STATUTORY RULES OF NORTHERN IRELAND

2024 No. 212

ENVIRONMENTAL PROTECTION

The Environmental Protection (Single-use Vapes) Regulations (Northern Ireland) 2024

Made - - - - 11th December 2024

Coming into operation 1st June 2025

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by Article 32(1), (2)(c) and (6) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**a**), makes the following Regulations.

In accordance with Article 32(3) of that Order, the Department has published a notice indicating the effect of these Regulations and has taken into consideration the representations made to it in accordance with the notice.

Citation and commencement

1. These Regulations may be cited as the Environmental Protection (Single-use Vapes) Regulations (Northern Ireland) 2024 and come into operation on 1st June 2025.

Interpretation

2. In these Regulations—

"authorised person" means a person authorised by the Department in accordance with Article 72 of the Waste and Contaminated Land (Northern Ireland) Order 1997;

"container" means a cartridge, pod, tank, capsule or any other receptacle designed to hold a vaping substance and be used with a vape;

"single-use vape" has the meaning in regulation 3;

"supply" means supply, whether by sales or not, in the course of a business;

"vape" means a device that—

(a) vaporises substances, other than tobacco for the purpose of inhalation through a mouthpiece (whether or not it also vaporises tobacco); and

(b) is not a medicinal product within the meaning of regulation 2 of the Human Medicines Regulations 2012(**b**) or a medical device within the meaning of regulation 2 of the Medical Devices Regulations 2002(**c**);

"vaping substance" means a substance, other than tobacco, that is intended to be vaporised with a vape; and

(**a**) S.I. 1997/2778 (N.I. 19)
(**b**) S.I. 2012/1916 to which there are no relevant amendments
(**c**) S.I. 2002/618 relevant amending Regulations are S.I. 2008/2936

"vaporises" includes aerosolises.

Meaning of single-use vape

3.—(1) For the purposes of these Regulations, a single-use vape is a vape which is not designed or intended to be re-used and includes any vape which is—

(a) not refillable;

(b) not rechargeable; or

(c) not refillable and not rechargeable.

(2) For the purposes of this regulation, a vape is not refillable, unless it is designed to include—

(a) a single-use container which is separately available and can be replaced by an individual user in the normal course of use; or

(b) a container which can be refilled by an individual user in the normal course of use.

(3) For the purposes of this regulation, a vape is not rechargeable if it is designed to contain—

(a) a battery which cannot be recharged; or

(b) a coil which is not separately available and cannot be replaced by an individual user in the normal course of use, including any coil which is contained in a single-use cartridge or pod which is not separately available and cannot be replaced by an individual user in the normal course of use.

(4) For the purposes of this regulation, "separately available" means available for purchase by an individual user.

Offences and penalties

4.—(1) A person who supplies, offers to supply, or has in their possession for supply, a single-use vape, is guilty of an offence.

(2) A person guilty of an offence under paragraph (1) is liable—

(a) on summary conviction, to a fine limited to the statutory maximum; or

(b) on conviction on indictment, to a term of imprisonment not exceeding 2 years, or to a fine or both.

Defence of due diligence

5.—(1) Where a person is charged with an offence under these Regulations, it is a defence for that person to show that the person took all reasonable precautions and exercised all due diligence to prevent the offence being committed.

(2) Where the defence provided by paragraph (1) involves an allegation that the commission of the offence was due to the act or omission of another person, the person charged must not without leave of the court be entitled to rely on the defence unless, within the period of 7 days before the hearing the person charged has provided for the court a notice giving such information identifying or assisting in the identification of the other person as was then in the possession of the person charged.

Enforcement

6.—(1) The enforcement authority for the purpose of compliance with these Regulations is the Department.

(2) An authorised person may exercise any of their functions to determine or ensure compliance with these Regulations.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 11th December 2024.

L.S.

Shane Doris
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prohibit the supply, whether by sale or otherwise, in the course of business of single-use vapes and come into operation on 1 June 2025.

Regulation 4 provides that is an offence for a person, in the course of a business, to supply, offer to supply or have in their possession for supply, single-use vapes. A person found guilty of an offence under regulation 4 is liable, on summary conviction, to a fine limited to the statutory maximum, or, on conviction on indictment, to a term of imprisonment not exceeding 2 years or a fine or both.

Regulation 5 provides for a defence of due diligence.

A full impact assessment of the effect that these Regulations will have on the costs to business and the voluntary sector has been prepared and published by the UK Government. The assessment is available from www.legislation.gov.uk and the Department for Environment, Food and Rural Affairs, Seacole Building, 2 Marsham Street, London, SW1 4DF.

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