Draft Regulations laid before the Assembly under Articles 3(3) and 4H(3) of the Health and Personal Social Services (Northern Ireland) Order 1978 for approval by resolution of the Assembly.

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2027 No. 0000

PUBLIC HEALTH

The Tobacco and Vapes Act 2026 (Age Verification Defence to Underage Sales) Regulations (Northern Ireland) 2027

Made - - - -	***
Coming into operation	*1st February 2027*

The Department of Health(**a**) makes the following Regulations in exercise of the powers conferred by Articles 3(2)(a) and 4H(2)(a) of the Health and Personal Social Services (Northern Ireland) Order 1978(**b**).

In accordance with Articles 3(3) and 4H(3) of that Order, a draft of these Regulations has been laid before and approved by a resolution of the Assembly.

Citation and Commencement

1.—(1) These Regulations may be cited as The Tobacco and Vapes Act 2026 (Age Verification Defence to Underage Sales) Regulations (Northern Ireland) 2027.

(2) These Regulations come into operation on 1st February 2027.

Interpretation

2. In these Regulations—

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1978;

"P" means a person charged with an offence under article 3(1) or 4H(1) of the Order;

"relevant age requirement" means that the customer—

(a) in relation to an offence under article 3(1) of the Order, was born before 1st January 2009;

(b) in relation to an offence under article 4H(1) of the Order, was at least 18 years old.

(**a**) Formerly the Department of Health, Social Services and Public Safety (see 2016 c. 5)

(**b**) S.I. 1978/ 1907 (N.I. 26); Article 3 was substituted by section 72 of Tobacco and Vapes Act 2026 (c.18) and Article 4H was inserted by section 80 of that Act

Steps to verify age of customer

3.—(1) For the purposes of article 3(2)(a) or 4H(2)(a) of the Order, P must have taken, before the sale, the steps specified in paragraph (2) or (3).

(2) The step specified in this paragraph is that P inspected a physical identity document shown to P by the customer which would appear to a reasonable person to be a document that—

(a) had not been altered, and

(b) demonstrated that the customer met the relevant age requirement.

(3) The steps specified in this paragraph are that P—

(a) satisfied the condition in regulation 4;

(b) confirmed that the customer made available to P the means by which the customer's digital identification may be verified, and

(c) used those means to verify that the customer had met the relevant age requirement.

(4) In paragraph (2), "physical identity document" means any document purporting to be—

(a) a passport;

(b) a photocard driving licence;

(c) an electoral identity card; or

(d) a photographic identity card of a type approved by the National Proof of Age Standards Scheme(**a**).

Digital identification condition

4.—(1) For the purposes of regulation 3(3), the condition is that P is covered by an agreement with a DVSP ("the relevant DVSP") for the provision of digital verification services where—

(a) the relevant DVSP has agreed that it will confirm, in the course of providing its services, whether or not the customer has met the relevant age requirement;

(b) the relevant DVSP has agreed that it will deliver identification that reaches at least a medium level of confidence;

(c) that level of confidence has been verified by a DVSP, whether that DVSP is the relevant DVSP or another; and

(d) the relevant DVSP is registered as a provider of those services in the DVS register in accordance with Version 0.4 or Version 1.0 of the DVS trust framework(**b**).

(2) In this regulation—

(a) "the 2025 Act" means the Data (Use and Access) Act 2025(**c**);

(b) "DVSP" means a person who provides digital verification services and is included in the DVS register;

(c) "DVS register" means the register maintained by the Secretary of State under section 32 (DVS register) of the 2025 Act;

(d) "DVS trust framework" is to be construed in accordance with section 28 (DVS trust framework) of the 2025 Act;

(e) "medium level of confidence", in respect of identification described in sub-paragraph (1)(b), is to be construed in accordance with—

(i) Version 0.4(**d**) of the DVS trust framework, in the case that the relevant DVSP, or as the case may be, another DVSP provides the service described in regulation 4(1)(b),

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(**a**) PASS: The National Proof of Age Standards Scheme
(**b**) Accessible at https://www.gov.uk/government/collections/uk-digital-verification-services-trust-framework.
(**c**) 2025 c. 18.
(**d**) Accessible at https://www.gov.uk/government/collections/uk-digital-verification-services-trust-framework.

and is registered as a provider of that service in the DVS register, in accordance with Version 0.4 of the DVS trust framework;

(ii) Version 1.0(**a**) of the DVS trust framework, in the case that the relevant DVSP, or as the case may be, another DVSP provides the service described in sub-paragraph (1)(b), and is registered as a provider of that service in the DVS register, in accordance with Version 1.0 of the DVS trust framework.

Sealed with the Official Seal of the Department of Health on ***



A senior officer of the Department of Health

(**a**) Accessible at https://www.gov.uk/government/collections/uk-digital-verification-services-trust-framework.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1978 (S.I. 1978/1907 (N.I. 26)) it is an offence to sell tobacco products, herbal smoking products and cigarette papers to a person born on or after 1st January 2009. Under article 4H(1) of that Order it is an offence to sell vaping products or nicotine products to a person who is under the age of 18.

These Regulations specify the steps that must be taken for the purposes of the defence to those offences in articles 3(1) and 4H(1) of the Health and Personal Social Services (Northern Ireland) Order 1978. The specified steps relate to verification of a customer's age using a physical identity document or digital identification. In relation to digital identification, the Regulations make provision for digital identification to be verified through the use of Digital Verification Services (DVS) in line with the framework provided for in the Data (Use and Access) Act 2025 (c. 18).

The Regulations do not require individuals to use digital identification for age verification purposes, nor do they require businesses to adopt digital verification systems. Instead, they provide an additional voluntary option for age verification. Customers and retailers may continue to use physical identity documents for age verification.

Version 0.4 and Version 1.0 of the DVS trust framework are accessible at https://www.gov.uk/government/collections/uk-digital-verification-services-trust-framework. Copies may also be obtained by writing to the Office for Digital Identities and Attributes (OfDIA), Department for Digital, Culture, Media and Sport, 22-26 Whitehall, London SW1A 2EG.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.