Draft Regulations laid before Parliament under sections 168(3) and 173(5) of the Tobacco and Vapes Act 2026 (c. 18), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No. XXX

PUBLIC HEALTH, ENGLAND AND WALES

PUBLIC HEALTH, NORTHERN IRELAND

The Tobacco and Vapes Act 2026 (Display of Tobacco Products) (Consequential Amendments) Regulations 2026

Made - - - -	***
Coming into force - -	*1st January 2027*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 168(1) and (2) of the Tobacco and Vapes Act 2026(**a**).

A draft of these Regulations was laid before Parliament in accordance with sections 168(3) and 173(5) of that Act and was approved by resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Tobacco and Vapes Act 2026 (Display of Tobacco Products) (Consequential Amendments) Regulations 2026.

(2) These Regulations come into force on 1st January 2027.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendment to section 7B of the Tobacco Advertising and Promotion Act 2002

2. Section 7B of the Tobacco Advertising and Promotion Act 2002(**b**) (tobacco displays: exclusions and defence) is amended as follows—

(a) in subsection (2), for "aged 18 or over" substitute "born before 1 January 2009";

(b) in subsection (4), for "aged under 18" substitute "born on or after 1 January 2009";

(c) in subsection (5)(a), for "aged 18 or over" substitute "born before 1 January 2009";

(d) in subsection (5)(b)(i), for "age" substitute "date of birth";

(e) in subsection (5)(b)(ii), for "aged under 18" substitute "born on or after 1 January 2009";

(f) in subsection (6), for "age", in both places it occurs, substitute "date of birth".

(**a**) 2026 c. 18.
(**b**) 2002 c. 36. Section 7B was inserted by section 21 of the Health Act 2009 (c. 21).

Signed by authority of the Secretary of State for Health and Social Care

Minister of State
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make consequential amendments to the Tobacco Advertising and Promotion Act 2002 (c. 36) ("the 2002 Act") and specifically the provisions governing the display of tobacco products following the introduction in the Tobacco and Vapes Act 2026 (c. 18) ("the 2026 Act") of an age of sale requirement based on date of birth.

The 2002 Act, and regulations made under it, make provision restricting the display of tobacco products in premises where they are offered for sale in the course of a business. Section 7B of the 2002 Act provides that no offence is committed if the display is a requested display to an individual aged 18 or over, because tobacco products could be sold legally only to individuals aged 18 or over. The 2026 Act prohibits the sale of tobacco products to people born on or after 1 January 2009. Regulation 2 therefore amends the 2002 Act to replace references to an individual being "aged 18 or over" or "aged under 18" with references to their date of birth.

An impact assessment was produced in relation to the 2026 Act and copies can be obtained at https://www.gov.uk/government/publications/the-tobacco-and-vapes-bill-impact-assessment or from the Department of Health and Social Care at 39 Victoria Street, London, SW1H 0EU. A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen beyond that assessed in the impact assessment for the Act.

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