislative requirements. With the exception of bulk tobacconists, these costs were accounted for in the Impact Assessment undertaken for the Tobacco and Vapes Bill[7]. The cost to bulk tobacconists of replacing the age of sale notices are expected to be small, given the small number of these businesses and the low cost of replacement notices.

As the Regulations, in terms of additional costs, are therefore expected to have only a minor, indirect, initial and transitory effect on businesses and do not impose any additional

[7] The Tobacco and Vapes Bill: impact assessment - GOV.UK

costs on voluntary organisations or the public sector, the Department considers that 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 tobacco age-of-sale 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 2018 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.

Windsor Framework

UK Government has confirmed that the 2026 Act as enacted is in keeping with the terms agreed in The Windsor Framework. That agreement includes the following undertakings:

- Article 2 (The Rights of Individuals) of the Windsor Framework, which provides for no diminution of rights, safeguards or equality of opportunity, as set out in that part of the 1998 Belfast (Good Friday) Agreement entitled *Rights, Safeguards and Equality of Opportunity,* which results from the UK's withdrawal from the European Union.
- Article 5(4) (Customs, movement of goods) and Annex 2 of the Windsor Framework, which requires that the provisions of European Union law listed in Annex 2 of that

agreement shall also apply, under the conditions set out in that Annex, to and in the United Kingdom in respect of Northern Ireland.

The proposed regulations are wholly consequential upon the 2026 Act and, therefore, they are also in keeping with the terms agreed in the Windsor Framework.

Specifically, the provisions of the Regulations do not introduce a diminution of rights, safeguards or equality of opportunity as set out in the 1998 Belfast ("Good Friday") Agreement, as required by Article 2 (The Rights of Individuals) and Annex 1 of the Windsor Framework.

Directive 2014/40/EU, also known as the Tobacco Products Directive (TPD), makes stipulation on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products. This EU Directive is listed in Annex 2 of The Windsor Framework. The proposed regulations are consistent with, and do not diminish the requirements of, Article 5(4) (Customs, movement of goods) and Annex 2 of the Windsor Framework.

Position in Great Britain

The UK Government and the devolved administrations in Scotland and Wales are developing separate regulations relating to age-of-sale notices. The UK and Welsh governments are also developing regulations that will make equivalent consequential amendments to their respective secondary legislation governing the display of tobacco products and tobacco product prices. As in Northern Ireland, these regulations are expected to commence on 1st January 2027 to coincide with the commencement of new tobacco age-of-sale provisions under the 2026 Act.

Position in RoI

The Republic of Ireland (RoI) enacted The Public Health (Tobacco) (Amendment) Act 2024 (Act No. 47 of 2024), which was signed into law on 13 November 2024, and raises the minimum legal age for purchasing tobacco products in Ireland to 21 and strengthens restrictions on nicotine inhaling products. It prohibits the retail sale of tobacco products to anyone under 21 and prohibits the retail sale of nicotine inhaling products (e-cigarettes, vapes) to persons under 18.

Unlike the UK, the RoI does not have equivalent primary legislation which creates a smoke-free generation, The UK legislation means that the age of sale gradually rises over time.

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.

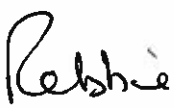
Proposed Operational Date

These Regulations must be in operation no later than 1st January 2027 to coincide with the commencement of sections 72 (Age of sale for tobacco products etc), 73 (Purchase of tobacco on behalf of others) and 76 (Age of sale notice at point of sale) of 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



Robbie Butler MLA
Minister of Health

NI Human Rights Commission
Equality Commission
[redacted]

[redacted]

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Department of Health NI)