Draft Regulations laid before the Assembly under section 24(2) of the Tobacco Retailers Act (Northern Ireland) 2014, for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2026 No. 0000

PUBLIC HEALTH

The Tobacco Retailer (Fixed Penalty) (Amount) (Amendment) Regulations (Northern Ireland) 2026

Made - - - -	*2026*
Coming into operation	*2026*

The Department of Health(**a**) makes the following Regulations in exercise of the powers conferred by sections 12(8) and 24(3) of the Tobacco Retailers Act (Northern Ireland) 2014(**b**),

In accordance with section 24(2) of that Act, 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 Retailer (Fixed Penalty) (Amount) (Amendment) Regulations (Northern Ireland) 2026.

(2) Except as provided in paragraph (3) and (4), these regulations come into operation on 29th October 2026.

(3) Regulation 4 comes into operation on 1st January 2027.

(4) Regulation 5 comes into operation on 1st March 2027.

Amendment of the Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016

2. The Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016(**c**) are amended in accordance with regulations 3 to 5.

(**a**) Formerly the Department of Health, Social Services and Public Safety (see section 1(5) of 2016 c.5
(**b**) 2014 c. 4 (N.I.)
(**c**) S.R. 2016 No.180

Amendments coming into operation on 29th October 2026

3. For the Schedule (amount of fixed penalty) substitute –

"**Entry Number**	**Column 1 Offence**	**Column 2 Fixed Penalty**
1	An unregistered person carrying on a tobacco products or herbal smoking products business (section 10(1) of the Act).	£500.00
2	A registered person carrying on a tobacco products or herbal smoking products business at premises other than those noted in the person's entry in the Register (section 10(2) of the Act).	£500.00
3	A person who fails, without reasonable excuse, to comply with section 3 of the Act (duty to notify certain changes) (section 10(3) of the Act).	£50.00
4	A person who fails, without reasonable excuse, to comply with section 8(2) of the Act (in relation to the display of a notice if subject to a restricted premises order) (section 10(7) of the Act).	£100.00
5	A person who fails, without reasonable excuse, to comply with section 9(2) of the Act (in relation to removal of tobacco products, herbal smoking products, cigarette papers, vaping products or nicotine products from the retail area where a restricted premises order has effect) (section 10(8) of the Act).	£500.00
6	A person who before 1st January 2027, sells to a person under the age of 18 any tobacco product, herbal smoking product or cigarette papers, whether for his own use or not (Article 3 of the 1978 Order).	£250.00
7	A person aged 18 or over who before 1st January 2027, knowingly buys or attempts to buy tobacco products, herbal smoking products or cigarette papers on behalf of a person under the age of 18 (Article 4A of the 1978 Order).	£250.00
8	A person who sells a vaping product or nicotine product to a person who is under the age of 18 (Article 4H of the 1978 Order).	£250.00
9	A person aged 18 or over who buys, or attempts to buy, a vaping product or nicotine product on behalf of a person who is under the age of 18 (Article 4I of the 1978 Order).	£250.00
10	A person who has the management or control of premises on which a tobacco vending machine is available for use (Article 4B of the 1978 Order).	£250.00
11	A person who has the management or control of premises on which a vape vending machine or a nicotine product vending machine is available for use (Article 4J of the 1978 Order).	£250.00
12	A tobacco retailer who sells cigarettes that are not in their original packaging (Article 4C of the 1978 Order).	£250.00
13	A person who — (a) gives away a product or coupon to a member of the public or sells a product or coupon at a substantial discount, or who causes or permits that to happen, and (b) does so to promote a relevant product or does so knowing or having reason to suspect that the effect of their doing so is to promote a relevant product (Article 4L of the 1978 Order).	£250.00
14	Failure to display a notice stating "It is illegal to sell tobacco products to anyone under the age of 18" in retail premises where tobacco is sold (Article 5 of the 1991 Order).	£100.00"

Amendments to Schedule coming into operation on 1st January 2027

4. The following amendments to the Schedule (amount of fixed penalty) (as substituted by regulation 3) come into operation on 1st January 2027 -

(1) for entry number 6, substitute –

"6	A person who sells to a person born on or after 1st January 2009 a tobacco product, a herbal smoking product or cigarette papers. (Article 3 of the 1978 Order).	£250.00;"

(2) for entry number 7, substitute –

"7	A person aged 18 or over who buys or attempts to buy a tobacco product, a herbal smoking product or cigarette papers on behalf of a person born on or after 1st January 2009. (Article 4A of the 1978 Order).	£250.00;"

(3) for entry number 14, substitute –

"14	Failure to display a notice stating "It is illegal to sell tobacco products to anyone born on or after 1st January 2009" in a prominent position where it is readily visible to people at each point of sale of such products. (Article 4D of the 1978 Order).".	£100.00;"

Amendments to Schedule coming into operation on 1st March 2027

5. The following amendments to the Schedule (amount of fixed penalty) (as substituted by regulation 3) come into operation on 1st March 2027 -

(1) for entry number 1, substitute –

"1	An unregistered person carrying on a registrable business (section 10(1) of the Act).	£500.00;"

(2) for entry number 2, substitute –

"2	A registered person who carries on a registrable business at premises other than those noted in the person's entry in the Register as premises at which the person proposes to carry on that kind of registrable business (section 10(2) of the Act).	£500.00;"

Revocation

6. The Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2021(**a**) are revoked.

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

A senior officer of the Department of Health

(**a**) SR 2021 No.331.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2016 ("the Regulations").

Regulation 3 and 4 amend the 2016 Regulations to refer to "herbal smoking products" in addition to "tobacco products" as well as prescribing the amount of fixed penalties for certain new tobacco product and herbal smoking product related offences under the Health and Personal Social Services (Northern Ireland) Order 1978.

Regulation 5 amends the provisions in the 2016 Regulations relating to the registration of tobacco retailers, so they also apply to retailers of vaping and nicotine products by referring to a "registrable" business and prescribes the amount of fixed penalties for the related offences under the Tobacco Retailers Act (Northern Ireland) 2014.

The amendments made by regulation 3 come into operation on 29th October 2026 and substitute the Schedule in the 2016 Regulations. Amendments to that substituted schedule are made by regulation 4 and 5 and are effective from 1st January 2027 and 1st March 2027 respectively.

Regulation 6 revokes The Tobacco Retailer (Fixed Penalty) (Amount) Regulations (Northern Ireland) 2021 (SR 2021 No.331).

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

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